

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 27, 2024 - 5:30 PM PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD AND REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

YOU TUBE LINK FOR VIEWING ONLY:
https://youtube.com/live/vcxo_1PZNuA

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_YujJh--vQg6YmwZpJlCJig

- I. CALL TO ORDER***
- II. SELECT BOARD ACCEPTANCE OF AGENDA***
- III. ANNOUNCEMENTS***
 1. The Select Board Meeting is Being Audio/Video Recorded.
 2. Select Board Announcements/Comments.
- IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS***
- V. PUBLIC COMMENT****
- VI. NEW BUSINESS****
- VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS***
 1. Approval of Minutes of March 20, 2024 at 5:30 PM.
 2. Approval of Treasury Warrants for March 27, 2024.
- VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS***
 1. Town Council Study Committee Update.
 2. Taxi Owners: Request to Schedule Public Hearing to:
 - a) Increase Town of Nantucket Taxi Rates.

- b) Amend Town Regulations Chapter 367: Taxicabs, Charter, Limousine and Tour Vehicles.
- 3. Request for Proposed Tour Bus Parking on Washington Street.

IX. REAL ESTATE MATTERS

- 1. Request for Approval and Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement of Town-owned Yard Sale Parcel Known as Lot C, Masaquet Avenue and Atlantic Avenue as Shown on Plan of Land Entitled "Roadway Disposition Plan in Nantucket, Mass., of Portions of Unconstructed 'Masaquet Avenue' 'Atlantic Avenue'," Dated January 11, 2023, Prepared by Bracken Engineering, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2023-17, Pursuant to Vote on Article 99 of 2011 Annual Town Meeting.

X. TOWN MANAGER'S REPORT

- 1. Town Administration: Request for Adoption of Updated Agenda Protocol for Town-wide Use.
- 2. Monthly Town Management Report.

XI. SELECT BOARD'S REPORTS/COMMENT

- 1. Review/Adoption of Select Board Comments to May 7, 2024 Annual Town Meeting Warrant Articles.
- 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

MEMORANDUM

To: Select Board, Town Manager
From: Joe Grause, Chair, Town Council Study Committee (TCSC)
Date: March 27, 2024
Re: Update on TCSC Activity

1. The Town Council Study Committee was organized in response to Curtis Barnes' Citizens' Article (Article 81) at last year's Annual Town Meeting. As approved by ATM, the article directed the Select Board to "...establish a committee for the purpose of studying the establishment of a Town Council form of government..." and, as the conclusion of its work, submit an Article to a future Town Meeting "which, if passed, may enable the transition to a Town Council Structure."
2. The Select Board formed the TCSC and appointed nine voting members (plus a representative of the Association of Non-voting taxpayers and three alternates) at its meeting on October 4, 2023.
3. The TCSC held its first meeting on November 30, 2023, and has met seven times on a bi-weekly schedule. Joe Grause was elected Chair with Jeff Carlson as Vice Chair. Committee members rotate the taking of meeting minutes,
4. The Committee has structured its approach as:
 - a. 1/3 - Education and research into the various forms of town government in the Commonwealth; their characteristics; pros and cons
 - b. 1/3 – Composing/structuring a Town Council form of Charter that incorporates Nantucket's particular characteristics. (Compose the Article for a future Town Meeting as well.)
 - c. 1/3 – Develop a public outreach plan to communicate to residents/voters the reasons for the proposed change
5. In our meetings to-date, the TCSC has:
 - a. Received a presentation on Nantucket's Town Charter from the Town Manager and Town Counsel.
 - b. Reviewed a range of articles and papers on the three forms of town government appropriate to towns like Nantucket.
 - c. Received a presentation from the Collins Center on forms of government as well as their capabilities as a facilitator/consultant to the TCSC.

- d. Discussed the strengths and weaknesses of Open Town Meeting, Representative Town Meeting and Town Council forms of government.
- e. Sought input from a range of Nantucket town executives and the Town Meeting Moderator.
- f. Proposed engaging the Collins Center to act as a consultant/facilitator to the Committee.

6. Next Steps

- a. Identify any gaps in our review of forms of government. Outline the pros and cons of each.
- b. Develop a work plan with the Collins Center
- c. Shift focus of TCSC's efforts to developing a town council charter and public outreach plan.
- d. Develop public outreach plan; gather public input.

Town of Nantucket
Town Council Study Committee

Project Plan
Updated 3/25/24.

Committee Purpose:

The Committee was established by the Select Board in compliance with Article 81 of the FY2023 Annual Town Meeting with the purpose of studying the establishment of a Town Council form of government for Nantucket with the following conditions.

1. The Town Council shall serve as the legislative body for the Town and County of Nantucket.
2. The Town Council shall employ a Town Manager to manage and implement policies and procedures approved by the Council.
3. The special committee shall consider any structural or administrative details of the Town Council, including but not limited to
 - a. The number of members of the Town Council.
 - b. How the Town Council might represent the voters of Nantucket.
 - c. The qualifications necessary to hold a seat on the Town Council.
 - d. The internal organization of the Town Council.
 - e. Compensation of Council Members; and
 - f. Any other characteristics of the structure and processes of the proposed Town Council as may be recommended.

Goal:

The special committee shall complete its work and submit an Article for either an Annual or Special Town Meeting which, if passed, may enable the transition to a Town Council structure. The timing of the submission is dependent on the execution of all necessary steps, including appointing the committee, public hearing and writing of the article. *(As per Article 81 of ATM FY2023.)*

Project Plan

Meeting	Topics/Agenda/Goals	Comment/Resource/Speaker
11/30/23 12/20/23 1/10/24 1/24/24 2/7/24 2/22/24 3/20/24 4/3/24	1. Committee Education/Research - Understanding Nantucket's current government structure; how does Nantucket operate? Roles/responsibilities of various parts of Town Government. - What are the forms of government in the Commonwealth of Massachusetts? How do they differ? Pros and Cons? Statistics/characteristics of Towns using the four forms? - What leads Towns to change form of government? - Experience of other Town who have changed to a Town Council? What led to change? Hurdles?	- First two meetings largely administrative - Michael Dutton, Town Manager for Bridgewater, MA spoke to Committee on 1/24/24. Presented the three forms of government (Town Meeting, Representative Town Meeting and Town Council/Town Manager) to the Committee. Discussed characteristics and pros/cons of all three. Answered questions from Committee and members of the public. - Committee needs to gather/develop some statistics about the numbers of municipalities that use the various governmental forms? MMA? - Presentation/discussion with Town Manager and Town Counsel regarding Nantucket's Charter and recent updates to Charter. - Representatives of Collins Center presented a) a similar overview to Mr. Dutton and b) their capabilities as consultant/facilitator at 2/7/24 meeting. - Open discussion Meeting: Do we need additional education? Are there issues TSCS needs to explore further. Consultant/facilitator: benefits of hiring Collins Center

		Discussions with key town executives (Government Study Committee Chair, Town Finance Director, and Town Meeting Moderator on 3/20/24. Planning Director, Chair of Finance Committee and Town Clerk on 4/3/24.)
1/10/24	2. What problem are we attempting to solve? "Unpack" the issue. What are the shortcomings of Town Meeting? What are the benefits of a change? - What will opponents of change claim about Town Meeting? - What voters might be supportive of a change? Who might oppose it?	- Discussion during 1/10/24 meeting developed outline of concerns about Town Meeting structure as well as some positive characteristics. (See Minutes for 1/10/24.) - Revisit at a future meeting? Develop arguments for advantages of Town Council form?
	3. Examine some recent conversions to Town Council - Review the Town Charters? - Functional similarities and differences? - Process used? (Charter Commission or Special Legislation?) - Is Town Council the appropriate solution here? What about Representative Town Meeting?	Rely on resources of Collins Center
	4. Compose a new Town Council Charter for Nantucket - Is there a recent conversion whose Charter we can copy/use? - Does the Committee draft or should we use outside law firm? - Discuss specific structural issues: - Number of Councilors? - Terms? - Qualifications to hold a Council position?	Rely on resources of Collins Center

	iv. How will Councilors represent the voters of the Town? v. Non-resident taxpayers? vi. Compensation? vii. Relationship to Town Manager? viii. Will Role and Responsibilities of Town Manager change? Other Town Employees? ix. Relationship of Town Council to other elected persons/entities? Planning Board, Land Bank, NP&EDC? Others? x. Other issues?	
2/7/24 3/20/24 4/3/24	5. Unique Characteristics of Nantucket to Consider a. County and County Commissioners b. NP&EDC c. Elected and Appointed Groups d. TBD	• Libby Gibson and John Giorgio spoke to Committee on 2/7/24. Presented characteristics and evolution of current Nantucket Town Charter and Town organizational structure. • Discussions with key town executives (Government Study Committee Chair, Town Finance Director, and Town Meeting Moderator on 3/20/24. Planning Director, Chair of Finance Committee and Town Clerk on 4/3/24.)
	6. Public Hearings a. Are they necessary? b. How many? c. Gather input from voters. Survey?	
	7. Compose Article for __ (future) __ Town Meeting	
	8. PR/Marketing Plan to communicate benefits/reasons for change to Town Council a. Ongoing communication to voters	

	b. Community outreach – visit with various influence groups. c. Pros and cons of any changes	
	9. Other Steps??	



Agenda Item Summary

Agenda Item #	VIII. 2.
Date	3/27/2024

Staff

Erika D. Mooney, Operations Administrator

Subject

Taxi Owners: Request to schedule public hearing to increase Town of Nantucket Taxi Rates and amend the Town Regulations Chapter 367: Taxicabs, Charter, Limousine and Tour Vehicles

Executive Summary

A taxi owner is requesting a public hearing to increase taxi rates with an average increase of 16.9% to reflect inflation and the rising costs of island living, as well as amending Chapter 367 as follows:

367-4. Prohibited practices, E: Taxicab operator dress code

(3) to be omitted : "No T-shirts or halter tops"

To be added : "Sleeveless shirts and sleeveless T-shirts are prohibited"

(4) to be added : "Flip flops are prohibited"

367-6. Violations and penalties, A: Fines

Each offense to go up from \$100 to \$200

Introducing a minimum vehicle age for taxicabs (starting May 2025), between 10 and 15 years old.

The taxi rates were last increased in 2022.

Staff Recommendation

Schedule a public hearing as requested.

Background/Discussion

Regarding the minimum age of a taxi vehicle, the requestor provided the following information:

- maximum age limit of the taxi vehicles. Around the world, typically the age limit for taxi vehicles is between 10 and 15 years old. In Massachusetts , the vehicle age limit for ride share services is 15 years. We suggest anywhere between 10 and 15 years due to safety and environmental purposes.



I would rather have the Board to make the decision, but I will express my opinion: the newer vehicles - the better for passengers , drivers and environment. Google search shows current age limit for taxicabs in Washington DC is 10 years old (up from 8), Atlanta airport few years ago dropped the age limit from 10 years to 7 years for taxi cabs.

- I think the easiest way to be enforced is during the annual license renewal when the taxi owners present their vehicle registration upon paying the Town fee.

Also, It would be stress free for the taxi owners when/if the specific maximum age limit gets approved, the enforcement to start taking place a year later.

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

Board/Commission Recommendation

N/A

Public Outreach

If the Board voted to schedule a public hearing, the hearing will be advertised for three weeks prior to the hearing date.

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

N/A

Attachments

Email from Stan Pavlov with proposal for rate increase and amendments to Taxi Regulations.



From: [Stanislav Pavlov](#)
To: [Erika Mooney](#)
Subject: Taxi rates '24
Date: Friday, February 9, 2024 1:52:38 PM
Attachments: [Taxi rates'24.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.

Town Administration
16 Broad street
Nantucket, MA
02554

Dear Town Administrator and Board Members,

My name is Stan Pavlov, owner of Stan's Taxi, 2A Yawkey Way, Nantucket.

I am writing on behalf of the local taxi industry and we would like to be put on the agenda (March 13th/March 20th/March 27th) for a public hearing on updating the current taxi rates .

We are kindly requesting an average increase of 16.9% to reflect the inflation and rise of the island cost of living .

Also , we would like to suggest few changes of the taxicab Town regulations :

367-4.Prohibited practices ,chapter :

E: Taxicab operator code

(3) to be omitted : "No T-shirts or halter tops"

to be added : " Sleeveless shirts and sleeveless T-shirts are prohibited "

(4) to be added : " Flip flops are prohibited "

367-6. Violations and penalties

A: Fines . Each offense to go up from \$100 to \$200

Introducing a minimum vehicle age for taxicabs (starting May 2025), between 10 and 15 years old .

Last , but not least : getting two extra parking spots near the HyLine ferry , specifically the two 30 minutes public parking spots by Summer Shades and Leah's Fudge. Nowadays, the three designated taxi parking spots are far from enough and will help community in catching a ride from the popular ferry service.

Many thanks in advance for your time and consideration, we look forward to hearing from you soon.

Best regards,

Stan Pavlov, representative of Nantucket
taxi owners and operator

email: stan1783@icloud.com

P.S. attaching a pdf file with the proposed taxi rates :

Town of Nantucket, proposed taxi rates (March 2024)

These fares are for one (1) passenger only; additional passenger (s) are charged \$3 each

Airport/Cisco-Miacomet	32	Town/Cisco-Miacomet	25
Airport/Dionis	35	Town/Dionis	24
Airport/Eel Point	40	Town/Eel Point	30
Airport/Hoicks Hollow	36	Town/Hoicks Hollow	40
Airport/Low Beach	32	Town/Low Beach	36
Airport/Madaket	47	Town/Madaket	31
Airport/Madaquecham	32	Town/Madaquecham	37
Airport/Massassoit Bridge	49	Town/Massassoit Bridge	39
Airport/Mid Island A	21	Town/Mid Island A	17
Airport/Mid Island B	21	Town/Mid Island B	20
Airport/Mid Island C	26	Town/Mid Island C	22
Airport/Pocomo	37	Town/Pocomo	37
Airport/Polpis	32	Town/Polpis	32
Airport/Quaise	27	Town/Quaise	27
Airport/Quidnet	37	Town/Quidnet	37
Airport/Sankaty Head	35	Town/Sankaty Head	39
Airport/Shimmo	23	Town/Shimmo	23
Airport/Sconset	31	Town/Sconset	35
Airport/Tom Nevers	27	Town/Tom Nevers	30
Airport/Town	23	Town/Airport	23
Airport/Wauwinet	42	Town/Wauwinet	42
Airport/Cross Town	27	Cross Town/Airport	27
Airport/Squam	44	Town/Squam	44
Airport Zone	20	In-Town rate	14

Cross Island Fares :

Wauwinet/Sconset	50
Madaket/Sconset	65
Madaket/Wauwinet	70

Additional charges :

Dogs	5 (driver's discretion)
Bicycles	5 (at own risk)
Dirt road	5 (driver's discretion)

Booking fee for reservations from Ferry/Airport : \$6/\$12

Baggage : 2 bags per person included in the above rates, an additional charge of \$2 per bag in excess of two

Hourly rate : A pre-determined hourly rate maybe charged at \$90 per hour or \$1,5 per minute

Stand-by requests : May be charged at a rate of \$1.50 per minute

Doubles : Taxis may take multiple fares to different locations, each party will be charged separately

11pm-7am : add \$5 to all taxi fares

Senior rate : Offered as a courtesy to year-round residents only; \$4 discount on all fares for Senior Citizens 65 years +

Accidental cleaning fee : \$175 (applies only to bodily fluids or pet waste)

Airport/Cisco-Miacomet	27>32(+18,52%)	Town/Cisco-Miacomet	22>25(+13,64%)
Airport/Dionis	29>35(+20,69%)	Town/Dionis	20>24(+20,00%)
Airport/Eel Point	34>40(+17,64%)	Town/Eel Point	25>30(+20,00%)
Airport/Hoicks Hollow	32>36(+12,50%)	Town/Hoicks Hollow	36>40(+11,11%)
Airport/Low Beach	28>32(+14,28%)	Town/Low Beach	31>36(+16,13%)
Airport/Madaket	39>47(+20,51%)	Town/Madaket	26>31(+19,23%)
Airport/Madequecham	27>32(+18,52%)	Town/ Madequecham	31>37(+19,35%)
Airport/Massassoit Bridge	42>49(+16,66%)	Town/Massassoit Bridge	33>39(+18,18%)
Airport/Mid Island A	18>21(+16,66%)	Town/Mid Island A	14>17(+21,42%)
Airport/Mid Island B	18>21(+16,66%)	Town/Mid Island B	18>20(+11,11%)
Airport/Mid Island C	22>26(+18,18%)	Town/Mid Island C	20>22(+10,00%)
Airport/Pocomo	31>37(+19,35%)	Town/Pocomo	31>37(+19,35%)
Airport/Polpis	27>32(+18,52%)	Town/Polpis	27>32(+18,52%)
Airport/Quaise	23>27(+17,39%)	Town/Quaise	23>27(+17,39%)
Airport/Quidnet	31>37(+19,35%)	Town/Quidnet	31>37(+19,35%)
Airport/Sankaty Head	31>35(+12,90%)	Town/Sankaty Head	35>39(+11,43%)
Airport/Shimmo	19>23(+21,05%)	Town/Shimmo	19>23(+21,05%)
Airport/Sconset	27>31(+14,81%)	Town/Sconset	30>35(+16,66%)
Airport/Tom Nevers	24>27(+12,60%)	Town/Tom Nevers	26>30(+15,38%)
Airport/Town	20>23(+15,00%)	Town/Airport	20>23(+15,00%)
Airport/Wauwinet	35>42(+20,00%)	Town/Wauwinet	35>42(+20,00%)
Airport/Cross Town	24>27(+12,50%)	Cross Town/Airport	24>27(+12,50%)
Airport/Squam	38>44(+15,79%)	Town/Squam	38>44(+15,79%)
Airport Zone	18>20(+11,11%)	In-Town	11>14(+27,27%)

Average % increase = 16,896875 (16,90%)

Also, here are the auxiliary fares (in case you need them) :

Wauwinet/Sconset	45>50 (+11,11%)	Dogs	4>5(+25,00%), driver's discretion
Madaket/Sconset	55>65 (+18,18%)	Dirt road	5 (+0%), driver's discretion
Madaket/Wauwinet	60>70(+16,66%)	Bicycles	3>5(+66%)

Booking fee from Ferry/Airport : no change (0%) Hourly rate : no change (0%)

Senior rate discount 2>4 Stand by requests: \$1>1,5 per minute (aligning with hourly rate)

Accidental cleaning fee 150>175 (+16,66%) Baggage: no change (0%)



MEMORANDUM

TO: Select Board

FROM: Mike Burns, AICP
Transportation Planner

DATE: March 20, 2024

CC: NP&EDC

RE: Tour Van Parking Spaces on Washington Street

This memo is to recommend the designated of use for approximately 183 feet curb space along the west side of Washington Street from the intersection of Salem Street extending south to a No Parking Yellow Line. This area accommodates approximately nine (9) on-street parking spaces and has been designated for one public parking space and NRTA buses during the summer months. Since the NRTA will no longer require this curb space, recommendations have been developed in coordination with Hy-Line and Nantucket Island Tours management, the NRTA Administrator, and Town Administration to accommodate additional public parking and to accommodate tour van parking.

Staff recommends the Select Board designate 120 feet of this curb space (approximately six (6) parking spaces) from the intersection of Salem Street extending south as 1 hour parking from 8AM to 4PM from the Friday before Memorial Weekend to the Monday after Stroll Weekend. Staff also recommends the Select Board designate the remaining approximately 63 feet of curb space along Washington Street for Tour Vans Only from 8AM to 5PM starting May 18 and ending October 25, 2024. A map depicting these changes is attached to this memo.

These recommendations provide additional parking opportunities for the public and provide an additional area for tour van operations in proximity to the amenities at the Greenhound building. The recommendations consolidate NRTA stops on the Greenhound property to improve safety and convenience for passengers. Lastly, the recommendations reduce noise impacts to abutting businesses and relieve the overburdened sidewalk along this section of Washington Street.

Thank you.

Attached:
Washington Street - Designation of Curb Space for Public Parking and Tour Van Parking Map

Washington Street - Designation of Curb Space for Public Parking and Tour Van Parking

street_arc

Loading Zones

Taxi Zones

Parking Restrictions

Enforcement Times

15 Minute

20 Minute

30 Minute

1 Hour

2 Hour

Restricted

Accessible Parking

NantucketNoParkingStriping

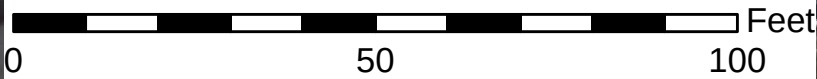
Designate 120 feet of curb space for:

1 Hour Public Parking (about 6 spaces)
8AM to 4PM
Friday before Memorial Weekend to
Monday after Stroll Weekend

Designate 63 feet of curb space for:

Tour Vans Only
8AM to 5PM
May 18 to October 25, 2024

1 Hour Public Parking (about 3 spaces)
5PM to 8AM
Friday before Memorial Weekend to
Monday after Stroll Weekend





Agenda Item Summary

Agenda Item #	IX. 1.
Date	03/27/2024

Staff

Tracy R. MacDonald, Real Estate Specialist

Subject

Conveyance of Town-owned Yard Sale Parcel known as Lot C, Masaquet Avenue and Atlantic Avenue as shown on Plan of Land entitled "Roadway Disposition Plan in Nantucket, Mass., of Portions of Unconstructed 'Masaquet Avenue' 'Atlantic Avenue', Dated January 11, 2023, Prepared by Bracken Engineering, Inc. and Recorded with the Nantucket County Registry of Deeds as Plan No. 2023-17, Pursuant to Vote on Article 99 of 2011 Annual Town Meeting.

Executive Summary

This is part of the completion of the Yard Sale Program pursuant to Article 99 as voted at the 2011 Annual Town Meeting. Lot C has an area of 1,442 ± sq. ft. The price is recommended by the Assessor at \$2,739.80. Parcel C is part of a group of 4 parcels which have been reviewed by the Coastal Resilience Coordinator as to resiliency issues and said that "according to the FEMA erosion maps there is no risk of erosion. In addition, looking at the Massachusetts Coastal Flood Risk Model, presently there is no risk of flooding, but there is low probable risk come 2050 and 2070 (basically a 100-1,000 year storm). From a Coastal Resilience standpoint, there is no to low risk in keeping the parcel in question.

Staff Recommendation

Proceed with the approval and execution of the documents. Town Counsel has prepared and reviewed the documents.

Background/Discussion

The documents clearly provide that the land cannot be used to create a subdividable parcel unless the land previously could be subdivided.

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

To complete the conveyance of a previously authorized transaction at town meeting which will increase the tax base.



Board/Commission Recommendation

Real Estate Assessment Committee (REAC) reviewed this group of parcels; the three others were recommended by REAC and approved by the Select Board in 2023.

Public Outreach

Conveyance approved at the 2011 Annual Town Meeting

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

Consistent with the intent of the Yard Sale Program

Attachments

Purchase and Sale Agreement, Quitclaim Deed, Plan 2023-17, Settlement Statement



PURCHASE AND SALE AGREEMENT

Agreement made this _____ day of _____, 2024.

1. PARTIES AND MAILING ADDRESSES

The Town of Nantucket, a municipal corporation acting by and through its Select Board, having an address of 16 Broad Street, Nantucket, Massachusetts 02554, hereinafter called the SELLER, agrees to SELL and Greta J. Kindermann and Wilfred R. Kindermann of One East Oak Avenue, Moorestown, New Jersey 08051 hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the following described premises:

2. DESCRIPTION

The premises are comprised of a certain parcel of land in Nantucket, Massachusetts shown as Lot C, Masaquet Avenue and Atlantic Avenue containing 1,442± square feet, on a plan of land entitled "Roadway Disposition Plan in Nantucket, Mass. Of Portions of Unconstructed "Masaquet Avenue" "Atlantic Avenue," prepared by Bracken Engineering, Inc., dated January 11, 2023 and recorded with the Nantucket County Registry of Deeds as Plan No. 2023-17 (the "Property" or "Premises"). The Premises is considered a non-conforming lot pursuant to the Town of Nantucket Code.

3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES

Intentionally Omitted (Vacant Land).

4. TITLE DEED

Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER, or to the nominee designated by the BUYER by written notice to the SELLER at least seven (7) days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except:

- (a) Any liens for municipal betterments assessed after the date of this agreement;
- (b) Laws, by-laws, rules, and regulations, whether federal, state, or local, which affect the use of the Premises, including, but not limited to, rules and regulations of the Nantucket Conservation Commission, Nantucket Zoning By-Law, Nantucket Historic District Commission, Nantucket Building Department, Nantucket Planning Board and Nantucket Board of Health;
- (c) Real estate taxes for the then-current fiscal year and future periods, which are not due and payable at the time of delivery of the deed;
- (d) Any fee which may be imposed upon the transaction which is the subject of this agreement by the Nantucket Land Bank Commission, which the Buyer agrees to pay at the time of delivery of the deed;

(e) Any right, restrictions or easements and reservations of record, if any, so long as the same do not prohibit or materially interfere with the use of said premises for residential purposes;

(f) Any public rights existing below mean high water, if applicable; and

(i) Said deed shall contain a reversion clause and a restriction set forth in Section 35 below to require the Premises to be used, and effectively merged with, the BUYER'S existing property known as 4 Gladlands Avenue, Nantucket, Massachusetts, which is shown as Town Assessor's Map 80 as Parcel 179, for residential purposes and permanently restricting any further division or subdivision of the Premises as combined with the existing property without the prior written permission of the Town of Nantucket Select Board.

5. PLANS

If said deed refers to a plan necessary to be recorded therewith the BUYER shall deliver such plan with the deed in a form adequate for recording.

6. REGISTERED TITLE

In addition to the foregoing, if the title to the said premises is registered, said deed shall be in form sufficient to entitle the BUYER to a Certificate of Title to said premises, and the SELLER shall deliver with said deed all instruments, if any, necessary to enable BUYER to obtain such Certificate of Title.

7. PURCHASE PRICE

The agreed purchase price for said premises is Two Thousand Seven Hundred Thirty-Nine and 80/100 Dollars (\$ 2,739.80), of which

\$ 0.00	was paid as a deposit
\$ 2,739.80	is to be paid at the time of delivery of the deed in cash, or by certified, cashier's, treasurer's or bank check(s) or by attorney's IOLTA check.

<u>\$ 2,739.80</u>	Total
--------------------	-------

8. TIME FOR PERFORMANCE; DELIVERY OF DEED

Said deed is to be delivered to BUYER at the Nantucket County Registry of Deeds at 1:00 P.M. on the 28th day of March 2028, unless otherwise agreed upon in writing. It is agreed that time is of the essence of this agreement.

9. POSSESSION AND CONDITION OF PREMISES

Full possession of said premises free of all tenants and occupants is to be delivered at the time of the delivery of the deed, said Premises to be then (a) in the same condition as they are now, and (b) in compliance with provisions of any instrument referred to in clause 4 hereof. The BUYER shall be entitled to personally inspect the premises prior to the delivery of the deed in order to determine whether the condition of the premises complies with the terms of this clause.

10. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM

If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of delivery of the deed the premises do not conform with the provisions hereof, then the SELLER shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the SELLER shall give written notice thereof to the BUYER at or before the time for performance hereunder, and thereupon the time for performance hereof shall be extended for a period of thirty (30) days. In the event that such an extension occurs, BUYER agrees to close prior to expiration of the extension period and as soon as reasonably possible after SELLER is prepared to deliver the Premises in compliance with this Agreement. In no event shall SELLER be required to expend more than a total of \$1,000.00 to clear title to and deliver possession of the Premises.

11. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM

If at the expiration of the extended time the SELLER shall have failed so to remove any defects in title, deliver possession, or make the premises conform, as the case may be, all as herein agreed, then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.

12. BUYER'S ELECTION TO ACCEPT TITLE

The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said premises in their then condition and to pay therefore the purchase price without deduction, in which case the SELLER shall convey such title.

13. ACCEPTANCE OF DEED

The acceptance and recording of a deed by the BUYER or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after delivery of said deed.

14. USE OF MONEY TO CLEAR TITLE

To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed.

15. INSURANCE

Intentionally Omitted (Vacant Land).

16. ADJUSTMENTS

A payment in lieu of taxes shall be paid in accordance with G.L. c. 44, § 63A as of the day of performance of this Agreement and the amount thereof shall be added to the purchase price payable by BUYER at the time of delivery of the deed.

17. ADJUSTMENT OF UNASSESSED AND UNABATED TAXES

Intentionally Omitted.

18. BROKER'S FEE

Intentionally Omitted.

19. BROKER'S WARRANTY

Intentionally Omitted.

20. DEPOSIT

All deposits made hereunder shall be held in escrow by Town Treasurer, as escrow agent in a non-interest bearing account subject to the terms of this agreement and shall be duly accounted for at the time for performance of this agreement. In the event of any disagreement between the parties, escrow agent shall retain all deposits made under this agreement pending instructions mutually given in writing by the SELLER and the BUYER, or by court order by a Court having competent jurisdiction.

All deposits made hereunder shall be placed in a non-interest-bearing account. The escrow agent hereunder shall not be liable for any loss suffered with respect to the escrow account or for any action or inaction taken by the escrow agent in good faith with respect to the account or deposit. The escrow agent may resign at any time by transferring the deposit to a successor escrow agent reasonably acceptable to SELLER and BUYER which successor agrees in writing to act as escrow agent. BUYER and SELLER jointly and severally agree to indemnify and hold the escrow agent harmless for any and all costs and expenses, including reasonable attorney's fees, incurred in connection with any such dispute.

21. BUYER'S DEFAULT; DAMAGES

If the BUYER shall fail to fulfill the BUYER'S agreements herein, all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages, which shall be the SELLER'S sole and exclusive remedy at law and in equity for a breach of this agreement.

22. RELEASE BY HUSBAND OR WIFE

Intentionally Omitted.

23. BROKER AS PARTY

Intentionally Omitted.

24. LIABILITY OF TRUSTEES, SHAREHOLDERS OR BENEFICIARIES

If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

25. WARRANTIES AND REPRESENTATIONS

The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing, except for the following additional warranties and representations, if any, made by either the SELLER: NONE. SELLER and SELLER's agents have made no warranties or representations, express or implied, and BUYER is purchasing the premises in it's "AS IS" and without inspection.

26. MORTGAGE CONTINGENCY CLAUSE

None.

27. CONSTRUCTION OF AGREEMENT

This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and inures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be canceled, modified or amended only by a written instrument executed by both the SELLER and the BUYER or their respective counsel. The Parties may rely upon facsimile copies of such written instruments. If two or more persons are named herein as BUYER, their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.

28. TITLE STANDARDS AND CONVEYANCING PRACTICES

Any matter relating to performance of this Agreement, which is the subject of a title, practice or ethical standard of the Real Estate Bar Association of Massachusetts shall be governed by such standard to the extent applicable.

29. NOTICES

All notices, demands, consents and approvals required or permitted hereunder shall be deemed to have been duly given if in writing addressed to BUYER or SELLER at:

In the case of BUYER:

Greta J. Kindermann
Wilfred R. Kindermann
One East Oak Avenue
Moorestown, NJ 08051

In the case of SELLER:

Town of Nantucket
Town and County Building
16 Broad Street
Nantucket, MA 02554

With a copy to:

Robert P. Waickowski, Esq.
18 Broad Street
Nantucket, MA 02554
(508) 228-2170

With a copy to:

Vicki S. Marsh, Esq.
KP Law, P.C.
101 Arch Street, 12th Fl.
Boston, MA 02110
(617) 556-0007
Facsimile: (617) 654-1735

and shall be deemed delivered upon the earliest to occur of (a) receipt or refusal to accept delivery; or (b) upon delivery prior to 5:00 P.M. on any business day by telecopy evidenced by written or printed receipt confirmation, provided a copy of any such notice sent by telecopy is sent also by means of one of the above-described manners of delivery. BUYER and SELLER may change the address to which any notice is to be sent by giving reasonable notice to the other party of such new address in the manner specified.

30. NO BROKER WARRANTY

The parties warrant and represent each to the other that there is no broker involved with the transaction to which this agreement pertains. In the event of a breach of the foregoing representation, the breaching party shall indemnify and hold harmless the non-breaching party for all expenses, including attorney's fees, which arise from such breach. The provisions of this section shall survive delivery of the deed hereunder.

31. SELLER'S CONTINGENCY

SELLER'S obligations hereunder shall be contingent upon SELLER complying prior to closing with the requirements of Massachusetts General Laws Chapter 30B concerning public procurement of the premises and obtaining all necessary authority to sell the premises, including but not limited to a declaration that the premises constitutes surplus property and an appropriate Town Meeting vote.

32. VENUE

The parties hereto agree that all actions on this Agreement shall be brought in the Superior Court Department of the Trial Court, Commonwealth of Massachusetts, Nantucket Division, to the extent that said Court shall have jurisdiction of the subject matter in any such action.

33. EXTENSION AUTHORITY

By executing this Agreement, Buyer and Seller hereby grant to their respective attorneys the actual authority to bind them by facsimile for the limited purpose of allowing them to grant extensions, and Buyer and Seller shall be able to rely upon the signature of said attorneys as binding unless they have actual knowledge that either party has disclaimed the authority granted herein to bind them.

34. CLOSING DOCUMENTS

BUYER agrees to sign at closing all forms reasonably required by SELLER including without limitation a disclosure statement pursuant to G.L. c. 7C, sec. 38. BUYER agrees to pay the legal costs incurred for preparing a Quitclaim Deed for the Premises.

35. MERGER OF PREMISES

BUYER shall consolidate the Premises with the BUYER'S existing abutting lot as set forth in the provisions of the "Nantucket Yard Sale Program." This consolidation process includes but is not limited to obtaining a special permit from the Zoning Board of Appeals to alter any premises which is a nonconforming lot pursuant to Town Code 139-33A (8) and, filing a new perimeter plan with the Nantucket Planning Board and Massachusetts Land Court, if applicable.

BUYER warrants that the Premises shall not be used as separate buildable lots or resold as a separate buildable lot and shall be used for residential uses only. Notwithstanding any provision herein to the contrary, BUYER shall accept the deed required to be delivered pursuant to this Agreement if such deed contains permanent restrictions, held by SELLER and running with the land, to enforce such restrictions and covenants as follows:

"The Grantor's conveyance of the parcel described herein is based in part on the Grantee's warranty and representation to the Grantor that such parcel shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting property at 4 Gladlands Avenue, shown on Town Assessor's Map 80 as Parcel 179, previously acquired by Grantee by Deed recorded with Nantucket County Registry of Deeds in Book 224, Page 212 (together, the "Combined Premises"), and that no part of such Parcel or the Combined Premises shall hereafter be used for non-residential purposes nor be hereafter divided, subdivided or conveyed as a separate parcel or parcels unless prior written permission is granted

by the Town of Nantucket Select Board and such permission is recorded with said Deeds.. Accordingly, the Parcel hereby granted to the Grantee is conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Parcel and the Combined Premises to residential use as defined in Chapter 139 of the Town of Nantucket Code, as may be amended from time to time, prohibiting the division or subdivision of any portion of the Combined Premises, and prohibiting the use or conveyance of any portion of the Combined Premises apart from another portion of the Combined Premises, and automatically effectuating a reversion of the Parcel to the Grantor, if within twenty-four months of the Date of the Deed, the Parcel has not been merged with the Grantee's existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used or conveyed in a manner inconsistent with these restrictions unless a prior written release is granted by the Town of Nantucket Select Board and recorded with said Deeds."

These restrictions shall be enforceable for a term of 200 years from the date hereof, and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be "other restrictions held by any governmental body" pursuant to G.L. c. 184, Section 26 such that the restrictions contained herein shall be enforceable for the full term of 200 years and not be limited in duration by any contrary rule or operation of law. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of these restrictions, the grantee hereby appoints the grantor as its agent and attorney in fact to execute and record such notice and further agrees that the grantee shall execute and record such notice upon request. The representations, warranties and provisions of this Section 35 shall survive the delivery of this deed and any conveyance of the Premises, and BUYER shall accept a deed required to be delivered pursuant to this Agreement if such deed contains permanent restrictions, held by SELLER and running with the land, to enforce these covenants.

36. CONDITION OF PREMISES

BUYER acknowledges that prior to the date of this Agreement, BUYER entered the Premises for the purpose of surveying and inspecting the Premises, as necessary for BUYER's financing and purchasing of the Premises and BUYER agrees that BUYER and BUYER's agents fully and completely inspected the Premises, and that BUYER is wholly satisfied with the condition of the Premises. SELLER and SELLER's agents have made no warranties or representations with respect to the Premises, express or implied, on which BUYER has relied except as otherwise set forth in this Agreement. In the event that BUYER and/or BUYER's agents, contractors and employees access the Premises to make any further inspections, assessments, surveys, appraisals or other non-invasive examination of the surface of the Premises, then such access shall be solely at the BUYER's risk, and BUYER shall indemnify and save SELLER harmless from any and all claims, demands, suits or causes of action of any nature whatsoever arising from BUYER's and its agents', contractors' and employees' presence at and/or actions upon or about the Premises, including, without limitation, any claim for personal injury or property damage made by any such person afforded access to the Premises pursuant hereto. BUYER will, and will cause its agents, employees, and contractors, to observe any posted rules and regulations on the Premises.

37. REPRESENTATION BY COUNSEL

BUYER and SELLER each acknowledge and agree that they have by counsel of their own choosing or have had an opportunity to be so represented by counsel, and both BUYER and SELLER have read and understand the terms of this Agreement.

38. ASSIGNMENT AND RECORDING OF AGREEMENT

BUYER shall not file this Agreement with any Registry of Deeds or recording office. BUYER shall not assign this Agreement to any party without SELLER's prior written consent, which consent SELLER may withhold for any or no reason. In the event BUYER so files or assigns this Agreement without SELLER's prior written consent, then SELLER may elect, upon written notice to BUYER, to terminate this Agreement and to retain any and all deposits.

39. SEVERABILITY

If this Agreement shall contain any term or provision which shall be invalid, then the remainder of the Agreement, as the case may be, shall not be affected thereby and shall remain valid and in full force and effect to the fullest extent permitted by law, provided such term or provision does not materially affect the obligations of either of the parties nor the essence of the Agreement.

Signature Page to Follow

SELLER:
TOWN OF NANTUCKET
By its Select Board

ESCROW AGENT:
TOWN TREASURER

Dawn E. Hill Holdgate

Brooke Mohr

Matthew G. Fee

Thomas M. Dixon

Malcolm W. MacNab

907895v2NANT19712/0001

BUYER:

By: _____
Greta J. Kindermann

By: _____
Wilfred R. Kindermann

QUITCLAIM DEED

Lot C, Masaquet Avenue and Atlantic Avenue, Nantucket, Massachusetts

The **Town of Nantucket**, a Massachusetts municipal corporation having a principal place of business at 16 Broad Street, Nantucket, Nantucket County, Massachusetts acting by and through its Select Board (the “Grantor”), in consideration of Two Thousand Seven Hundred Thirty-Nine and 80/100 Dollars (\$ 2,739.80), the receipt of which is hereby acknowledged, pursuant to the authority of Article 99 voted upon at the 2011 Annual Town Meeting, a certified copy of which is attached hereto, grants to **Greta J. Kindermann and Wilfred R.**

Kindermann, husband and wife as joint tenants with rights of survivorship (the “Grantee”) having a mailing address of One East Oak Avenue, Moorestown, New Jersey 08051, with QUITCLAIM COVENANTS, a certain parcel of land in Nantucket, Massachusetts shown as Lot C, Masaquet Avenue and Atlantic Avenue, containing 1,442 ± square feet on a plan of land entitled “Roadway Disposition Plan in Nantucket, Mass., of Portions of Unconstructed ‘Masaquet Avenue’ ‘Atlantic Avenue’,” dated January 11, 2023, prepared by Bracken Engineering, Inc. and recorded with Nantucket County Registry of Deeds as Plan No. 2023-17 (the “Parcel”). The Parcel hereby conveyed is a portion of Masaquet Avenue and Atlantic Avenue and is vacant land.

The Grantor’s conveyance of this Parcel is based in part on the Grantee’s warranty and representation to the Grantor that such Parcel shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting property at 4 Gladlands Avenue shown on Town Assessor’s Map 80 as Parcel 179 previously acquired by Grantee pursuant to a Deed recorded with the Nantucket County Registry of Deeds in Book 224, Page 212 (collectively, the “Combined Premises”), and that no part of such Parcel or the Combined Premises shall hereafter be used for non-residential purposes nor divided, subdivided or conveyed as a separate parcel or parcels, unless prior written permission is granted by the Town of Nantucket Select Board and such permission is recorded with said Deeds. Accordingly, the Parcel hereby granted to the Grantee is conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Parcel and Combined Premises to residential use as defined in Chapter 139 of the Town of Nantucket Code, as from time to time amended; prohibiting the division or subdivision of any portion of the Combined Premises and prohibiting the conveyance or use of any portion of the Combined Premises apart from another portion of the Combined Premises and automatically effectuating a reversion of the Parcel to the Grantor, if within twenty-four (24) months of the date of this Deed, the Parcel has not been merged with the Grantee’s existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used, conveyed, divided or subdivided in a manner inconsistent with these restrictions unless prior written release is granted by the Town of Nantucket Select Board and recorded with said Deeds.

By accepting and recording this Quitclaim Deed, the Grantee expressly agrees to the Grantor's reservation of, and otherwise grants to the Grantor, such restrictions on the use of the Combined Premises. These restrictions shall be enforceable for a term of 200 years from the date hereof, and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be "other restrictions held by any governmental body," pursuant to G.L. c. 184, §26, such that the restrictions contained herein shall be enforceable for the term of 200 years and not be limited in duration by any contrary rule or operation of law. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of these restrictions, the Grantee hereby appoints the Grantor as its agent and attorney in fact to execute and record such notice and further agrees that the Grantee shall execute and record such notice upon request.

The undersigned certifies that there has been full compliance with the provisions of G. L. c. 44 §63A.

No deed stamp taxes are due on this conveyance pursuant to G.L. c. 64D, §1.

For Grantor's title, see Order of Taking by Eminent Domain of Portions of Masaquet Avenue and Atlantic Avenue dated December 21, 2022, recorded with Nantucket County Registry of Deeds in Book 1925, Page 315.

[Remainder of Page Intentionally Blank. Signatures Follow on Next Page.]

EXECUTED under seal this _____ day of _____, 2024.

TOWN OF NANTUCKET
BY ITS SELECT BOARD

Dawn E. Hill Holdgate

Brooke Mohr

Matthew G. Fee

Thomas M. Dixon

Malcolm W. MacNab

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this _____ day of _____, 2024, before me, the undersigned Notary Public, personally appeared Dawn E. Hill Holdgate, Brooke Mohr, Matthew G. Fee, Thomas M. Dixon and Malcolm W. MacNab, as Members of the Select Board of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free and deed of the Select Board of the Town of Nantucket.

Notary Public
My Commission Expires:

2023 00000017
Bk: Pg: 0 Page: 0
Doc: PLAN 03/27/2023 02:53 PM

NANTUCKET REGISTRY
OF DEEDS
Date: MARCH 27, 2023
Title: 2153
Plan No: 2023-3-17
CARL H. MALLI
Agent Register
Sheet 1 of 1

RESERVED FOR REGISTRY USE

I CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN CONFORMANCE WITH THE
RULES AND REGULATIONS OF THE
REGISTRY OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS.



NOTES:

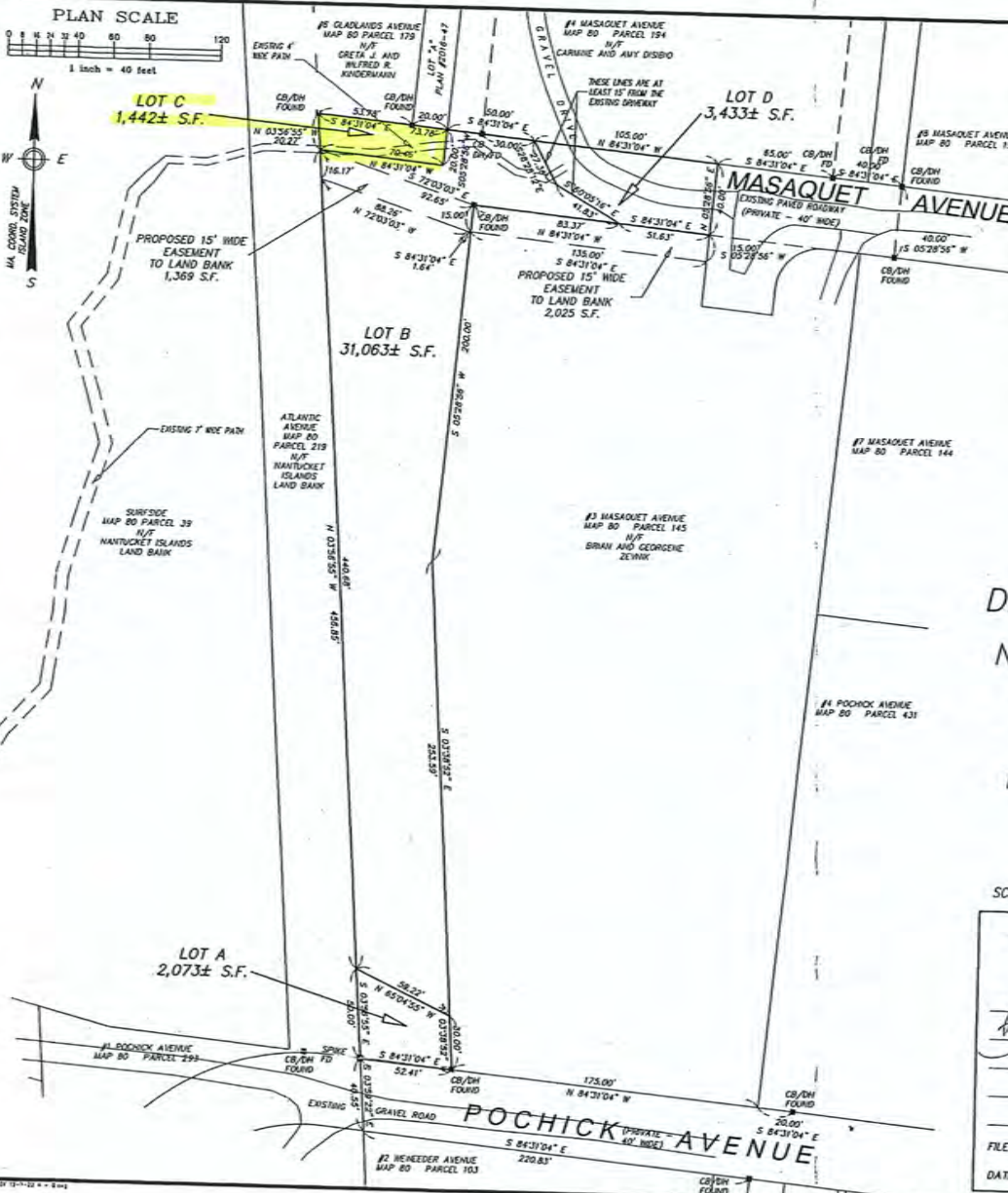
1. LOCUS: ATLANTIC AVENUE
MASAQUET AVENUE
(ON ASSESSORS MAP 80)
2. PLAN REFERENCES:
PLAN FILE # 3-D
PLAN FILE # 10-F
PLAN FILE # 11-Alien File:
PLAN NO. 2001-8
PLAN NO. 2003-21
PLAN NO. 2011-38
PLAN NO. 2016-47
PLAN NO. 2018-56
3. TOWN MEETING REFERENCE:
ARTICLES 98 AND 99 OF
THE 2011 ANNUAL
TOWN MEETING.
4. ORDER OF TAXING REFERENCE:
BOOK 1925 PAGE 315 AND
PLAN NO. 2022-48.

TOWN OF NANTUCKET
BOARD OF SELECTMEN

Jan 2023
MA
MA

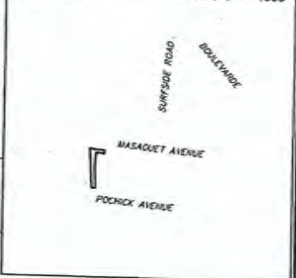
DATE APPROVED:

PLAN SCALE



LOCUS MAP

Scale: 1" = 1000'



ZONE: LUG-2
REQUIRED
LOT AREA: 80,000 s.f.
FRONTAGE: 150'
FRONT YARD: 35'
SIDE/REAR YARD: 15'
GROUND COVER: 4% (MAX)

ZONE: LUG-3
REQUIRED
LOT AREA: 120,000 s.f.
FRONTAGE: 200'
FRONT YARD: 35'
SIDE/REAR YARD: 20'
GROUND COVER: 3% (MAX)

ROADWAY
DISPOSITION PLAN
IN
NANTUCKET, MASS.

OF PORTIONS OF UNCONSTRUCTED
"MASAQUET AVENUE"
"ATLANTIC AVENUE"

PREPARED BY
BRACKEN ENGINEERING, INC.
19 OLD SOUTH ROAD
NANTUCKET, MA 02554
tel: (508) 325-0044
fax: (508) 833-2282
SCALE: 1" = 40' JANUARY 11, 2023

APPROVAL BY THE
NANTUCKET PLANNING BOARD
NOT REQUIRED

MA
MA
MA
FILE NUMBER: PLSMB 2023-03-00552
DATE APPROVED: 03-13-2023

SETTLEMENT STATEMENT

Town of Nantucket ("Seller")
Greta J. Kindermann and Wilfred R. Kindermann ("Buyer")
Lot C, Masaquet Avenue and Atlantic Avenue
Nantucket, MA (Property)
March 28, 2024 (Closing Date)

Purchase Price: \$ 2,739.80

Less:

Deposit \$ 00.00

Plus:

Payment in Lieu of Tax Adjustment
3/28/24-6/30/24 \$ 1.90
7/1/24-6/30/25 \$ 8.45

Reimbursement of Town's Legal Fees \$ 1,125.00

Net Amount Due Seller: \$ 3,875.15

Checks:

Town of Nantucket \$ 3,875.15

BUYER:

**SELLER: TOWN OF NANTUCKET
SELECT BOARD**

By: _____
Greta J. Kindermann

Dawn E. Hill Holdgate

By: _____
Wilfred R. Kindermann

Brooke Mohr

Matthew G. Fee

Thomas M. Dixon

Malcolm W. MacNab



Agenda Item Summary

Agenda Item #	X. 1.
Date	3/27/2024

Staff

Erika D. Mooney, Operations Administrator

Subject

Adoption of updated Agenda Protocol for Town-wide committee use.

Executive Summary

Following a staff training on First Amendment Audits and on the advice of Town Counsel, Town Administration has been reviewing and revising existing policies, procedures and protocol. The Select Board and County Commission have had Agenda Protocols in place for many years, but it came to Town Administration's attention that many other boards, elected and appointed, don't have similar protocols. With the assistance of Town Counsel, we have updated the Board's and County's Agenda Protocol to be more general so that it can apply to all committees, whether elected or appointed.

Town Counsel has opined that the Select Board can adopt the agenda protocol for all Town boards, committees, commissions, etc. as a matter of Town policy. That being said, Town Counsel has stated that the Select Board would only be able to enforce the agenda protocol for public bodies that it appoints.

Staff Recommendation

Moved to adopt the updated Agenda Protocol for Town-wide committee use.

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

Redline and Clean copies of the proposed Agenda Protocol



~~SELECT BOARD~~ AGENDA PROTOCOL:

For all Town of Nantucket Boards, Committees, Commissions, Work Groups, Councils and Trusts

(herein collectively ~~after~~ referred to as "Committees" in this document)

Roberts Rules: ~~The Select Board~~Town of Nantucket Committees 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~~Committees. At the ~~Board's~~Committee's discretion, matters raised under Public Comment may be directed to Town Administration and/or appropriate departmental staff, or may be placed on a future agenda, allowing all viewpoints to be represented before the ~~Board~~Committee takes action, if any. Except in emergencies, the ~~Board~~Committee 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 BoardCommittee 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~~Committee meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the ~~Board~~Committee to take up first. This time is reserved for speakers to address the ~~Board~~Committee on matters that are not related to any other Agenda item. If a speaker wishes to address the ~~Board~~Committee 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~~Committee. Comments made during the Public Comment period do not reflect the views or positions of the ~~Board~~Committee. Because of free speech principles, the ~~Board~~Committee 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-Committee~~ welcomes valuable input from the public at appropriate times during the meeting with recognition from the Chair at ~~his/her~~their sole discretion. For appropriate agenda items, the Chair will introduce the item and take public input. Individual ~~Board-Committee~~ Members may have questions on the clarity of the information presented. The ~~Board-Committee~~ will hear any staff input and then deliberate on a course of action.

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

Draft: 2/29/2024

Approved: ~~April 26, 2023~~

AGENDA PROTOCOL

For all Town of Nantucket Boards, Committees, Commissions, Work Groups, Councils and Trusts

(herein collectively referred to as "Committees" in this document)

Roberts Rules: Town of Nantucket Committees 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 Committees. At the Committee's discretion, matters raised under Public Comment may be directed to Town Administration and/or appropriate departmental staff, or may be placed on a future agenda, allowing all viewpoints to be represented before the Committee takes action, if any. Except in emergencies, the Committee 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 Committee 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 Committee meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Committee to take up first. This time is reserved for speakers to address the Committee on matters that are not related to any other Agenda item. If a speaker wishes to address the Committee 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 Committee. Comments made during the Public Comment period do not reflect the views or positions of the Committee. Because of free speech principles, the Committee 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 Committee welcomes valuable input from the public at appropriate times during the meeting with recognition from the Chair at their sole discretion. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Committee Members may have questions on the clarity of the information presented. The Committee will hear any staff input and then deliberate on a course of action.

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

Draft: 2/29/2024

Approved:

Draft as of 032524

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
2024 ANNUAL TOWN MEETING**

[INSERT PHOTO]

**Tuesday, May 7, 2024 - 5:00 PM
Nantucket High School
Mary P. Walker Auditorium**

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

SELECT BOARD

**Dawn E. Hill Holdgate, Chair
Brooke Mohr, Vice Chair
Thomas M. Dixon
Matthew G. Fee
Malcolm W. MacNab**

FINANCE COMMITTEE

**Denice Kronau, Chair
Stephen Maury, Vice Chair
Jeremy Bloomer
Robert Giacchetti
Christopher A. Glowacki
Joanna Roche
Peter N. Schaeffer
Jill Vieth
Joseph H. Wright**

PLANNING BOARD

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

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.

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*Cover photo courtesy of **XXXXXX***

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2024 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 MOTIONS IS A SIMPLE MAJORITY***

DRAFT

ARTICLE 1
(Receipt of Reports)

To receive the reports of various departments and committees as printed in the Fiscal Year 2023 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 2023 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 Forty-five Thousand Five Hundred Thirty-four Dollars and Ninety-three Cents (\$45,534.93) be transferred from Free Cash to pay the General Fund unpaid bills from prior fiscal years; that Twenty-seven Thousand One Hundred Fifty-six Dollars (\$27,156.00) be appropriated from Retained Earnings of Solid Waste Enterprise Fund to pay Solid Waste Enterprise Fund unpaid bills from prior fiscal years; that Six Thousand Three Hundred Thirty-two Dollars and Twenty-seven Cents (\$6,332.27) be appropriated from Retained Earnings of Sewer Enterprise Fund to pay Sewer Enterprise Fund unpaid bills from prior fiscal years:

<i>DEPARTMENT</i>	<i>VENDOR</i>	<i>AMOUNT</i>
Department of Public Works	Kevin Konetchy	\$ 270.76
Department of Public Works	Ian Lewis	\$ 6,861.10
Department of Public Works	Beta Group Inc	\$ 4,350.00
Department of Public Works	Beta Group Inc	\$ 10,150.00
Department of Public Works	Beta Group Inc	\$ 4,477.50
Finance	SAP America Inc	\$ 8,670.00
Health & Human Services	Amazon	\$ 100.00
Health & Human Services	Pitney Bowes	\$ 125.78
Health & Human Services	Ricoh	\$ 212.42
Health & Human Services	Ricoh	\$ 263.18
Health & Human Services	Ricoh	\$ 212.42
Health & Human Services	Ricoh	\$ 263.18
Health & Human Services	Thrifty	\$ 126.22
Health & Human Services	Thrifty	\$ 188.03

Health & Human Services	Thrifty	\$ 126.22
Health & Human Services	Thrifty	\$ 148.20
Health & Human Services	Thrifty	\$ 126.22
Health & Human Services	Thrifty	\$ 64.41
Health & Human Services	Comcast	\$ 237.51
Public Works/Park & Rec	Weston & Sampson	\$ 2,050.00
Public Works/Park & Rec	Weston & Sampson	\$ 1,300.00
Police	Nicholas Gallant	\$ 15.00
Police	Nantucket Auto Body Inc	\$ 3,618.50
Police	Verizon	\$ 36.86
Police	Verizon	\$ 36.54
Police	AT&T	\$ 445.12
Police	AT&T	\$ 420.88
Police	AT&T	\$ 420.88
Town Administration	WB Mason	\$ 218.00
Subtotal General Fund		\$ 45,534.93
Solid Waste	ACV Environmental Services Inc	\$ 27,156.00
Subtotal Solid Waste Enterprise Fund		\$27,156.00
Sewer	Willy Leveille	\$ 1,055.00
Sewer	Biobot Analytics Inc	\$ 1,560.00
Sewer	Motion Industries Inc	\$ 3,717.27
Subtotal Sewer Enterprise Fund		\$ 6,332.27

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>
Fire	Article 10 of the 2022 Annual Town Meeting (Portable Radios)	Article 10 of the 2023 Annual Town Meeting (Engine 1 Replacement)	\$42,424.00

DPW-Parks	Article 10 of the 2022 Annual Town Meeting (Skate Park Fence)	Article 10 of the 2022 Annual Town Meeting (Water Mains West of the Airport)	\$69,700.00
Subtotal of General Fund			\$112,124.00
Airport	Article 20 of the 2019 Annual Town Meeting (Taxiway Echo Resurfacing)	Article 16 of the 2021 Annual Town Meeting (Costs Associated with Airport Improvement Projects: South Apron Expansion)	\$606,082.76
Airport	Airport Retained Earnings	Article 16 of 2021 Annual Town Meeting (Costs Associated with Airport Improvement Projects: ALP Update Geo Study 74)	\$50,000.00
Airport	Airport Retained Earnings	Article 16 of the 2021 Annual Town Meeting (Costs Associated with Airport Improvement Projects: Taxiway G)	\$350,000.00
Airport	Airport Retained Earnings	Article 16 of the 2021 Annual Town Meeting (Costs Associated with Airport Improvement Projects: South Apron Expansion)	\$3,000,000.00
Airport	Airport Retained Earnings	Article 22 of the 2022 Annual Town Meeting (Costs Associated with Airport Improvement Projects, including but not limited to, permitting for Airport Layout Plan, Runway 6/24 Reconstruction, Commuter Apron Reconstruction, Terminal Improvements, Purchase of Airport Rescue and Firefighting Truck, Master Plan update and all other costs incidental and related thereto: Terminal Improvements)	\$500,000.00

Airport	Airport Retained Earnings	Article 22 of the 2022 Annual Town Meeting (Costs Associated with Airport Improvement Projects, including but not limited to, Permitting for Airport Layout Plan, Runway 6/24 Reconstruction, Commuter Apron Reconstruction, Terminal Improvements, Purchase of Airport Rescue and Firefighting Truck, Master Plan update and all other costs incidental and related thereto: ARFF Truck)	\$150,000.00
Airport	Airport Retained Earnings	Article 22 of the 2022 Annual Town Meeting (Costs Associated with Airfield Paint, Beads and Rubber Markings Removal and all other costs incidental and related thereto)	\$600,159.50
Airport	Airport Retained Earnings	Article 22 of the 2023 Annual Town Meeting (Costs Associated with the Replacement of Truck 15, Repainting Parking Lot and Replacing Luggage Carts and all other costs incidental and related thereto)	\$110,000.00
Airport	Airport Retained Earnings	Article 22 of the 2023 Annual Town Meeting (Costs Associated with the Replacement of (1) Lektro Tug and all other costs incidental and related thereto)	\$273,181.00
Subtotal of Airport Enterprise			\$5,639,423.26
Solid Waste	Article 22 of the 2022 Annual Town Meeting (Pleasant Street Trailer Relocation)	Purchase and Installation of (2) Leachate Tanks	\$250,000.00
Subtotal of Solid Waste Enterprise			\$250,000.00

ARTICLE 4

(Revolving Accounts: Spending Limits for FY 2025)

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 2025; 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 (non-School) 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 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.	\$223,075
Seasonal Food Service Inspections	Food service permit fees	Town Manager with approval of Board of Health	Seasonal food service inspections; costs associated with seasonal food service inspection training and public awareness materials. Salaries for staff in connection with food service inspections.	\$80,000
Lifeguard Housing	Rental payments	Town Manager with approval of Select Board	Defrayment of maintenance/upkeep of lifeguard housing facilities.	\$67,500

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>	<i>SPENDING LIMIT</i>
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
Sewer and Public Works Housing	Rental payments	Town Manager with approval of Select Board	Defrayment of maintenance/upkeep of sewer and public works housing facilities.	\$75,000
Low Beach Housing	Rental payments	Town Manager with approval of Select Board	Defrayment of maintenance/upkeep of Low Beach housing facilities.	\$67,500
Municipal Aggregation Operational Adder	Operational Adder from the energy aggregation program	Town Manager with approval of Select Board	Rebates for residential solar energy systems and other uses authorized by the Town's Municipal Aggregation Plan.	\$250,000
Airport Aviation Fuel	Fees and receipts received in connection with sale of aviation fuel	Airport Commission	Purchase of Aviation Fuel and repairs and maintenance of the Fuel Farm.	\$6,000,000

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 2025; said sum not to exceed five (5) percent of the Fiscal Year 2024 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 2025 tax levy and other general revenues of the Town to establish a reserve fund for Fiscal Year 2025 pursuant to Chapter 40, section 6 of the General Laws.

ARTICLE 6

(Fiscal Year 2024 General Fund Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2024 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 2024 accounts and expenditures as follows:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Medical Insurance	Fire: Operating	\$115,000.00
Medical Insurance	Human Resources: Salaries	\$37,800.00
Medical Insurance	PLUS: Salaries	\$169,000.00
Medical Insurance	Fire: Salaries	\$490,000.00
Medical Insurance	Natural Resources: Salaries	\$33,000.00
Free Cash	Special Stabilization Fund for Substance Abuse Efforts	\$42,500.00

ARTICLE 7

(Personnel Compensation Plans for Fiscal Year 2025)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2025:

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	\$17.00
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to \$80.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	~~\$24.00~~ \$26.00
Dietician/Our Island Home (hourly)	\$43.00
Election Warden (hourly)	\$22.00
Election Worker (hourly)	\$17.00
Exercise Instructors/Senior Center (hourly)	Up to \$40.00
EMT, Call (hourly)	~~\$27.00~~ 32.00
Fire Captain, Call (yearly)	\$150.00
Fire Fighter, Call (hourly)	~~\$27.00~~ 32.00
Fire Lieutenant, Call (yearly)	\$125.00
Fire Chief, Second Deputy (yearly)	\$5,000.00
Fire Chief, Third Deputy (yearly)	\$5,000.00
Licensed Practical Nurse/Our Island Home (Per Diem - hourly)	~~\$30.00~~ \$33.50
Our Island Home Ancillary (Per Diem - hourly)	~~\$22.00~~ \$23.50
Paramedic, Certified (Per Diem - hourly)	\$32.00
Registered Nurse/Our Island Home (Per Diem - hourly)	~~\$40.00~~ \$49.00
Registrar of Voters (yearly)	\$600.00
Registrar, Temporary Assistant (hourly)	\$17.00
Reserve Police Officer (hourly)	\$32.00
Student Police Officer (hourly)	~~\$30.00~~ \$38.65
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 7, 2024 - June 30, 2024)*

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

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

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

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

Moderator	\$175 per year
Select Board Member, Chair	~~\$5,000~~ \$6,000/per year
Select Board Members	~~\$3,500~~ \$4,500/per year
Town Clerk	~~\$133,030~~ \$137,021

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

Or to take any other action related thereto.

(Select Board)

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

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	\$17.00
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to \$80.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	~~\$24.00~~ \$26.00
Dietician/Our Island Home (hourly)	\$43.00
Election Warden (hourly)	\$22.00

Election Worker (hourly)	\$17.00
Exercise Instructors/Senior Center (hourly)	Up to \$40.00
EMT, Call (hourly)	~~\$27.00~~ 32.00
Fire Captain, Call (yearly)	\$150.00
Fire Fighter, Call (hourly)	~~\$27.00~~ 32.00
Fire Lieutenant, Call (yearly)	\$125.00
Fire Chief, Second Deputy (yearly)	\$5,000.00
Fire Chief, Third Deputy (yearly)	\$5,000.00
Licensed Practical Nurse/Our Island Home (Per Diem - hourly)	~~\$30.00~~ \$33.50
Our Island Home Ancillary (Per Diem - hourly)	~~\$22.00~~ \$23.50
Paramedic, Certified (Per Diem - hourly)	\$32.00
Registered Nurse/Our Island Home (Per Diem - hourly)	~~\$40.00~~ \$49.00
Registrar of Voters (yearly)	\$600.00
Registrar, Temporary Assistant (hourly)	\$17.00
Reserve Police Officer (hourly)	\$32.00
Student Police Officer (hourly)	~~\$30.00~~ \$38.65
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 7, 2024 - June 30, 2025)***

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

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

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

Schedule C -- Compensation Schedule for Elected Officials*

Moderator	\$175 per year
Select Board Member, Chair	\$5,000 \$6,000/per year
Select Board Members	\$3,500 \$4,500/per year
Town Clerk	\$133,030 \$137,021

**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 2025 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 2025; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2025 operating budget is established for the various offices, boards, and commissions of the Town as follows:

Department	Fiscal Year 2025			FY 2024
	Payroll	Operating	Total Budget	Article 8 Total
GENERAL GOVERNMENT				
Finance Committee		\$23,680	\$23,680	\$23,680
Finance & Operations	\$2,480,152	\$550,350	\$3,030,502	\$2,695,726
Human Resources	\$482,451	\$295,378	\$777,829	\$680,090
Information Systems	\$1,183,264	\$810,649	\$1,993,913	\$1,847,227
Legal		\$461,000	\$461,000	\$461,000
Moderator	\$181	\$1,500	\$1,681	\$1,683
Planning & Land Use Services	\$2,185,456	\$271,100	\$2,456,556	\$2,267,160
Natural Resources	\$1,233,724	\$209,612	\$1,443,336	\$1,258,873
Town Administration	\$2,015,535	\$1,316,376	\$3,331,911	\$2,675,576
Nantucket Housing Office	\$320,671	\$7,060,184	\$7,380,855	\$1,684,769
Town Clerk	\$322,310	\$137,900	\$460,210	\$397,297
Subtotal	\$10,223,744	\$11,137,729	\$21,361,473	\$13,993,082
SAFETY & PROTECTION				
Emergency Management		\$8,000	\$8,000	\$8,000
Fire Department	\$4,571,537	\$385,500	\$4,957,037	\$3,624,726
Police Department	\$7,860,753	\$806,500	\$8,667,253	\$7,496,402

Street Lighting		\$300,000	\$300,000	\$265,000
<i>Subtotal</i>	\$12,432,290	\$1,500,000	\$13,932,290	\$11,394,128

MARINE & COASTAL RESOURCES

Marine Dept	\$1,072,382	\$95,850	\$1,168,232	\$1,088,561
<i>Subtotal</i>	\$1,072,382	\$95,850	\$1,168,232	\$1,088,561

MAINTENANCE

Gas/Town Vehicles		\$375,000	\$375,000	\$375,000
Mosquito Control		\$185,994	\$185,994	\$181,458
Public Buildings		\$1,689,900	\$1,689,900	\$1,431,900
Public Works	\$3,897,822	\$1,134,200	\$5,032,022	\$4,203,108
Park n Rec	\$195,396	\$622,500	\$817,896	\$784,334
Snow and Ice Removal	\$7,600	\$75,000	\$82,600	\$82,600
<i>Subtotal</i>	\$4,100,818	\$4,082,594	\$8,183,413	\$7,058,400

HUMAN SERVICES

Health & Human Services	\$1,359,078	\$200,178	\$1,559,256	\$1,569,941
<i>Subtotal</i>	\$1,359,078	\$200,178	\$1,559,256	\$1,569,941

CULTURE & RECREATION

Atheneum		\$824,990	\$824,990	\$804,868
Town Clock		\$4,700	\$4,700	\$4,700
Culture & Tourism	\$357,292	\$166,700	\$523,992	\$490,856
<i>Subtotal</i>	\$357,292	\$996,390	\$1,353,682	\$1,300,424

CONTRACTUAL OBLIGATIONS

\$445,000	\$445,000	\$455,000
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TOTAL OF DEPT OPERATING BUDGETS	\$29,990,604	\$18,012,741	\$48,003,345	\$36,859,536
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EDUCATION

Community School	\$600,000	\$0	\$600,000	\$600,000
School Department	\$33,345,870	\$6,832,525	\$40,178,395	\$37,326,987
<i>Subtotal</i>	\$33,945,870	\$6,832,525	\$40,778,395	\$37,926,987

GRAND TOTAL OF GEN GOV'T OPERATING BUDGETS

\$63,936,474	\$24,845,266	\$88,781,740	\$74,786,523
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DEBT SERVICE

Principal & Interest		\$12,447,065	\$12,447,065	\$14,422,131
<i>Subtotal</i>		\$12,447,065	\$12,447,065	\$14,422,131

INSURANCES

Auto Casualty		\$323,982	\$323,982	\$274,561
Blanket Liability		\$3,575,692	\$3,575,692	\$3,030,248
Claims Deductible		\$145,961	\$145,961	\$123,695
Insurance Consulting		\$58,658	\$58,658	\$58,658
Medical Insurance	\$17,968,644		\$17,968,644	\$16,335,131
Life Insurance	\$6,500		\$6,500	\$6,500
Unemployment	\$175,000		\$175,000	\$175,000
Workers Compensation	\$410,960		\$410,960	\$348,270
Laborer's Union Pension	\$75,000		\$75,000	\$75,000
<i>Subtotal</i>	\$18,636,104	\$4,104,292	\$22,740,396	\$20,427,063

ASSESSMENTS

Barnstable Retirement		\$7,044,101	\$7,044,101	\$6,834,598
<i>Subtotal</i>	\$0	\$7,044,101	\$7,044,101	\$6,834,598

GRAND TOTAL OF OPERATING BUDGET	\$82,572,578	\$48,440,724	\$131,013,302	\$116,470,316
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And to meet these appropriations, the sum of One Hundred Twenty-three Million Three Hundred Thirty-two Thousand Nine Hundred Two Dollars (\$123,332,902) be raised and appropriated from the Fiscal Year 2025 tax levy and other general revenues of the Town; and that One Million Seventeen Thousand Nine Hundred Dollars (\$1,017,900) be transferred from Free Cash in the Treasury of the Town, for one-time and operating expenses that are included in various departmental budgets; and further that Six Million Six Hundred Sixty-two Thousand Five Hundred Dollars (\$6,662,500) be raised and appropriated from the Fiscal Year 2025 tax levy and other general revenues of the Town to be transferred to Affordable Housing Trust Fund.

The budget unanimously recommended by the Nantucket School Committee for the School Department, including the Nantucket Community School, for Fiscal Year 2025 is Forty Million Seven Hundred Seventy-eight Thousand Three Hundred Ninety-five Dollars (\$40,778,395).

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 2025, 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 2025 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 2025, which grants shall stipulate mutually agreed upon terms and conditions, and provided further that the grant to the National Alliance on Mental Illness shall be funded from the Special Stabilization Fund for Substance Abuse Efforts with a condition that the grant funds be expended solely for addiction and mental health treatments services:

<i>AGENCY</i>	<i>AMOUNT</i>
A Safe Place, Inc	\$55,000.00
National Alliance on Mental Illness	\$85,000.00
Elder Services of Cape Cod	\$30,600.00
Health Imperatives	\$139,238.00
Fairwinds - Nantucket's Counseling Center	\$165,000.00
Martha's Vineyard Community Services	\$19,850.00
South Coastal Counties Legal Services, Inc	\$5,000.00
Nantucket Interfaith Council	\$100,000.00
Palliative & Supportive Care of Nantucket	\$22,980.00
Small Friends On Nantucket	\$30,000.00
Artists Association of Nantucket	\$40,000.00
Sherburne Commons	\$32,332.00
Addiction Solutions of Nantucket	\$50,000.00
Nantucket Community Television	\$50,000.00
<u>TOTAL</u>	<u>\$825,000.00</u>

ARTICLE 10
(Appropriation: General Fund Capital Expenditures)

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

(Select Board)

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

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>FUNDING SOURCE(S)</i>	<i>AMOUNT</i>
Affordable Housing Trust	Costs associated with acquiring real estate, or interests in real estate, which may include affordable housing restrictions, including any buildings thereon, for the development of affordable housing, and also to pay costs of designing, constructing, reconstructing and equipping affordable housing, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and all other costs incidental	Raise and appropriate \$1,013,044 from the Fiscal Year 2025 tax levy and other general revenues of the Town	\$1,013,044

	and related thereto		
Fire	Costs associated with the purchase and replacement of Engine 1 (supplemental funding)	Raise and appropriate \$50,000 from the Fiscal Year 2025 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 and replacement of Ambulance 4	Transfer \$520,000 from Certified Free Cash into the Treasury of the Town	\$520,000
Fire	Costs associated with the purchase and replacement of Engine 2	Raise and appropriate \$1,000,000 from the Fiscal Year 2025 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)	\$1,000,000
Fire	Costs associated with the purchase of (1) administration vehicle	Raise and appropriate \$85,000 from the Fiscal Year 2025 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)	\$85,000
Fire	Costs associated with the purchase and replacement of (1) ladder truck	Raise and appropriate \$2,000,000 from the Fiscal Year 2025 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)	\$2,000,000
Public Works/Central Fleet	Costs associated with the purchase and replacement of (1) mechanic's truck	Raise and appropriate \$120,000 from the Fiscal Year 2025 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/Central Fleet	Costs associated with the purchase of (1) Parks and Recreation pickup truck	Raise and appropriate \$82,500 from the Fiscal Year 2025 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)	\$82,500
Public Works/Central Fleet	Costs associated with the purchase of (1) Parks and Recreation dump truck	Raise and appropriate \$129,800 from the Fiscal Year 2025 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)	\$129,800
Public Works/Central Fleet	Costs associated with the purchase of (1) dumping stake body truck	Raise and appropriate \$121,000 from the Fiscal Year 2025 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)	\$121,000
Public Works/Central Fleet	Costs associated with the purchase and replacement of (1) dump truck	Raise and appropriate \$129,800 from the Fiscal Year 2025 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)	\$129,800
Public Works/Central Fleet	Costs associated with the purchase and replacement of (1) facilities dump truck	Raise and appropriate \$121,000 from the Fiscal Year 2025 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)	\$121,000
Public Works/Central Fleet	Costs associated with the purchase and replacement of (1) facilities utility body truck	Raise and appropriate \$104,500 from the Fiscal Year 2025 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)	\$104,500

Public Works/Parks	Costs associated with the construction of a new playground facility at Nobadeer Fields	Transfer \$635,942 from Certified Free Cash into the Treasury of the Town	\$635,942
Public Works/Parks	Costs associated with the reconstruction of Tom Nevers Playground	Raise and appropriate \$157,116 from the Fiscal Year 2025 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)	\$157,116
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 \$1,160,000 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	\$1,160,000
Public Works/ Transportation	Costs associated with annual island-wide road improvements and maintenance	Transfer \$3,000,000 from Certified Free Cash into the Treasury of the Town	\$3,000,000
Public Works/ Transportation	Costs associated with annual multi-use path maintenance and repair	Transfer \$1,000,000 from Certified Free Cash into the Treasury of the Town	\$1,000,000
Public Works/ Transportation	Costs associated with annual cobblestone street improvements and maintenance	Transfer \$565,000 from Certified Free Cash into the Treasury of the Town	\$565,000
Public Works/ Transportation	Costs associated with professional services, including design, permitting and construction for repairs to the 'Sconset Footbridge (supplemental funding)	Transfer \$409,000 from Certified Free Cash into the Treasury of the Town	\$409,000

Public Works/ Transportation	Costs associated with the decommissioning of fire cisterns	Transfer \$193,000 from Certified Free Cash into the Treasury of the Town	\$193,000
IS GIS	Costs associated with the maintenance of network infrastructure and related equipment	Raise and appropriate \$50,000 from the Fiscal Year 2025 tax levy and other general revenues of the Town	\$50,000
IS GIS	Costs associated with server virtualization and maintenance	Raise and appropriate \$75,000 from the Fiscal Year 2025 tax levy and other general revenues of the Town	\$75,000
IS GIS	Costs associated with the replacement of Town computers, printers, and associated equipment	Raise and appropriate \$73,000 from the Fiscal Year 2025 tax levy and other general revenues of the Town	\$73,000
Natural Resources	Costs associated with developing an environmental justice assessment and policy	Transfer \$125,000 from Certified Free Cash into the Treasury of the Town	\$125,000
Natural Resources	Costs associated with developing a baseline environmental data collection program	Raise and appropriate \$500,000 from the Fiscal Year 2025 tax levy and other general revenues of the Town	\$500,000
Police	Costs associated with the upgrades and improvements to public safety technology	Raise and appropriate \$75,000 from the Fiscal Year 2025 tax levy and other general revenues of the Town	\$75,000
Public Works	Costs associated with the upgrade and replacement of turf maintenance equipment	Raise and appropriate \$100,000 from the Fiscal Year 2025 tax levy and other general revenues of the Town	\$100,000

Public Works	Costs associated with the purchase and replacement of (1) backhoe	Raise and appropriate \$153,800 from the Fiscal Year 2025 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)	\$153,800
Public Works	Costs associated with the purchase and replacement of (1) tractor	Raise and appropriate \$84,400 from the Fiscal Year 2025 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)	\$84,400
School	Costs associated with upgrades, repairs, and replacement of IT infrastructure	Raise and appropriate \$55,000 from the Fiscal Year 2025 tax levy and other general revenues of the Town	\$55,000
School	Costs associated with school building improvements	Raise and appropriate \$450,000 from the Fiscal Year 2025 tax levy and other general revenues of the Town	\$450,000
School	Costs associated with school grounds improvements	Raise and appropriate \$150,000 from the Fiscal Year 2025 tax levy and other general revenues of the Town	\$150,000
Town Admin	Costs associated with the continued implementation of Town-wide document management system	Transfer \$500,000 from Certified Free Cash into the Treasury of the Town	\$500,000
Town Admin	Costs associated with coastal resiliency planning	Transfer \$1,250,000 from Certified Free Cash into the Treasury of the Town	\$1,250,000
TOTAL			\$16,237,902

And, to meet this appropriation that Eight Million One Hundred Ninety-seven Thousand Nine Hundred Forty-two Dollars (\$8,197,942) be transferred from Free Cash in the Treasury of the Town so specified; that Two Million Five Hundred Forty-one Thousand Forty-four Dollars (\$2,541,044) be raised and appropriated from the FY 2025 tax levy; that Four Million Three Hundred Thirty-eight Thousand Nine Hundred Sixteen Dollars

(\$4,338,916) be raised and appropriated from the FY 2025 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 One Million One Hundred Sixty Thousand Dollars (\$1,160,000) for costs associated with the continuation of annual sidewalk improvements; with all borrowings to be done under and pursuant to General Laws Ch. 44, sec. 7(1), or any other enabling authority, and to issue bonds or notes of the Town therefor.

All of these sources totaling Sixteen Million Two Hundred Thirty-seven Thousand Nine Hundred Two Dollars (\$16,237,902).

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

ARTICLE 11

(Appropriation: Town Employee Housing Feasibility Costs)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, to conduct a Town Employee Housing Feasibility Study, and Design and Owner's Project Manager services for Town Employee Housing, including the cost of professional services, including permitting, engineering, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Three Million Dollars (\$3,000,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of conducting a Town Employee Housing Feasibility Study, and Design and Owner's Project Manager services for Town Employee Housing, including the cost of professional services, including permitting, engineering, and any other costs incidental and related thereto; that to meet the appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

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

ARTICLE 12

(Real Estate Acquisition/Appropriation: 31 Western Avenue)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for housing and general municipal purposes, the fee title or lesser interests in a parcel of land with the buildings located thereon at 31 Western

Avenue shown on a plan of land entitled "Plan of Land in Nantucket, Mass., Prepared for American Youth Hostels, Inc.," prepared by Blackwell & Associates, Inc., dated March 13, 2003 recorded with Nantucket County Registry of Deeds as Plan No. 2003-40, containing 29,563± square feet, and being more particularly described in a Deed recorded with said Deeds in Book 1771, Page 2; and further 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 spent by the Town Manager with the approval of the Select Board, to acquire said parcel 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 filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

The Finance Committee Motion will be provided at Town Meeting.

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

ARTICLE 13

(Supplemental Appropriation: Public Works Facility Improvements - Design)

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, to make design improvements to the Department of Public Works facility at 188 Madaket Road, 10 Sun Island Road, and/or 1 Shadbush Road, including the costs of professional services for design, permitting, and 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 One Million Two Hundred Thousand Dollars (\$1,200,000) to be spent by the Town Manager with the approval of the Select Board to make design improvements to the Department of Public Works facility at 188 Madaket Road, 10 Sun Island Road, and/or 1 Shadbush Road, including the costs of professional services for design, permitting, and engineering, and other related professional services, and any other costs incidental and related thereto; that to meet the appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

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

ARTICLE 14

(Supplemental Appropriation: Newtown Road Transportation Improvements)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, to provide supplemental funding to make various transportation-related improvements on Newtown 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 Two Million Dollars (\$2,000,000) to be spent by the Town Manager with the approval of the Select Board to provide supplemental funding to make various transportation-related improvements on Newtown Road including the costs of professional services for design, permitting, and engineering, and other related professional services, and any other costs incidental and related thereto; that to meet the appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

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

ARTICLE 15

(Appropriation: Tom Nevers Park Debris Removal and Erosion Control/Dune Restoration)

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, to make various improvements at Tom Nevers Park including debris removal and erosion control/dune restoration, including the cost of professional services, 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 to make various improvements at Tom Nevers Park including debris removal and erosion control/dune restoration, including the costs of professional services for design, permitting, and engineering, and other related professional services, and any other costs incidental and related thereto; that to meet the appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue

bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

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

ARTICLE 16

(Appropriation: Expansion of Landfill Cell 3B)

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 purposes of expanding landfill cell 3B located at the Solid Waste Management Facility at 188 Madaket Road, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Five Million Sixty-five Thousand Dollars (\$5,065,000) to be spent by the Town Manager with the approval of the Select Board for the purposes of expanding landfill cell 3B located at the Solid Waste Management Facility at 188 Madaket Road, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials and other related professional services, and any other costs incidental and related thereto; that to meet the appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

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

ARTICLE 17

(Appropriation: Reconstruction of the Jetties Beach Tennis Courts)

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, to reconstruct the Tennis Courts located at Jetties Beach, 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 One Million Nine Hundred Thousand Dollars (\$1,900,000) to be spent by the Town Manager with the approval of the Select Board to reconstruct the Tennis Courts located at Jetties Beach including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials and other related professional services, and any other costs incidental and related thereto; that to meet the appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

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

ARTICLE 18

(Appropriation: Public Safety Auxiliary 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, to construct a Public Safety Auxiliary Building located at 4 Fairgrounds Rd, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Five Million Dollars (\$5,000,000) to be spent by the Town Manager with the approval of the Select Board for the purpose of constructing a Public Safety Auxiliary Building located at 4 Fairgrounds Rd, 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 the appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

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

ARTICLE 19

(Appropriation: Acquisition of Composting Facility and Transfer Station at Madaket Road Solid Waste Disposal 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, to purchase from Waste Options

of Nantucket, Inc., the current operator of the Madaket Road Solid Waste Disposal Facility located at 188 Madaket Road, the composting facility and the construction and demolition debris transfer station, and any other costs incidental and related thereto; and further to authorize the Select Board to acquire said facilities on behalf of the Town effective at the end of the current term of the operating agreement between the Town and Waste Options of Nantucket, which is due to expire on November 30, 2025, substantially in accordance with the terms of a Memorandum of Understanding between Waste Options of Nantucket, Inc., and the Town of Nantucket; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Four Million Four Hundred Thousand Dollars (\$4,400,000) from Certified Free Cash to be spent by the Town Manager with the approval of the Select Board, for the purpose of purchasing from Waste Options of Nantucket, Inc., the current operator of the Madaket Road Solid Waste Disposal Facility located at 188 Madaket Road, the composting facility and the construction and demolition debris transfer station, and any other costs incidental and related thereto; and further to authorize the Select Board to acquire said facilities on behalf of the Town effective at the end of the current term of the operating agreement between the Town and Waste Options of Nantucket, which is due to expire on November 30, 2025, substantially in accordance with the terms of a Memorandum of Understanding between Waste Options of Nantucket, Inc., and the Town of Nantucket.

ARTICLE 20

(Appropriation: Affordable Housing Trust Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of supporting the Affordable Housing Trust Fund in the Town of Nantucket for Fiscal Year 2025; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Forty-five Million Dollars (\$45,000,000) 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.

ARTICLE 21

(Appropriation: Fiscal Year 2025 Enterprise Funds Operations)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the operation of the Enterprise Funds of the Town of Nantucket for Fiscal Year 2024, out of anticipated revenues of the designated funds, for the purposes set forth above; or to take any other action related thereto.

(Select Board for the Various Departments Indicated)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2025 operating budgets be approved for the Enterprise Funds, with the Airport appropriation to be expended through the Nantucket Airport Commission; with the Nantucket Water Department Enterprise Fund to be expended through the Nantucket Water Commission; the remaining appropriations to be spent through the Select Board:

FUND	FY2025 PAYROLL	FY2025 EXPENSES	FY2025 TOTAL BUDGET	FY2024 BUDGET
Airport	\$6,222,250	\$7,018,155	\$13,240,405	\$11,666,355
Our Island Home	\$7,374,855	\$2,913,494	\$10,288,349	\$9,572,945
Sewer	\$3,126,455	\$10,825,639	\$13,952,094	\$12,999,565
Solid Waste	\$739,634	\$15,360,676	\$16,100,310	\$14,737,466
Stormwater	\$168,144	\$344,356	\$512,500	\$500,000
Nantucket Water Department	\$2,328,147	\$5,592,985	\$7,921,132	\$7,870,011
Total	\$19,959,485	\$42,055,306	\$62,014,791	\$57,346,342

Further, that the above appropriations be funded as follows:

FUND	FUNDING SOURCE	AMOUNT
Airport	FY25 Anticipated Revenue	\$12,840,405
Airport	Retained Earnings - Passenger Facility Charge	\$400,000
Our Island Home	FY25 Anticipated Revenue	\$4,903,896
Our Island Home	FY25 Tax Levy and Other General Revenues	\$5,384,453
Sewer	FY25 Anticipated Revenue	\$13,952,094
Solid Waste	FY25 Anticipated Revenue	\$4,511,600
Solid Waste	FY25 Tax Levy and Other General Revenues	\$7,744,960
Solid Waste	FY25 Tax Levy and Other General Revenues Override	\$3,843,750
Stormwater	FY25 Tax Levy and Other General Revenues	\$512,500
Nantucket Water Department	FY25 Anticipated Revenue	\$7,921,132

ARTICLE 22

(Appropriation: Enterprise Funds Capital Expenditures)

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

(Select Board for the Various Departments Indicated)

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

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>FUNDING SOURCE(S)</i>	<i>AMOUNT</i>
Airport	Costs associated with replacement of ramp high mast lights and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$700,000 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	\$700,000
Airport	Costs associated with groundwater and soil investigation and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$4,000,000 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 Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$4,000,000
Airport	Costs associated with milling and overlaying parking lots and airport access loop road and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$400,000 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	\$400,000

Airport	Costs associated with upgrades to the grounding and lightning protection system and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$139,000 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	\$139,000
Airport	Costs associated with cleaning, installation and replacement of catch basins and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$400,000 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	\$400,000
Airport	Costs associated with airfield paint, beads and rubber markings removal and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$421,600 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	\$421,600
Airport	Costs associated with the milling and overlaying of Runway 6-24 and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$1,200,000 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 interest thereon shall be repaid from Airport Enterprise Fund revenues,	\$1,200,000

		state or federal grants, and other available funds of the Airport	
Airport	Costs associated with the design and construction (supplemental funding) of employee housing and all other costs incidental and related thereto	Transfer \$2,500,000 from Certified Retained Earnings into the Airport Enterprise Fund and further transfer \$700,000 from the Airport Fuel Revolving Fund Balance into the Airport Enterprise Fund.	\$3,200,000
Subtotal of Airport Enterprise Fund			\$10,460,600
Sewer	Costs associated with the design and construction of 108-120 Baxter Road sewer and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$10,000,000 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	\$10,000,000
Sewer	Costs associated with Capacity, Management, Operations and Maintenance (CMOM) program 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 the design and engineering of the Somerset Needs Area sewer extension and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$5,400,000 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	\$5,400,000
Sewer	Costs associated with redesign and reconstruction of Siasconset Area sewer system and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$12,100,000 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 Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund	\$12,100,000
Sewer	Costs associated with design and permitting of Surfside and Siasconset wastewater treatment facilities discharge beds	Transfer \$500,000 from Certified Retained Earnings into the Sewer Enterprise Fund	\$500,000
Sewer	Costs associated with design of Surfside wastewater treatment facility maintenance and administration building	Authorize the Treasurer, with the approval of the Select Board to borrow \$7,000,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and 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	\$1,500,000

	(supplemental funding) and all other costs incidental and related thereto	available funds of the Sewer Enterprise Fund	
Sewer	Costs associated with the installation and extension of sewer lines in the Hummock Pond North Needs Area area 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 the purchase of (1) dump truck with plow and sander	Transfer \$375,000 from Certified Retained Earnings into the Sewer Enterprise Fund	\$375,000
Sewer	Costs associated with the purchase of (1) backhoe/loader	Transfer \$400,000 from Certified Retained Earnings into the Sewer Enterprise Fund	\$400,000
Sewer	Costs associated with the upgrade and replacement of SCADA and PLCs	Transfer \$150,000 from Certified Retained Earnings into the Sewer Enterprise Fund	\$150,000
Subtotal of Sewer Enterprise Fund			\$34,425,000
Solid Waste	Costs associated with the purchase of (1) roll-off truck	Transfer \$150,000 from Certified Retained Earnings into the Solid Waste Enterprise Fund	\$150,000
Subtotal of Solid Waste Enterprise Fund			\$150,000

Stormwater	Costs associated with development of inland Stormwater Management Plan	Transfer \$100,000 from Free Cash into the Treasury of the Town	\$100,000
Stormwater	Costs associated with development of downtown Stormwater Management Plan	Transfer \$50,000 from Free Cash into the Treasury of the Town	\$50,000
Stormwater	Costs associated with Consue Springs stormwater management plan	Transfer \$200,000 from Free Cash into the Treasury of the Town	\$200,000
Stormwater	Costs associated with stormwater CCTV inspection and management plan	Transfer \$100,000 from Free Cash into the Treasury of the Town	\$100,000
Stormwater	Costs associated with island-wide stormwater drainage improvements and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$2,100,000 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 Stormwater Enterprise Fund revenues, state or federal grants, and other available funds of the Stormwater Enterprise Fund	\$2,100,000
Stormwater	Costs associated with stormwater Capacity, Management, Operations and	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	\$2,000,000

	Maintenance (CMOM) program and all other costs incidental and related thereto	obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Stormwater Enterprise Fund revenues, state or federal grants, and other available funds of the Stormwater Enterprise Fund	
Stormwater	Costs associated with stormwater drainage improvements to Somerset Road and Lane and Raceway Drive and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$4,000,000 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 Stormwater Enterprise Fund revenues, state or federal grants, and other available funds of the Stormwater Enterprise Fund	\$4,000,000
Stormwater	Costs associated with the purchase of (1) utility truck with plow	Transfer \$85,000 from Free Cash into the Treasury of the Town	\$85,000
Stormwater	Costs associated with ground penetrating radar, GPS equipment and software	Transfer \$100,000 from Free Cash into the Treasury of the Town	\$100,000
Subtotal of Stormwater Enterprise Fund			\$8,735,000
Water	Costs associated with upgrades to the North Pasture pump station and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$2,155,000 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 Water Enterprise Fund revenues, state or federal grants, and other available funds of the Water Enterprise Fund	\$2,155,000

Water	Costs associated with improvements to the Distribution System	Transfer \$498,125 from Certified Retained Earnings into the Nantucket Water Enterprise Fund	\$498,125
Subtotal of Water Enterprise Fund			\$2,653,125
<i>Total of all Enterprise Funds</i>			<i>\$56,423,725</i>

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

ARTICLE 23

(Enterprise Funds: Fiscal Year 2024 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2024 Enterprise Fund operating budgets from other line items of said budgets and/or from Enterprise Surplus Reserve Funds; or to take any other action related thereto.

(Select Board)

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

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Our Island Home: Salaries	Our Island Home: Operating	\$1,090,000

ARTICLE 24

(Appropriation: Waterways Improvement Fund)

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

Or to take any other action related thereto.

(Select Board)

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 Nine Hundred Thousand Six Hundred Ninety Dollars (\$900,690) 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 Chief, subject to the approval of the Town Manager.

ARTICLE 26

(Appropriation: Ferry Embarkation Fee)

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

Or to take any other action related thereto.

(Select Board)

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

ARTICLE 27

(Appropriation: County Assessment)

To see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to pay the County of Nantucket such assessment as is required for Fiscal Year 2024, and to authorize the expenditure of these funds for County purposes, all in accordance with the Massachusetts General Laws and in accordance with the County Charter (Chapter 290 of the Acts of 1996), the sum of Two Hundred Thousand Two Hundred Eighty-eight Dollars (\$231,288) or to take any other action related thereto.

(Select Board/County Commissioners)

FINANCE COMMITTEE MOTION: Moved that Two Hundred Thirty-one Thousand Two Hundred Eighty-eight Dollars (\$231,288) be raised and appropriated from the Fiscal Year 2025 tax levy and other general revenues of the Town to fund the Fiscal Year 2025 county assessment.

ARTICLE 28

(Appropriation: Finalizing Fiscal Year 2025 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 2025 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	Ground Service Equipment Garage	Article 14/ATM 2015	60,000.00

Solid Waste	Stormwater Drainage Improvements	Article 22/ATM 2022	600,000.00
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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 2025.

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 2025 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 of the Town to be deposited by the Treasurer into the Other Post-Employment Benefits Trust Fund.

ARTICLE 31

(Appropriation: Fiscal Year 2025 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 2025; 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 2025.

ARTICLE 32

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

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

(Select Board for Airport Commission)

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

ARTICLE 33

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

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

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Seven Hundred Fifty Thousand Dollars (\$750,000) be transferred from Certified Free Cash in the Treasury of the Town to be deposited by the Treasurer into the Special Purpose Stabilization Fund for Town Employee Accrued Liabilities.

ARTICLE 34

(Appropriation: Fiscal Year 2025 Community Preservation Committee)

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, 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; or to take any other action relative thereto.

(Select Board for Community Preservation Committee)

FINANCE COMMITTEE MOTION: Moved that the following sums be appropriated or reserved for later appropriation from the Community Preservation Fund Fiscal Year 2025 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 2025 community preservation purposes as set forth herein, with each item considered a separate appropriation to be spent by the Community Preservation Committee, as shown below with any strikeouts indicating deletions from the Community Preservation Committee article and any highlighted text indicating additions/modifications:

Purpose	Amount
<u>Historic Preservation</u>	
Landmark House - Nantucket Community Service Inc.	\$305,580

Landmark House meets a critical affordable housing need by providing 25 quality units for older and disabled Nantucket residents. Though there is an affordability aspect, this is an application for funding for the 1840s historic structure. It was moved from Quaise as the “Alms House” by 1900. The CPC has approved funding to restore the structure on two previous occasions. This request is for replacement of the 37-year-old elevator in the building. CPA legislation specifically allows for funds to be used for handicap access to historic structures.	
Nantucket Historical Association Request to restore the 1746 “Old Mill”, enabling the Mill to become fully operational while increasing handicap accessibility. The Mill is believed to be the oldest continuously operating windmill in the country and sits in its original location as the last remaining windmill of the four on “Mill Hill”. After a detailed survey was commissioned in 2021, it was recommended that the Nantucket Historical Association (NHA) begin restoration to protect the historic integrity and operational ability of the windmill. Critical intervention measures were then undertaken in 2022 and 2023. This work will include carpentry, shingling, new teeth, lightening suppression system, pest control intervention. The CPC has been working cooperatively with the NHA since its inception in 2003. Funding has been essential in restoring the multiple important historic resources under the stewardship of the NHA.	\$240,949
Nantucket Historical Association Request for funding to restore the Hadwin and Barney Oil and Candle Factory to renovate/restore the rear/north brick masonry wall and stabilize the structure. This project includes staging and engineering project oversight. The north wall has become severely compromised. Restoration will include shoring up the wall, repointing of the bricks, fixing cracks, replacement and repair of damaged and compromised sections. The north wall was found to be structurally inadequately braced against wind load.	\$938,751
Nantucket Maria Mitchell Association (MMA) This is a continuing effort to restore and preserve the historic Maria Mitchell Vestal Street Observatory and Astronomical Study. The CPC has provided funding for other aspects of this structure and has worked cooperatively with the Association since 2004 to restore and preserve other MMA structures. With CPC funding in FY2021, the exterior envelope of the Observatory was restored. This request is for interior restoration and conservation. Historic flooring, plaster and woodwork would be restored. A climate control system	\$167,060

will be added to protect the historic fabric and records stored in the building.	
Town of Nantucket with Preservation Institute Nantucket This is a public/private joint application to undertake a comprehensive historic survey assessment of the streetscapes in the historic core downtown area concentrating on Main Street and collateral ways. This effort would provide a digital detailed specification survey of the sidewalks, including curbing and materials, which would provide a needed resource database. It could be used to preserve the historic nature of these streetscapes particularly when the Town and property owners are undertaking repair and replacement of these streets and ways. The Capital Program Committee has recommended matching funding of the request to CPC.	\$50,000
Town of Nantucket with Preservation Institute Nantucket This is public/private joint application to undertake a comprehensive historic survey assessment of the West Miacomet Neighborhood Phase I that would assess about 250 properties in the Old Historic District south of Main Street. This area was identified as a critical need to survey as it is under threat of demolition, redevelopment and changes in use. The area has been under-represented despite its importance in the African American, New Guinea and Guinea contribution to Nantucket's evolution.	\$60,000
Nantucket Atheneum Restoration of the historic ship models in the permanent collection of the Atheneum. The CPC has worked cooperatively with the Atheneum since 2003 on various restoration projects most recently on the restoration and preservation of historic paintings in the collection.	\$12,000
South Church Preservation Fund The historic 1815 "Portuguese Bell" in the tower is in danger of breaking free of its supports. Replacement and reconditioning of the bell hanger, bearing boxes and wheel would prevent the bell from crashing down into the sanctuary on the first floor. The CPC previously funded the restoration of the bell itself. Funding this request would ensure its security as well as protect the first-floor restoration efforts undertaken over the years with funding by the CPC.	\$55,000
St. Mary, Our Lady of the Isle Catholic Church Restoration and preservation of the exterior of the historic Victorian gothic structure. Under State regulations the CPC does not consider the use of the structure as affiliated with a particular denomination when funds are approved for a project. The structure is a distinctive historic resource in the middle of the Old Historic District that contributes to the	\$259,475.81

historic streetscape. The CPC has funded the restoration of the front doors in the past. The Church is contributing to the restoration of the building by funding the interior work. The public is able to access the structure and the structure is considered in the public domain.	
St. Mary, Our Lady of the Isle Catholic Church Restoration and preservation of the exterior of the historic structure known as the “St. Mary’s Rectory” on Orange Street, the former home of whaling Captain James Easton. The proposal includes detailed restoration of the historic millwork. Under State regulations the CPC does not consider the use of the structure as affiliated with a particular religion when funds are approved for a project. This structure is an individually significant historic resource in the middle of the Old Historic District that is in desperate need of restoration and protection. The structure has a unique architectural style with less than five of that style on Nantucket. Reference to the structure is contained in the Library of Congress. The Church is contributing to the exterior restoration. The public is able to access the structure and the structure is considered in the public domain.	\$718,991.50
ReMain 58 LLC This is an application on behalf of the Folger Block Condominium Trust. This is a prominent individually significant historic structure on Main Street. It is unique due to the architecture and exterior composition of the building. It has a specific place in time that no other structure has. The Trust asked for funding to hire an expert in historic preservation to provide a comprehensive survey of the exterior to determine what measures need to be taken to restore and preserve this building as an historic resource.	\$11,000
The Hospital Thrift Shop This is the continuing effort to restore and preserve this historically significant pre-1800 building in stages. The CPC has funded primarily exterior work over the past eight years. The structure is heavily accessed by the public during the months the Thrift Shop is open. Public access started about 100 years ago as a shop for donated items. Ongoing restoration efforts take place during the winter months. This request involves restoring floors, painting and other woodwork renovation.	\$21,000
Nantucket Cemetery Commission Restoration, preservation and conservation of about 159 headstones in the New North and Newtown Cemeteries with minimal impact to their historic appearance. There has been severe impact over time due to atmospheric staining with water and biological damage. The stones will be treated,	\$150,000

cleaned, re-set and restored using the Secretary of the Interior standards for grave markers.	
Sub-total	\$2,989,807.31
All the funds to be used in this category are from the Community Preservation surcharge, interest, and the State matching funds.	
<u>Community Housing</u>	
Nantucket Interfaith Council Nantucket rental assistance program, housing and rental assistance to low and moderate-income Nantucket year-round working families. Request is recommended after discussion at the hearing. Shelter is considered an essential need to maintain quality of life. The CPC has worked cooperatively with the Council since 2005. The program has been very successful and assisted many people remaining in need of safe, legal housing.	\$360,000
Sub-total	\$360,000
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<u>Open Space Conservation/Recreation</u>	
Nantucket Racquet Sports Association The Association has been adding to the sports complex off of Nobadeer Farm/Hinsdale Roads over the years with approval of the Nantucket Land Bank as the complex is on its property. The CPC has funded this effort since FY 2021 to add more courts. This request is for an additional three tennis courts. There is a need for more recreational outlets for the Community. The complex has four paddle tennis courts, four pickleball courts, a warming hut/bathrooms, and 27 parking spaces. Interest exceeds capacity. Use is available at reasonable costs to all members of the community. The CPC continues to support the Association's efforts. A recreational facility that welcomes all members of the community regardless of socioeconomic status is important for physical and mental health of all Nantucketers.	\$356,507.69
Linda Loring Foundation The Foundation continues to improve public access and preserve and restore native habitats on their 275-acre property off of Eel Point Road. These efforts protect the island's biologically diverse ecosystems. Through	\$93,685

educational programs, the community can learn about restoration considering climate change in particular. The CPC has been supporting these efforts since 2006.	
Sub-total	\$450,192.69
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<u>Administrative</u>	
Community Preservation Committee Administrative and operating expenses	\$200,000
Sub-total	\$200,000
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<u>TOTAL</u>	<u>\$4,000,000</u>
All amounts to be appropriated from the following sources:	
SOURCES	AMOUNT
Raised and appropriated from FY 2024 Community Preservation Surcharge	\$3,056,608
From State matching funds for FY 2025, to be received in 2024	\$850,000
From Interest	\$93,392
<u>Total Revenues</u>	<u>\$4,000,000</u>
For fiscal year 2025 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee. Provided however, that the above expenditures may be conditional on the recording of appropriate historic preservation restrictions for historic resources, open space restrictions for open space resources, recreational restrictions for recreational resources and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures; meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.	

ARTICLE 35

(Community Preservation Committee: Fiscal Year 2025 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; or, take any other actions relative thereto.

(Select Board for Community Preservation Committee)

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

ARTICLE 36

(Appropriation: African Meeting House Investigation)

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 be spent for the purpose of funding to undertake an investigation into, but not limited to, the hate crime at the Historic African Meeting House committed in 2018. Moreover, to review the investigation conducted by Town Administration the Select Board, Nantucket Police Department, Cape and Islands DA and the Attorney Generals Office. This would be conducted by a professional team of independent investigators, given all the rights and privileges to communications, documents and be allowed interviews of Town and State Officials. The results would be released as a public document and the investigation would have the oversight of the articles sponsors.

(Gail Holdgate, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 37

(Adopt Massachusetts General Law Chapter 175M: Family and Medical Leave)

To see if the Town will vote to:

Move that pursuant to M.G.L.c 4 §4 and M.G.L.c 175m §10, the Town adopt the following Massachusetts General Laws pertaining to Paid Family And Medical Leave (PFML): M.G.L.c 175M for employees of the Town; and further, that Annual Town Meeting authorizes up to \$500,000 of Fiscal Year 2025 (FY25) budget adjustment(s) and transfer(s) for the purpose of funding FY25 PFML Town contributions and related expenses; the funds shall be allocated from the Town of Nantucket General Fund or another fund as recommended by the Town of Nantucket Finance Committee such as certified free cash; or to take any other action relative thereto.

(Leah Hill, et al)

FINANCE COMMITTEE MOTION: Moved that the Article be forwarded to Town Administration for further study.

ARTICLE 38

(Zoning Bylaw Amendment: Height Limitation - Affordable Housing)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Subsection 17A 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):*

Building and structure height is measured as the average height of all sides of a building or structure from the average mean grade to the highest point of the building and/or structure. There shall be only one highest point for each building and/or structure. No one building and/or structure side shall exceed 32 feet, except in the CDT and CMI Districts, or as otherwise permitted. Height limitations, except as noted in the Village Height Overlay District and the Nantucket Cottage Hospital Overlay District, shall be as follows:

	Zoning District	Maximum Height
Country Overlay District	SR-1, SOH, SR-10, SR-20, LUG-1, LUG-2, LUG-3, MMD, VN, VTEC, VR	30
Town Overlay District	R-1, ROH, R-5, R-10, R-20, R-40, CDT, CN, CTEC, CI, CMI, RC, RC-2	30 ^{1&2}
~~Town Overlay District~~	~~CMI~~	~~30¹²~~

NOTES:

¹ With a special permit allowance to 38 feet and a by right allowance to 40 feet when a minimum of 25% of dwelling units within the structure are eligible for the Subsidized Housing Inventory “SHI” List in the CMI district.

² With a special permit allowance to 40 feet when a minimum of 25% of dwelling units within the structure are eligible for the Subsidized Housing Inventory “SHI” List in the CN district.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Subsection 17A 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):*

Building and structure height is measured as the average height of all sides of a building or structure from the average mean grade to the highest point of the building and/or structure. There shall be only one highest point for each building and/or structure. No one building and/or structure side shall exceed 32 feet, except in the CDT and CMI Districts, or as otherwise permitted. Height limitations, except as noted in the Village Height Overlay District and the Nantucket Cottage Hospital Overlay District, shall be as follows:

	Zoning District	Maximum Height
Country Overlay District	SR-1, SOH, SR-10, SR-20, LUG-1, LUG-2, LUG-3, MMD, VN, VTEC, VR	30
Town Overlay District	R-1, ROH, R-5, R-10, R-20, R-40, CDT, CN, CTEC, CI, CMI, RC, RC-2	30 ^{1&2}
~~Town Overlay District~~	~~CMI~~	~~30¹²~~

NOTES:

¹ With a special permit allowance to 38 feet and a by right allowance to 40 feet when a minimum of 25% of dwelling units within the structure are eligible for the Subsidized Housing Inventory “SHI” List in the CMI district.

² With a special permit allowance to 40 feet when a minimum of 25% of dwelling units within the structure are eligible for the Subsidized Housing Inventory “SHI” List in the CN district.

The Planning Board determined that the quantum of vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the Housing Choice Law, because it will meet the criteria in MGL Chapter 40A, Section 5 resulting in a modification of regulations concerning the bulk and height of structures.

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

ARTICLE 39

(Zoning Bylaw Amendment: Definitions - Apartment)

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

A dwelling unit located within a commercial structure or detached structures on the same lot with a commercial use. Only an apartment(s) that is located within a commercial structure 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 set forth in the schedule below; and (2) the applicant shall demonstrate through submission of a dimensioned 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).

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, Subsection 2A ("Definitions") 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)*:

APARTMENT

A dwelling unit located within a commercial structure or detached structures on the same lot with a commercial use. An apartment(s) that is located within a commercial structure 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 set forth in the schedule below; and (2) the applicant shall demonstrate through submission of a dimensioned 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).

Or to take any other action related thereto.

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

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

ARTICLE 40

(Zoning Bylaw Amendment: Definitions - Tertiary Dwelling)

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

- (2) A third dwelling unit located on a lot, including the following options:
 - (a) A garage apartment not exceeding 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 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 900 square feet and the dwelling unit shall not contain more than 900 square feet of gross floor area.
 - (c) A detached building containing not more than 650 **900** square feet of ground cover and not more than 900 square feet of gross floor area.

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, Subsection 2A ("Definitions") 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*):

- (2) A third dwelling unit located on a lot, including the following options:
 - (a) A garage apartment not exceeding 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 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 900 square feet and the dwelling unit shall not contain more than 900 square feet of gross floor area.

- (c) A detached building containing not more than 650 900 square feet of ground cover and not more than 900 square feet of gross floor area.

Or to take any other action related thereto.

The Planning Board determined that the quantum of vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the Housing Choice Law, because it will meet the criteria in MGL Chapter 40A, Section 5 resulting in a modification of regulations concerning the bulk and height of structures and building coverage requirements and the by-right allowance of an accessory dwelling unit within the same structure.

PLANNING BOARD COMMENT: This article removes the requirement of a special permit when three dwelling units are located within a single structure and it would make the ground cover allowance consistent with the gross floor area allowance.

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

ARTICLE 41

(Zoning Bylaw Amendment: Side and Rear Setbacks in R-1 and RC-2)

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 2 (Definitions-Yard, Front) as follows:

The yard extending from the street line of a lot inwardly the required front-yard setback distance. For lots abutting two or more streets or ways, whether constructed or not, the required front yard setback shall be maintained from one street or way, and the required side yard setback shall be maintained from each other lot line, ~~except in the R-1 and RC-2 Districts, where a minimum ten-foot side yard setback shall be maintained from any other street or way, whether constructed or not.~~ For lots abutting one street or way, whether constructed or not, on more than one side or portion thereof, the Planning Board may grant a waiver by special permit to allow the required side yard or rear yard setback to be maintained from such portion of the lot as the Planning Board determines to be consistent with the purpose of this definition.

2. Amend section 16C(3) (Intensity regulations-additional requirements and exceptions for yards)

For lots abutting two or more streets or ways, whether constructed or not, the required front yard setback shall be maintained from one street or way, and the required side yard setback shall be maintained from each other lot line, ~~except in the R-1 and RC-2 Districts, where a minimum ten-foot side yard setback shall be maintained from any other street or way, whether constructed or not.~~

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 2 (Definitions-Yard, Front) as follows:

The yard extending from the street line of a lot inwardly the required front-yard setback distance. For lots abutting two or more streets or ways, whether constructed or not, the required front yard setback shall be maintained from one street or way, and the required side yard setback shall be maintained from each other lot line, ~~except in the R-1 and RC-2 Districts, where a minimum ten-foot side yard setback shall be maintained from any other street or way, whether constructed or not.~~ For lots abutting one street or way, whether constructed or not, on more than one side or portion thereof, the Planning Board may grant a waiver by special permit to allow the required side yard or rear yard setback to be maintained from such portion of the lot as the Planning Board determines to be consistent with the purpose of this definition.

2. Amend section 16C(3) (Intensity regulations-additional requirements and exceptions for yards)

For lots abutting two or more streets or ways, whether constructed or not, the required front yard setback shall be maintained from one street or way, and the required side yard setback shall be maintained from each other lot line, ~~except in the R-1 and RC-2 Districts, where a minimum ten-foot side yard setback shall be maintained from any other street or way, whether constructed or not.~~

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

PLANNING BOARD COMMENT: This article eliminates language that treats these zoning districts differently than all other zoning districts as it pertains to front and side yard setbacks.

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

ARTICLE 42

(Zoning Bylaw Amendment: Residential Development Options - Flex Development, Protected Open Space)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, subsection 8A(1)(b)[1] 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] A restriction defining the protection of the open space shall be enforceable by the Town of County of Nantucket and recorded at the Nantucket County Registry of Deeds or of the Land Court. In addition open space shall be:

[a] Owned by the Town or County of Nantucket; or

[b] Owned by the Nantucket Islands Land Bank; or

[c] Conveyed to an established nonprofit organization, a principal purpose of which is the conservation of open land; or

[d] Subject to a permanent conservation restriction, as provided in MGL c. 184, §§ 31 through 33, and owned in common by a corporation or trust composed of the owners of lots within the development. A letter of intent to hold the conservation restriction from the prospective holder shall be required before a final plan is endorsed.

[e] The Planning Board may waive this requirement for development containing at least 25% Affordable Housing, as defined in § 2A (Definitions) of this chapter.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, subsection 8A(1)(b)[1] 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] A restriction defining the protection of the open space shall be enforceable by the Town of County of Nantucket and recorded at the Nantucket County Registry of Deeds or of the Land Court. In addition open space shall be:

[a] Owned by the Town or County of Nantucket; or

[b] Owned by the Nantucket Islands Land Bank; or

[c] Conveyed to an established nonprofit organization, a principal purpose of which is the conservation of open land; or

[d] Subject to a permanent conservation restriction, as provided in MGL c. 184, §§ 31 through 33, and owned in common by a corporation or trust composed of the owners of lots within the development. A letter of intent to hold the conservation restriction from the prospective holder shall be required before a final plan is endorsed.

The Planning Board may waive this requirement for development containing at least 25% Affordable Housing, as defined in § 2A (Definitions) of this chapter.

Or to take any other action related thereto.

PLANNING BOARD COMMENT: This article, as proposed, does not reduce the amount of open space required for flex development. The proposed waiver applies only to the ownership of the open space, not the amount that is required to be provided.

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: Rear Lot Subdivision)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, subsection 8(F)(3)(d) 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*):

The number of building lots shall not exceed the number which may have otherwise been created on a conventional subdivision plan meeting all dimensional and upland requirements of the Zoning Bylaw and the requirements contained within the "Rules and Regulations Governing the Subdivision of Land," as may be amended from time to time, as demonstrated by the submission of a dimensioned lotting plan, or as shown on an Approval Not Required plan that is eligible to be endorsed by the Planning Board, or as shown on an Approval Required plan approved and endorsed by the Planning Board provided that the appeal period has lapsed without appeal.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, subsection 8(F)(3)(d) 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).

The number of building lots shall not exceed the number which may have otherwise been created on a conventional subdivision plan meeting all dimensional and upland requirements of the Zoning Bylaw and the requirements contained within the "Rules and Regulations Governing the Subdivision of Land," as may be amended from time to time, as demonstrated by the submission of a dimensioned lotting plan, or as shown on an Approval Not Required plan **that is eligible to be** endorsed by the Planning Board, or as shown on an Approval Required plan approved and endorsed by the Planning Board provided that the appeal period has lapsed without appeal.

Or to take any other action related thereto.

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

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

ARTICLE 44

(Zoning Bylaw Amendment: Moorlands Management District MMD, Permit Granting Authority)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, subsection 13C 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).*

Uses allowed by special permit with site plan review. The **Planning Board** **Zoning Board of Appeals** is hereby designated the sole special permit granting authority for all uses, structures and extension or alteration of uses or structures within the Moorlands Management District, including, but not limited to the following, **except as stated in 13C(2) below, where the Planning Board shall be the special permit granting authority for subdivision:**

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, subsection 13C 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}.

Uses allowed by special permit with site plan review. The Planning Board Zoning Board of Appeals is hereby designated the sole special permit granting authority for all uses, structures and extension or alteration of uses or structures within the Moorlands Management District, including, but not limited to the following, except as stated in 13C(2) below, where the Planning Board shall be the special permit granting authority for subdivision:

Or to take any other action related thereto.

PLANNING BOARD COMMENT: The type of special permit relief typically requested in the MMD zoning district is more consistent with applications reviewed by the Zoning Board of Appeals.

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 Bylaw Amendment: Moorlands Management District Pool Prohibition)

To see if the Town will vote to amend Chapter 139 of the Code of the Town of Nantucket (Zoning Bylaw) by making the following changes [note: language to be deleted is shown by strikeout and language to be added is shown as highlighted; this method to denote changes is not meant to become part of the final text]:

Amend Section 139 Attachment 2, Town of Nantucket Use Chart (See Section 139-7A) as follows on attached Use Chart.*

And

Amend Section 139-13 (C) as follows:

C. Uses allowed by special permit with site plan review. The Planning Board is hereby designated the sole special permit granting authority for all uses, structures and extension or alteration of uses or structures within the Moorlands Management District, including, but not limited to the following: [Amended 5-5-1992 ATM by Art. 40, AG approval 8-3-1992; 4-14-1997 ATM by Art. 49, AG approval 8-5-1997; 4-10-2002 ATM by Art. 36, AG approval 7-31-2002; 4-1-2017 ATM by Art. 73, AG approval 5-31-2017]

(1) One single-family dwelling unit exceeding 800 square feet of ground coverage, including structures and uses normally considered accessory thereto, may be allowed, provided that each special permit granted shall include conditions requiring the siting of structures and uses in a manner which

minimizes potentially adverse effects on the moorlands environment and its scenic integrity.

(2) Subdivision of properties located within the Moorlands Management District shall require a special permit.

(a) The issuance of a special permit for subdivision in the Moorlands Management District shall include conditions as to the layout of lots, the design and location of public improvements, and the establishment of permitted building envelopes, so as to minimize potentially adverse effects on the moorlands environment and its scenic integrity.

(b) The Planning Board shall have the authority to require clustering of lots as a condition for the issuance of the special permit in order to accomplish the above-stated objectives.

(3) Swimming Pools (Residential and Commercial) and outdoor Hot Tub/Spas are prohibited from the Moorlands Management District.

(Emily Molden, et al)

* Referenced Section 139 Attachment 2, Town of Nantucket Use Chart can be found on page 87-88).

PLANNING BOARD MOTION: Moved to amend Chapter 139 of the Code of the Town of Nantucket (Zoning Bylaw) 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 7A ("Use Chart") as follows:

Residential Outdoor Water Feature - Small Swimming Pool, in the MMD column, replace "SP" with "N"

Residential Outdoor Water Feature - Large Swimming Pool, in the MMD column, replace "SP" with "N"

Residential Outdoor Water Feature - Hot tub/spa , in the MMD column, replace "SP" with "N"

PLANNING BOARD COMMENT: The Planning Board supports the intent of the proposal, however, language included in the original article is inconsistent with Bylaw amendments approved at the 2023 Annual Town Meeting. The language shown in the Planning Board motion achieves the intent of the proposal and inserts the proposed changes where they properly belong.

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 to CMI or CTEC- 43 Nobadeer Farm Road)

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

MAP	LOT	NUMBER	STREET
69	17	43	Nobadeer Farm Road

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

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: This parcel is intended to be included in a map change at a future Town Meeting, along with other zoning changes in this area.

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

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

ARTICLE 47

(Zoning Map Change: R-5 to RC-2 or CTEC - Pine Crest Drive (portions of))

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 5 (R-5) into the Residential Commercial 2 (RC-2) or Commercial Trade Entrepreneurship and Craft (CTEC) district:

MAP	LOT	NUMBER	STREET
68	418 (portion of)	11	Pine Crest Drive
68	993 (portion of)	13	Pine Crest Drive

Lot 1159 on LCP 16514-160 and Lot 1166 on LCP 16514-161 currently located in the Residential 5 (R-5) district into the Residential Commercial- (RC-2) district.

Lots 1152, 1153, 1154, 1155, 1156 on LCP 16514-160 and Lots 1161, 1162, 1163, 1164, 1165 on LCP 16514-161 currently located in the Residential 5 (R-5) district into the Commercial Trade Entrepreneurship and Craft (CTEC) district.

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

Or to take any other action related thereto.

(Select Board for Planning Board)

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

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

MAP	LOT	NUMBER	STREET
68	418 (portion of)	11	Pine Crest Drive
Shown as Lot 1166 on Land Court Plan 16514-161			
68	993 (portion of)	13	Pine Crest Drive
Shown as Lot 1159 on Land Court Plan 16514-160			

- ii. By placing the following properties currently located in the Residential 5 (R-5) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

Lots 1152, 1153, and 1154 on Land Court Plan 16514-160
Lots 1163, 1164, and 1165 on Land Court Plan 16514-161

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

PLANNING BOARD COMMENT: The Pine Crest Drive property owners have been cooperatively working on a plan to reconfigure their subdivision in an equitable way for all owners to regularize the shape of their property. A portion of two parcels at 11 and 13 Pine Crest Drive were re-zoned prematurely during this process, which resulted in unintended impacts to those property owners that no other property owners suffered. This rezoning will restore their prior property rights and allow the process to move forward. All the properties within the subdivision that remain in RC-2 will be rezoned to R-5 at a future Town Meeting following the acceptance of a revised roadway layout plan by the Town or County.

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: R-10 to R-10L - Nobadeer Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential 10 (R-10) in the Residential 10 Limited (R-10L) 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 filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential 10 (R-10) in the Residential 10 Limited (R-10L) 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 filed at the Office of the Town Clerk.

PLANNING BOARD COMMENT: There was a typographical error in the printed motion at the 2022 Annual Town Meeting. This article corrects that error and accomplishes the original intent, which was supported by all property owners at that time.

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 and Zoning Bylaw Change: LUG-3 to CI and Town and County Overlay District Change - Nantucket Airport (portion of))

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

1. Amend the Zoning Map of the Town of Nantucket by placing a portion of the following property currently located in the Limited Use General-3 (LUG-3) district in Commercial Industrial (CI) district:

MAP	LOT	NUMBER	STREET
79	12 (portion of)	-	Nantucket Airport

2. Amend the map entitled "Town and Country Designations" by placing a portion of the following property currently located in the Country Overlay District (COD) in the Town Overlay District (TOD):

MAP	LOT	NUMBER	STREET
79	12 (portion of)	-	Nantucket Airport

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

Or to take any other action related thereto.

(Select Board for Planning Board)

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

1. Placing a portion of the following property currently located in the Limited Use General-3 (LUG-3) district in Commercial Industrial (CI) district:

MAP	LOT	NUMBER	STREET
79	12 (portion of)	-	Nantucket Airport

2. Placing a portion of the following property currently located in the Country Overlay District (COD) in the Town Overlay District (TOD):

MAP	LOT	NUMBER	STREET
79	12 (portion of)	-	Nantucket Airport

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

The Planning Board determined that the quantum of vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the Housing Choice Law, because it will meet the criteria in MGL Chapter 40A, Section 5 resulting in a modification concerning the yard sizes, lot area, setbacks, and building coverage requirements.

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

ARTICLE 50

(Zoning Map Change: Open Space Parcels - Various)

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-20 (R-20) Residential district in Limited Use General-3 (LUG-3):

Map	Lot	Number	Street
21	27.1	31	Quidnet Road
56	67	101	Hummock Pond Road
56	67.1	5	Millbrook Road
56	307	103	Hummock Pond Road
88	13	68	Nobadeer Avenue

2. By placing Assessor Map 65 Lot 21, 201 Hummock Pond Road currently located in the Village Residential (VR) district in the Limited Use General-3 (LUG-3).
3. By placing Assessor Map 48 Lot 7, 119 Baxter Road currently in the Siasconset Residential-20 (SR-20) district in Limited Use General-3 (LUG-3).
4. By placing Assessor Map 56 Lot 57, 109 Hummock Pond Road and Assessor Map 56 Lot 56, 107 Hummock Pond Road currently located in the Residential-40 (R-40) district in Limited Use General-3 (LUG-3).
5. By placing the following properties currently located in the Limited Use General-1 (LUG-1) district in the Limited Use General-3 (LUG-3) district:

Map	Lot	Number	Street
55	60	19	East Creek Road
55	64	174	Orange Street
55	65	2	Milestone Road

6. By placing the following properties currently located in the Limited Use General-2 (LUG-2) district in the Limited Use General-3 (LUG-3) district:

Map	Lot	Number	Street
13	21	47R	Squam Road
33	20	189	Eel Point Road
56	324.2	13	Millbrook Road
57	24	76	Millbrook Road
63	17.1	41	Sheep Pond Road
63	35	29	Sheep Pond Road

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

Or to take any other action related thereto.

(Select Board for Planning Board)

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

1. By placing the following properties currently located in the Residential-20 (R-20) Residential district in Limited Use General-3 (LUG-3):

Map	Lot	Number	Street
21	27.1	31	Quidnet Road
56	67	101	Hummock Pond Road
56	67.1	5	Millbrook Road
56	307	103	Hummock Pond Road
88	13	68	Nobadeer Avenue

2. By placing Assessor Map 65 Lot 21, 201 Hummock Pond Road currently located in the Village Residential (VR) district in the Limited Use General-3 (LUG-3).
3. By placing Assessor Map 48 Lot 7, 119 Baxter Road currently in the Siasconset Residential-20 (SR-20) district in Limited Use General-3 (LUG-3).
4. By placing Assessor Map 56 Lot 57, 109 Hummock Pond Road and Assessor Map 56 Lot 56, 107 Hummock Pond Road currently located in the Residential-40 (R-40) district in Limited Use General-3 (LUG-3).
5. By placing the following properties currently located in the Limited Use General-1 (LUG-1) district in the Limited Use General-3 (LUG-3) district:

Map	Lot	Number	Street
55	60	19	East Creek Road
55	64	174	Orange Street

55	65	2	Milestone Road
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6. By placing the following properties currently located in the Limited Use General-2 (LUG-2) district in the Limited Use General-3 (LUG-3) district:

Map	Lot	Number	Street
13	21	47R	Squam Road
33	20	189	Eel Point Road
56	324.2	13	Millbrook Road
57	24	76	Millbrook Road
63	17.1	41	Sheep Pond Road
63	35	29	Sheep Pond Road

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

Or to take any other action related thereto.

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 Map Change: LUG-2 to R-40 - 71 Hummock Pond Road)

To see if the Town will vote to:

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

71 Hummock Pond Road (Tax map: 56, Parcel 320.1)

; or otherwise act thereon.

(David J. Buckley, et al)

PLANNING BOARD MOTION: Moved to amend the Zoning Map of the Town of Nantucket by, by placing a portion of the following property currently located in the Limited Use General-2 district (LUG-2) in the Residential-40 district (R-40):

MAP	LOT	NUMBER	STREET
56	320.1 (a portion of)	71	Hummock Pond Road

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

PLANNING BOARD COMMENT: The change to R-40 will only apply to the approximately 40,432± square foot buildable area as shown in "Exhibit A" of the

conservation restriction, on file with the Nantucket Registry of Deeds in Book 505, Page 42. Approximately 4.77± acres which is subject to a conservation restriction will remain in the LUG-2 district.

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

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

ARTICLE 52

(Town and Country Overlay District Change: 71 Hummock Pond Road)

To see if the Town will vote to amend the map entitled “Town and Country Designations” and referenced in Chapter 139 of the Code of the Town of Nantucket, section 5E, by placing the following property currently located in the Country Overlay District (COD) in the Town Overlay District (TOD):

MAP	LOT	NUMBER	STREET
56	320.1	71	Hummock Pond Road

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

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved to amend the map entitled “Town and Country Designations” and referenced in Chapter 139 of the Code of the Town of Nantucket, section 5E, by placing a portion of the following property currently located in the Country Overlay District (COD) in the Town Overlay District (TOD):

MAP	LOT	NUMBER	STREET
56	320.1 (a portion of)	71	Hummock Pond Road

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

PLANNING BOARD COMMENT: The change to TOD will only apply to the approximately 40,432± square foot buildable area as shown in “Exhibit A” of the conservation restriction, on file with the Nantucket Registry of Deeds in Book 505, Page 42. Approximately 4.77± acres which is subject to a conservation restriction will remain in the COD.

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 Map Change: LUG-2 to R-20 - 25 Rugged Road)

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

Map	Lot	Number	Street
67	166	25	Rugged Road

- (1) Amend the Zoning Map of the Town of Nantucket by placing a portion of the foregoing property, not to exceed 30,000 SF, currently located in the Limited Use General - 2 (LUG-2) district, to the Residential-20 (R-20) zoning district:

All as shown on the attached map.

Or to take any other action related thereto.

(Irean Schreiber, et al)

PLANNING BOARD MOTION: Moved to amend the Zoning Map of the Town of Nantucket by, by placing a portion of the following property currently located in the Limited Use General-2 district (LUG-2) in the Residential-20 district (R-20):

MAP	LOT	NUMBER	STREET
67	166 (portion of)	25	Rugged Road
As shown on a plan entitled "Being a Subdivision of Lot 1-A Shown on Plan No. 2013-42 Plan of Land in Nantucket, Mass.", prepared for Herbert & Irean Schrieber by Island Surveyors, LLC on January 22, 2024 on file with Planning and Land Use Services			

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

PLANNING BOARD COMMENT: The placement of a portion of this property in the R-20 district is consistent with the density on the opposite side of Rugged Road and is less dense than the Beach Plum Village 40B development, directly abutting the site. If a portion of this property is re-zoned to R-20, it will also need to be placed in the Town Overlay District at a future Town Meeting.

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

The Planning Board determined that the quantum of vote for passage for a positive motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the Housing Choice Law, because it will meet the criteria in MGL Chapter 40A, Section 5 resulting in a modification concerning the yard sizes, lot area, setbacks, and building coverage requirements to allow for additional housing units than what would otherwise be permitted.

ARTICLE 54

(Zoning Map Change: R-40 to CN - 1 Evergreen Way and 21 Airport Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently in the Residential-40 (R-40) district in the Commercial Neighborhood (CN) district:

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

All as shown on a map entitled “2024 Annual Town Meeting Warrant Article R-40 to CN” dated October 2023 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Mary E. Huber, et al)

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

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

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

PLANNING BOARD COMMENT: The article sponsor and property owners have voluntarily agreed to the following restrictions:

- Contractor shop
- Alcohol sales
- Supermarket
- Restaurant (small and large)
- Take-out/Drive-thru
- Tavern/Bar
- Formula businesses
- Print shop
- Laundromat/drycleaning
- Bank
- Arcade
- Funeral home
- Transient residential facilities
- Lumber yard
- Food processing
- Taxi
- Maritime service station
- Petroleum storage/distribution
- Motor vehicle sales/repair/service etc. (shall apply to 1 Evergreen Way ONLY, not 21 Airport Road)
- Pharmacy, Medical clinic, and Hospital (with the clarification that these restrictions shall not extend to animal/veterinary services)

Public access will be maintained from Airport Road and not from Evergreen Way.

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

The Planning Board determined that the quantum of vote for passage for a positive motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the Housing Choice Law, because it will meet the criteria in MGL Chapter 40A, Section 5 resulting in a modification concerning the yard sizes, lot area, setbacks, and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted. Additionally, it allows for multifamily housing and mixed-use development in an eligible location.

ARTICLE 55

(Zoning Map Change: R-10 to CN - 3 Cobble Court)

To see if the Town will vote to take the following action in regard to the property listed herewith:

Map	Parcel	Number	Street
55	260	3	Cobble Court

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

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

Further, the Owners agree to restrict the property from many of the commercial uses in the CN district, including the following uses:

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

- Petroleum product storage or distribution facility
- Kennel

(Susan C. Ottison, et al)

PLANNING BOARD MOTION: Moved to amend the Zoning Map of the Town of Nantucket by placing the following property currently located in the Residential 10 (R-10) district in the Commercial Neighborhood (CN) zoning district.

MAP	LOT	NUMBER	STREET
55	260	3	Cobble Court

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

PLANNING BOARD COMMENT: The Planning Board is supportive of the sponsors voluntary use restrictions on the property, which are proposed in an effort to address a neighbor's concerns.

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

The Planning Board determined that the quantum of vote for passage for a positive motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the Housing Choice Law, because it will meet the criteria in MGL Chapter 40A, Section 5 resulting in a modification concerning the yard sizes, lot area, setbacks, and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted. Additionally, it allows for multifamily housing and mixed-use development in an eligible location.

ARTICLE 56

(Zoning Map Change: R-5 to CN - 75B Old South Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following lot, now in both Residential-5 (R-5) and Commercial Neighborhood (CN) zoning districts, to solely the Commercial Neighborhood (CN) zoning district.

Map	Parcel	Lot	Number	Street
68	999.1	795 (a portion of)	75B	Old South Road

; or otherwise act thereon.

(Anne Kuszpa, et al)

PLANNING BOARD MOTION: Moved to amend the Zoning Map of the Town of Nantucket by placing the following lot, now in both Residential-5 (R-5) and Commercial Neighborhood (CN) zoning districts, to solely the Commercial Neighborhood (CN) zoning district.

Map	Parcel	Lot	Number	Street
68	999.1	795 (a portion of)	75B	Old South Road

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

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

The Planning Board determined that the quantum of vote for passage for a positive motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the Housing Choice Law, because it will meet the criteria in MGL Chapter 40A, Section 5 resulting in a modification concerning the yard sizes, lot area, setbacks, and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted. Additionally, it allows for multifamily housing and mixed-use development in an eligible location.

ARTICLE 57

(Zoning Bylaw Amendment: Definitions and Word Usage/Ground Cover/Greenhouse)

To see if the Town will vote to: Add the terms “Greenhouse or Greenhouse Shed” as options in addition to “shed” for the (200 square feet) of the allowable ground coverage currently applicable to “shed” only.

Current Article as Printed

139-2A {52} GROUND COVER Ch. 139: Zoning/ Ch 139 Art1: Purpose;

Definitions/ 139-2: Definitions and word usage.

The horizontal area of a lot covered at a grade by structures, together with those... detached shed not exceeding 200 square feet in ground cover and 16 feet in height, as measured from the top...

Proposed addition to current Article as Printed to include the following in highlight:

139-2A {52} GROUND COVER Ch. 139: Zoning/ Ch 139 Art1: Purpose;

Definitions/ 139-2: Definitions and word usage.

The horizontal area of a lot covered at a grade by structures, together with those... detached shed, greenhouse or greenhouse shed not exceeding 200 square feet in ground cover and 16 feet in height, as measured from the top...

; or otherwise act thereon.

(Beth Jekanowski, et al)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, Subsection 2A (“Definitions-Ground Cover”) as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikethrough; these methods to denote changes are not meant to become part of the final text and,*

further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket).

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

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

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

ARTICLE 58

(Zoning Bylaw Amendment: New Section 139.9 - Middle Income Inclusionary Housing)

To see if the Town will vote to amend the Zoning Bylaw by CREATING NEW SECTION 139-9: Middle Income Inclusionary Housing as follows:

139-9 MIDDLE INCOME INCLUSIONARY HOUSING

A. Purpose and Intent

This Bylaw is written to promote the public health, safety and welfare of the residents of Nantucket. The purpose of this Bylaw is to outline and implement a coherent set of policies and objectives for the development of so called “middle income” housing that supports a diverse population in compliance with the Nantucket Master Plan, Housing Production Plan and ongoing housing programs and housing development efforts within the Town of Nantucket.

B. Definitions

1. Middle income housing unit. A dwelling unit for which occupancy is restricted to an eligible household and whose rent or initial sale price is available at a cost of no more than 30% of gross household income of households at or below 240% of the Nantucket County area median income as reported by the U.S. Department of Housing

and Urban Development or the Massachusetts Executive Office of Housing and Livable Communities (EOHLC), whichever is the most current.

2. Eligible household. An individual or family with household incomes that do not exceed 240% of the median income, with adjustments for household size, as reported by the United States Department of Housing and Urban Development (HUD) or the Massachusetts Executive Office of Housing and Livable Communities (EOHLC), whichever is the most current.

C. Applicability

1. Division of Land. Notwithstanding any regulation or bylaw to the contrary, this Bylaw shall apply to and require a special permit pursuant to §139-30 for the division or subdivision of land into five (5) or more lots whether on one or more contiguous lots or parcels held in common ownership as of the effective date of this Bylaw. Unless a special permit is otherwise required, the Planning Board's special permit powers pursuant to Section 139-9 (C) shall be limited to enforcing the middle income housing inclusionary requirements of Section 139-9, et seq. of the Zoning Bylaw.

2. Multiple Units. In addition to the applicability of Section 139-9 (C)(1) and notwithstanding the second sentence of the term "Lot" in §139-2, this Bylaw shall apply to and require a special permit pursuant to §139-30 for the construction of five (5) or more dwelling units whether on one or more contiguous lots or parcels held in common ownership as of the effective date of this Bylaw. A Tertiary Dwelling as defined in §139-2 shall not be included in the determination of applicability of §139-9(C)(2).

3. Non Residential, Commercial Development. In addition to the applicability of Section 139-9 (C)(1) and (2) above and the inclusionary housing provisions set forth in Section 139-11(H), with the exception of activities defined as a home occupation, this Bylaw shall apply to and require a special permit pursuant to §139-30 for new non-residential, commercial development and expansion of existing non-residential, commercial uses or structures greater than five thousand (5,000) square feet.

D. Mandatory Provision of Attainable Units

1. The Planning Board shall, as a condition of approval of a development regulated by Sections 139-9 (C)(1), (C)(2) or (C)(3) above, require that the applicant for special permit approval comply with the obligation to provide middle income dwelling units pursuant to this Bylaw and more fully described in Section 139-9 (E) below.

E. Provision of Attainable Units

1. The Planning Board shall require that development regulated by Sections 139-9 (C)(1), (C)(2) or (C)(3) comply with the following minimum requirements, in addition to those imposed pursuant to the Planning Board's authority found in Section 139-30:

(a) At least twenty (20%) percent of the lots created in a division of land shall be designated and restricted to construction as middle income housing units in any one or combination of methods provided for below:

- (1) constructed or rehabilitated on the locus subject to the special permit; or
- (2) constructed or rehabilitated on a locus different than the one subject to the special permit (see Section 139-9(I), below).

(b) At least twenty (20%) percent of the dwelling units within a multiple unit development on one or more contiguous parcels held in common ownership as of the effective date of this Bylaw shall be designated and restricted to construction as middle income housing units in any one or combination of methods provided for below:

- (1) constructed or rehabilitated on the locus subject to the special permit; or
- (2) constructed or rehabilitated on a locus different than the one subject to the special permit (see Section 139-9(I), below).

(c) At least one dwelling unit per 5,000 square feet of non-residential gross floor area approved pursuant to §139-11 shall be:

- (1) constructed or rehabilitated on the locus subject to the special permit; or
- (2) constructed or rehabilitated on a locus different than the one subject to the special permit (see Section 139-9(I), below).

The applicant may offer, and the Planning Board may accept, any combination of the options contained in Section 139-9 (E)(a-c)(1)-(2) above, provided that in no event shall the total number of middle income dwelling units provided be less than the equivalent number of middle income dwelling units required by this Bylaw. Fractions of a unit shall be rounded up to the next whole number. Examples: (1) a proposed land division of seven lots requires the contribution of two (2) middle income housing units; (2) a proposed development of eleven dwelling units on two or more contiguous lots held in common ownership as of the effective date of this Bylaw requires the contribution of three (3) middle income housing units and (3) a proposed Major Commercial Development of 15,000 gross floor area requires the contribution of three (3) middle income housing units.

F. Provisions Applicable to Middle Income Housing Units On- and Off-Site

1. Siting of middle income housing units. All middle income housing units constructed or rehabilitated under this Bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

2. Minimum design and construction standards for middle income housing units. Middle income housing units within market rate developments shall be integrated with

the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units.

3. Timing of construction or provision of middle income housing units or lots. Where feasible, middle income housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of middle income units be delayed beyond constructing the required number of middle income housing units at a ratio of one middle income housing unit per every four market rate housing units.

Fractions of units shall be rounded up to the next whole number.

G. Local Preference

The Planning Board shall require the applicant to comply with local preference requirements, if any, as established by the Select Board or if none, as established by the Nantucket Housing Authority and/or the Nantucket Affordable Housing Trust, provided that local preference requirements comply with relevant federal and state law.

H. Marketing Plan for Middle Income Housing Units

Applicants under this Bylaw shall submit a marketing plan or other method approved by the Planning Board to the Planning Board for approval, which describes how the attainable units will be marketed to potential homebuyers or tenants. This plan shall include a description of the process to be used for selecting buyers or tenants.

I. Provision of Attainable Housing Units Off-Site

1. As an alternative to the requirements of Section 139-9(E)(1)(a-c), an applicant subject to the Bylaw may develop, construct or otherwise provide middle income housing units equivalent to those required by Section 139-9(E)(1) off-site, provided that such off site dwelling units are located within two (2) miles of the development subject to this Bylaw. All requirements of this Bylaw that apply to on-site provision of attainable units, shall apply to provision of off-site attainable units. In addition, the location of the off-site units to be provided shall be approved by the Planning Board as an element of the special permit review and approval process.

J. Maximum Incomes and Sale/Rental Price for Middle Income Housing Units

1. To ensure that only eligible households purchase or rent middle income housing units, prior to the purchase or, if the housing unit is rented, prior to the occupancy of a middle income housing unit approved pursuant to this Bylaw, the purchaser or tenant of a middle income housing unit shall certify, in writing, that his/her or their family's annual income or relevant assets does not exceed 240% of the median income, with adjustments for household size, as reported by the United States Department of Housing and Urban Development (HUD) and the Massachusetts Executive Office of Housing and Livable Communities (EOHLC), whichever is more current.

K. Preservation of Affordability; Restrictions on Resale or Rental

1. Each middle income dwelling unit created in accordance with this Bylaw shall have limitations governing its resale or rental options. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for middle income households. The resale controls shall be established through the imposition on the dwelling unit(s) of either a permanent affordable housing restriction (G.L. c.184 §§31-32) or a deed restriction that constitutes a gift or devise for a public purpose pursuant to G.L. c.184 §23.

2. Middle Income Housing Units that are Rented:

(a) The gross household income of an eligible household upon initial occupancy shall be no greater than two hundred and forty percent (240%) of the area median income as determined by United States Department of Housing and Urban Development (HUD) or the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) whichever is more current.

(b) Rent, including utilities and any other fees to be charged to tenants shall not exceed thirty (30) percent of the gross household income of the eligible household occupying the middle income housing unit.

(c) After initial occupancy, the gross household income of an eligible household shall be verified annually to determine continued eligibility and rent all as set forth in the special permit issued by the Planning Board.

(d) The lease agreement shall specify that should an eligible household's gross income exceed 240% of the area median after the first year of occupancy, the tenant will have until the expiration of the lease to vacate the dwelling unit. Notwithstanding, said dwelling unit will not qualify as a middle income housing until the dwelling unit is vacated and rented to a new eligible household.

3. Middle Income Housing Units that are Sold:

(a) The gross household income of an eligible household upon initial purchase and occupancy and all subsequent purchases and occupancy shall be no greater than two hundred and forty percent (240%) of the area median income as determined by United States Department of Housing and Urban Development (HUD) or the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) whichever is more current.

4. The Planning Board shall require, as a condition for the issuance of a special permit under this Bylaw, that the applicant comply with the mandatory set-asides of middle income housing units and accompanying restrictions on affordability, including the execution of an affordable housing restriction or deed restrictions as set forth above. The Building Commissioner shall not issue an occupancy permit for any middle income

dwelling unit required by this Bylaw until said affordable housing or deed restriction is recorded at the Nantucket County Registry of Deeds.

L. Severability

The provisions of this Section 139-9 et seq. are severable and if any such provision shall be held invalid by any decision of a court of competent jurisdiction, such decision shall not impair or otherwise affect any other provisions of this Section.

(Anne Kuszpa, et al)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket be amended by inserting the following language in Subsection 9 *(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):*

139-9 MIDDLE INCOME INCLUSIONARY HOUSING

A. Purpose and Intent

This Bylaw is written to promote the public health, safety and welfare of the residents of Nantucket. The purpose of this Bylaw is to outline and implement a coherent set of policies and objectives for the development of so called “middle income” housing that supports a diverse population in compliance with the Nantucket Master Plan, Housing Production Plan and ongoing housing programs and housing development efforts within the Town of Nantucket.

B. Definitions

1. **Middle income housing unit.** A dwelling unit for which occupancy is restricted to an eligible household and whose rent or initial sale price is available at a cost of no more than 30% of gross household income of households at or below 240% of the Nantucket County area median income as reported by the U.S. Department of Housing and Urban Development or the Massachusetts Executive Office of Housing and Livable Communities (EOHLC), whichever is the most current.
2. **Eligible household.** An individual or family with household incomes that do not exceed 240% of the median income, with adjustments for household size, as reported by the United States Department of Housing and Urban Development (HUD) or the Massachusetts Executive Office of Housing and Livable Communities (EOHLC), whichever is the most current.

C. Applicability

1. Division of Land. Notwithstanding any regulation or bylaw to the contrary, this Bylaw shall apply to flex development and workforce homeownership housing for the division or subdivision of land into five (5) or more lots whether on one or more contiguous lots or parcels held in common ownership as of the effective date of this Bylaw.

2. Multiple Units. The construction of five (5) or more dwelling units, which were permitted as an apartment building(s) or a workforce rental community, whether on one or more contiguous lots or parcels held in common ownership.

3. Commercial Development. New commercial development and expansion of existing commercial uses or structures greater than five thousand (5,000) square feet.

4. Exemptions and waivers:

- a. Any municipal structure, use, or lot division shall be exempt from the requirements of Sections 1-3 above;
- b. Any not-for-profit organizations incorporated pursuant to G.L. c 180 et seq, may be exempt from the requirements of Section 1-3 above as determined by the Zoning Enforcement Officer; and
- c. The Planning Board may waive the requirements of Sections 1-3 above, provided that the Board finds that the proposed development will provide a community housing benefit in compliance with the Town of Nantucket Master Plan and/or Housing Production Plan, which may be amended from time to time.

D. Mandatory Provision of Attainable Units

1. The Planning Board shall, as a condition of approval of a development regulated by Sections 139-9 (C)(1), (C)(2) or (C)(3) above, require that the applicant for special permit approval comply with the obligation to provide middle income dwelling units pursuant to this Bylaw and more fully described in Section 139-9 (E) below.

E. Provision of Attainable Units

1. The Planning Board shall require that development regulated by Sections 139-9 (C)(1), (C)(2) or (C)(3) comply with the following minimum requirements, in addition to those imposed pursuant to the Planning Board's authority found in Section 139-30:

- (a) At least twenty (20%) percent of the newly created flex development or workforce homeownership housing lots, dwelling units within an apartment building(s) or a workforce rental community, and at least one dwelling unit for each 5,000 square feet of commercial gross

floor area shall be designated and restricted to construction as middle income housing units in any one or combination of methods provided for below:

- (1) constructed or rehabilitated on the locus subject to the special permit; or
- (2) constructed or rehabilitated on a locus different than the one subject to the special permit (see Section 139-9(l), below).

The applicant may offer, and the Planning Board may accept, any combination of the options contained in Section 139-9 (E)(a-c)(1)-(2) above, provided that in no event shall the total number of middle income dwelling units provided be less than the equivalent number of middle income dwelling units required by this Bylaw. Fractions of a unit shall be rounded up to the next whole number.

F. Provisions Applicable to Middle Income Housing Units On- and Off-Site

1. Siting of middle income housing units. All middle income housing units constructed or rehabilitated under this Bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.
2. Minimum design and construction standards for middle income housing units. Middle income housing units within market rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units.
3. Timing of construction or provision of middle income housing units or lots. Where feasible, middle income housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of middle income units be delayed beyond constructing the required number of middle income housing units at a ratio of one middle income housing unit per every four market rate housing units.

Fractions of units shall be rounded up to the next whole number.

G. Local Preference

The Planning Board shall require the applicant to comply with local preference requirements, if any, as established by the Select Board or if none, as established by the Nantucket Housing Authority and/or the Nantucket Affordable Housing Trust, provided that local preference requirements comply with relevant federal and state law.

H. Marketing Plan for Middle Income Housing Units

Applicants under this Bylaw shall submit a marketing plan or other method approved by the Planning Board to the Planning Board for approval, which describes how the attainable units will be marketed to potential homebuyers or tenants. This plan shall include a description of the process to be used for selecting buyers or tenants.

I. Provision of Attainable Housing Units Off-Site

1. As an alternative to the requirements of Section 139-9(E)(1)(a-c), an applicant subject to the Bylaw may develop, construct or otherwise provide middle income housing units equivalent to those required by Section 139-9(E)(1) off-site, provided that such off site dwelling units are located within two (2) miles of the development subject to this Bylaw. All requirements of this Bylaw that apply to on-site provision of attainable units, shall apply to provision of off-site attainable units. In addition, the location of the off-site units to be provided shall be approved by the Planning Board as an element of the special permit review and approval process.

J. Maximum Incomes and Sale/Rental Price for Middle Income Housing Units

1. To ensure that only eligible households purchase or rent middle income housing units, prior to the purchase or, if the housing unit is rented, prior to the occupancy of a middle income housing unit approved pursuant to this Bylaw, the purchaser or tenant of a middle income housing unit shall certify, in writing, that his/her or their family's annual income or relevant assets does not exceed 240% of the median income, with adjustments for household size, as reported by the United States Department of Housing and Urban Development (HUD) and the Massachusetts Executive Office of Housing and Livable Communities (EOHLC), whichever is more current.

K. Preservation of Affordability; Restrictions on Resale or Rental

1. Each middle income dwelling unit created in accordance with this Bylaw shall have limitations governing its resale or rental options. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for middle income households. The resale controls shall be established through the imposition on the dwelling unit(s) of either a permanent affordable housing restriction (G.L. c.184 §§31-32) or a deed restriction that constitutes a gift or devise for a public purpose pursuant to G.L. c.184 §23.

2. Middle Income Housing Units that are Rented:

(a) The gross household income of an eligible household upon initial occupancy shall be no greater than two hundred and forty percent (240%) of the area median income as determined by United States Department of Housing and Urban Development (HUD) or the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) whichever is more current.

(b) Rent, including utilities and any other fees to be charged to tenants shall not exceed thirty (30) percent of the gross household income of the eligible household occupying the middle income housing unit.

(c) After initial occupancy, the gross household income of an eligible household shall be verified annually to determine continued eligibility and rent all as set forth in the special permit issued by the Planning Board.

(d) The lease agreement shall specify that should an eligible household's gross income exceed 240% of the area median after the first year of occupancy, the tenant will have until the expiration of the lease to vacate the dwelling unit. Notwithstanding, said dwelling unit will not qualify as a middle income housing until the dwelling unit is vacated and rented to a new eligible household.

3. Middle Income Housing Units that are Sold:

(a) The gross household income of an eligible household upon initial purchase and occupancy and all subsequent purchases and occupancy shall be no greater than two hundred and forty percent (240%) of the area median income as determined by United States Department of Housing and Urban Development (HUD) or the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) whichever is more current.

4. The Planning Board shall require, as a condition for the issuance of a special permit under this Bylaw, that the applicant comply with the mandatory requirements of middle income housing units and accompanying restrictions on affordability, including the execution of an affordable housing restriction or deed restrictions as set forth above. The Building Commissioner shall not issue a Certificate of Occupancy for any middle income dwelling unit required by this Bylaw until said affordable housing or deed restriction is recorded at the Nantucket County Registry of Deeds.

L. Severability

The provisions of this Section 139-9 et seq. are severable and if any such provision shall be held invalid by any decision of a court of competent jurisdiction, such decision shall not impair or otherwise affect any other provisions of this Section.

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: Definitions and Word Usage/Residential Rental Use)

To see if the Town will vote to amend Chapter 139 of the Town Code (Zoning) as follows, provided that the provisions of this chapter shall take effect upon approval by Town Meeting pursuant to G.L. c. 40A, § 5 and G.L. c. 40, § 21, and subsequent approval by the Attorney General.

1. Amend § 139-2 (Definitions and Word Usage) by inserting or revising the following terms and definitions and inserting them in alphabetical order.

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

CORPORATIONS. All business and charitable corporations required to file Articles of Incorporation and Annual Reports with the Massachusetts Secretary of State or an equivalent agency of another state, pursuant to M.G.L. c. 156D, § 2 or M.G.L. c. 180, § 4, respectively.

LONG TERM RENTAL A dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least one room or dwelling unit is rented to an occupant or sub-occupant and (ii) change in occupancy is in excess of 31 calendar days.

SHORT-TERM RENTAL A dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least one 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.

2. Amend § 139-7A (Use Chart) by inserting Short Term Rental and Long Term Rental between Tertiary Dwelling and Apartment Building in the Use column and inserting the designation Y in all district columns except the Commercial Industrial (CI) district, where the designation N shall be inserted.

3. Amend § 139-7B by inserting (8) notwithstanding the permission to engage in the Short Term Rental of a dwelling granted in the Use Chart, no person or entity shall engage in the activity of Short Term Renting unless that activity is in strict compliance with all present and future regulations contained in Chapter 123 of the Town Code.

Or to take any other action related thereto.

(Steven Cohen)

PLANNING BOARD MOTION: Moved to take no action on the Article.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion. The Finance Committee also notes that the Sponsor has indicated that this Zoning Article was filed for the purpose of addressing a possible negative decision in the pending lawsuits against Nantucket home owners. In the event that such a negative decision is not issued by a Court prior to the 2024 Annual Town Meeting, the Sponsor has requested that the Planning Board change its motion to “Take No Action,” which would eliminate the Zoning Article at the 2024 Town Meeting. The Sponsor notes that the primary purpose of this Article, to expressly validate housing rentals as a residential use, is not necessary under the current zoning bylaw, as determined by the Building Commissioner, the Zoning Board of Appeals, and the Town of Nantucket on multiple occasions, and that this need only be expressly stated in the Zoning Code if a court decision determines otherwise, or if the Town Meeting later decides to limit rental activity in some zoning districts. Unless there is a negative court decision prior to Town Meeting, the Finance Committee also supports a change of the Planning Board Motion to Take No Action at the opening of the 2024 Annual Town Meeting, as requested by the Sponsor, which would put off this Zoning change indefinitely.

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

ARTICLE 60

(General Bylaw Amendment: Short-Term Rentals)

To see if the Town will vote to amend Chapter 123 (Short-Term Rentals) of the Code of the Town of Nantucket as follows (*language to be inserted shown in highlight; language to be deleted shown in strikethrough; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*): *provided that Town Meeting may consider further amendments to Chapter 123 at the 2024 Annual Town Meeting based on the state of the law at that time:*

Chapter 123

Short-Term Rentals

§ 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:

- (1) provide for an orderly process for identifying, registering, and regulating Short-Term Rentals within the Town so as to ensure that such Short-Term Rentals do not create or cause any nuisance conditions within the Town.
- (2) protect the time-honored tradition of home rentals in Nantucket and preserve economic opportunities through Short-Term Rentals for persons to keep their homes, now and into the future, so they may afford to live either full-time or part-time in Nantucket.

- (3) avoid adverse impacts on the local economy stemming from a loss of existing Short Term Rental revenue, including rooms excise tax revenue, and visitor spending.
- (4) prohibit additional corporate ownership and discourage investment-only ownership of residential properties for the exclusive purpose of operating them as Short-Term Rentals rather than housing for either full-time or part-time residences.
- (5) reduce the neighborhood churn caused by numerous turnovers of occupancy of Short-Term Rentals in residential neighborhoods.
- (6) limit the conversion of residential units to Short-Term Rentals which has had the deleterious effect of removing residential units from the available year-round rental housing stock.
- (7) protect the existence of year-round residences and the quiet and peace of the Town by preventing unwarranted commercialization from encroaching therein, including commercialization caused by the misuse of single-family residences. Fractional ownership, interval and time share units have similar character as commercial hotels, motels, lodges, and other commercial occupancy uses due to their transient nature and multiple short-term occupancies. Such commercial or quasi-commercial use is inappropriate in residential areas due to the increased traffic generation and multiple occupancies disturbing the peace and quiet of residential neighborhoods.

§ 123-2. Definitions.

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

CORPORATION

All businesses and charitable entities required to file Articles of Incorporation and Annual Reports with the Massachusetts Secretary of State or an equivalent agency of another state, pursuant to G.L. c. 156D, § 2 or G.L. c. 180, § 4, respectively.

OPERATOR

A person or other legal entity 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.

OWNER

Any person who alone, or severally with others, has legal or equitable title or beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or person appointed by the courts. An Owner can be a single person, a marital unit, a group of people, LLC, or a Trust. The Owner may also be referred to as the operator, or the Host.

SHORT-TERM RENTAL

A dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least one 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.

TIME SHARE, INTERVAL OR FRACTIONAL OWNERSHIP UNIT

Any Dwelling Unit which is owned by a limited liability company, corporation, partnership, or other joint ownership structure in which unrelated persons or entities own, sell, purchase or otherwise for consideration create or acquire any divided property interest including co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are subject to, or subsequently bound by any agreement limiting the right or functional ability of interest holders or their designees to occupy or use the property to their respective interests or any other agreement which limits interest holders' or their designees' use of the property to fractional reservations through stay limitations of any duration. Such use is established by any of the following elements:

- (1) co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are openly advertised, marketed, or offered for sale and sold individually at separate times;
- (2) centralized or professional management;
- (3) reservation systems;
- (4) maximum or minimum day limits on each interest holder's occupancy or use of the property; or
- (5) management agreements or fees reflective of interval use or ownership, irrespective of whether the agreement may be cancelled individually or by any party.

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

- A. No person or other legal entity 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 § 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 through 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 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 1 of the next year. A renewal application shall include an attestation that the Short-Term Rental was operated in accordance with all bylaws and regulations of the Town during the previous 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.
- H. Short-Term Rentals are prohibited in dwelling units owned by a Corporation. Short-Term Rentals are permitted in dwelling units owned by an LLC, Trust, or S Corporation only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration.
- I. Short-Term rentals are prohibited in dwelling units designated as affordable or otherwise income-restricted, which are subject to an affordability restriction or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.
- J. Time Share, Fractional and Interval Ownership Units. No Fractional Ownership, Interval or Time Share unit may engage in Short-Term Rental activities or be eligible to receive a Certificate of registration for such unit; except that this section shall not apply to the creation of mortgages, liens, easements or other similar interests encumbering the residential property as a whole to secure a loan or for any other legitimate purposes; and this section shall not apply to non-commercial groups, such as families, partnerships, associations, or trusts with divided interests or agreements in which the real estate is held and transferred within the family, partnership, association or trust, as opposed to sold in fractional or divided interests on the open market.
- K. Any person or other legal entity, including Corporations, LLC's, Trusts, and S Corporations, which hold a Short-Term Rental Certificate on the effective date of this bylaw may continue to engage in Short-Term Rentals in accordance with the existing Rental Certificate, until the dwelling unit is transferred or conveyed, or the Rental Certificate is not renewed or is revoked by the Board of Health. If a property is bequeathed to a person or other beneficiary through a will, trust, or other instrument, the new owner may continue to engage in Short-Term Rental activities in accordance with this section.

§ 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, § 21D and the Town's non-criminal disposition bylaw (Chapter 1 of the Town Code). If noncriminal 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 \$100 for the first offense; \$200 for the second offense; and \$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.

Or to take any other action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Move that Chapter 123 of the Town Code (Short-Term Rentals) be amended as follows *(language to be inserted shown in highlight; language to be deleted shown in strikethrough; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

Chapter 123

Short-Term Rentals

§ 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:

- (1) provide for an orderly process for identifying, registering, and regulating Short-Term Rentals within the Town so as to ensure that such Short-Term Rentals do not create or cause any nuisance conditions within the Town.
- (2) prevent the further growth of residential dwellings owned by Corporations and used for the purpose of Short-Term Rentals.
- (3) Continue to permit the operation of Short-Term Rentals by natural persons in order to protect the time-honored tradition of home rentals in Nantucket.
- (4) Allow the Town to implement the Short-Term Rental registration process and to collect sufficient data to accurately assess the practice of Short-Term Rentals including the impact (if any) this practice may have on affordable/attainable housing and to substantially develop additional regulations, if such data demonstrates additional regulation is necessary.
- ~~(2) protect the time-honored tradition of home rentals in Nantucket and preserve economic opportunities through Short-Term Rentals for persons to keep their homes, now and into the future, so they may afford to live either full-time or part-time in Nantucket.~~
- ~~(3) avoid adverse impacts on the local economy stemming from a loss of existing Short Term Rental revenue, including rooms excise tax revenue, and visitor spending.~~
- ~~(4) prohibit additional corporate ownership and discourage investment-only ownership of residential properties for the exclusive purpose of operating them as Short-Term Rentals rather than housing for either full-time or part-time residences.~~
- ~~(5) reduce the neighborhood churn caused by numerous turnovers of occupancy of Short-Term Rentals in residential neighborhoods.~~
- ~~(6) limit the conversion of residential units to Short-Term Rentals which has had the deleterious effect of removing residential units from the available year-round rental housing stock.~~
- ~~(7) protect the existence of year-round residences and the quiet and peace of the Town by preventing unwarranted commercialization from encroaching~~

therein, including commercialization caused by the misuse of single-family residences. Fractional ownership, interval and time share units have similar character as commercial hotels, motels, lodges, and other commercial occupancy uses due to their transient nature and multiple short-term occupancies. Such commercial or quasi-commercial use is inappropriate in residential areas due to the increased traffic generation and multiple occupancies disturbing the peace and quiet of residential neighborhoods.

§ 123-2. Definitions.

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

CORPORATION

All businesses and charitable entities required to file Articles of Incorporation and Annual Reports with the Massachusetts Secretary of State or an equivalent agency of another state, pursuant to G.L. c. 156D, § 2 or G.L. c. 180, § 4, respectively.

OPERATOR

A person or other legal entity 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.

OWNER

Any person who alone, or severally with others, has legal or equitable title or beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or person appointed by the courts. An Owner can be a single person, a marital unit, a group of people, LLC, or a Trust. The Owner may also be referred to as the operator, or the Host.

SHORT-TERM RENTAL

A dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least one 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.

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

A dwelling unit or dwelling in which the exclusive right of use, possession or ownership circulates among various owners or lessees thereof in accordance with a fixed or floating

time schedule on a periodically recurring basis, whether such use, possession or occupancy is subject to either: a time-share estate, in which the ownership or leasehold estate in property is devoted to a time-share fee (tenants in common, time-share ownership, interval ownership) and a time-share lease; or time-share use, including any contractual right of exclusive occupancy which does not fall within the definition of "time-share estate," including, but not limited to, a vacation license, prepaid hotel reservation, club membership, limited partnership or vacation bond, the use being inherently transient.

~~Any Dwelling Unit which is owned by a limited liability company, corporation, partnership, or other joint ownership structure in which unrelated persons or entities own, sell, purchase or otherwise for consideration create or acquire any divided property interest including co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are subject to, or subsequently bound by any agreement limiting the right or functional ability of interest holders or their designees to occupy or use the property to their respective interests or any other agreement which limits interest holders' or their designees' use of the property to fractional reservations through stay limitations of any duration. Such use is established by any of the following elements:~~

- ~~(1) — co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are openly advertised, marketed, or offered for sale and sold individually at separate times;~~
- ~~(2) — centralized or professional management;~~
- ~~(3) — reservation systems;~~
- ~~(4) — maximum or minimum day limits on each interest holder's occupancy or use of the property; or~~
- ~~(5) — management agreements or fees reflective of interval use or ownership, irrespective of whether the agreement may be cancelled individually or by any party.~~

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

- A. No person or other legal entity 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 § 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 through 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 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 1 of the next year. A renewal application shall include an attestation that the Short-Term Rental was operated in accordance with all bylaws and regulations of the Town during the previous 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.
- H. Short-Term Rentals are prohibited in dwelling units owned by a Corporation. Short-Term Rentals are permitted in dwelling units owned by an LLC, Trust, or S

Corporation only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration.

- I. Short-Term rentals are prohibited in dwelling units designated as affordable or otherwise income-restricted, which are subject to an affordability restriction or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.
- J. No Time-Sharing or Time-Interval -Ownership Dwelling Unit or Units may engage in Short-Term Rental activities or be eligible to receive a Certificate of Registration for such unit; except that this section shall not apply to the creation of mortgages, liens, easements or other similar interests encumbering the residential property as a whole to secure a loan or for any other legitimate purposes; and this section shall not apply to non-commercial groups, such as families, partnerships, associations, or trusts with divided interests or agreements in which the real estate is held and transferred within the family, partnership, association or trust, as opposed to sold in fractional or divided interests on the open market.
- K. Any person or other legal entity, including Corporations, LLC's, Trusts, and S Corporations, which paid the rooms excise tax on a Short-Term Rental dwelling unit in any calendar quarter prior to January 1, 2024 and which owned the property prior to May 7, 2024, shall be exempt from the requirements of Sections H, I, and J of this Chapter until the dwelling unit is transferred or conveyed, or the Rental Certificate is not renewed or is revoked by the Board of Health. If a property is bequeathed to a person or other beneficiary through a will, trust, or other instrument, the new owner may continue to engage in Short-Term Rental activities in accordance with this section.

§ 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, § 21D and the Town's non-criminal disposition bylaw (Chapter 1 of the Town Code). If noncriminal 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 \$100 for the first offense; \$200 for the second offense; and \$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.

NOTE: The highlighted language that is also shown as being stricken in the Finance Committee Motion is stricken to indicate that it has been removed from the original Article; please note some of the highlighted language has been modified from the original Article.

ARTICLE 61

(General Bylaw Amendment: Short-Term Rentals)

To see if the Town will vote to amend Chapter 123 of the Town Code (Short-Term Rentals) 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:

**Town of Nantucket, MA / Division 1: Bylaws / Part II: General Legislation
Chapter 123 Short-Term Rentals**

[HISTORY: Adopted by the Annual Town Meeting of the Town of Nantucket 5-2-2022 by Art. 39, approved 11-3-2022. Amendments noted where applicable.]

§ 123-1 Purpose and intent.

This bylaw is enacted pursuant to the Town's Home Rule Authority and the authority set forth in Massachusetts General Laws c. 64G, § 14 and is intended to:

(1) 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.

(2) prevent the further growth of residential dwellings owned by corporations and used for the purpose of Short Term Rentals.

(3) continue to permit the operation of Short Term Rentals by natural persons.

(4) allow the Town to implement the Short Term Rental (STR) registration process and to collect sufficient data to accurately assess the practice of STRs, including the impact (if any) this practice may have on affordable/attainable housing and to subsequently develop additional regulations, if such data demonstrates additional regulation is necessary.

§ 123-2 Definitions.

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

CORPORATIONS.

All business and charitable corporations required to file Articles of Incorporation and Annual Reports with the Massachusetts Secretary of State or an equivalent agency of another state, pursuant to M.G.L. c. 156D, § 2 or M.G.L. c. 180, § 4, respectively.

NATURAL PERSON.

A natural person is a title used to identify an individual human being.

OPERATOR

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.

SHORT-TERM RENTAL

A dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least one 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.

TRANSIENT RESIDENTIAL FACILITY

Shall have the same meaning as in Chapter 139 of the Town Code.

Unless otherwise specifically provided in this bylaw, terms used in this bylaw shall have the same meaning as set forth in M.G.L. c. 64G.

§ 123-3 Registration, permitting, inspection and fees.

A. No person or other legal entity 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 § 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 through 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 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 1 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.

H. Any corporation, who owned a property and the structure(s) thereon and has been issued a Certificate of Occupancy (as applicable as determined by the Building Commissioner), unless a Certificate of Occupancy was not required for a dwelling unit prior to the adoption of the State Building Code as determined by the Building Commissioner, prior to the May 2024 Annual Town Meeting, shall be allowed to short term rent such property as has been customary in Nantucket, and shall be exempt from Subsection I of this Section 123-3. When a dwelling unit is transferred or conveyed, or the certificate of registration issued by the Town pursuant to § 123-3 of this chapter is not renewed, any subsequent Short-Term Rental of the dwelling unit shall be subject to all of the requirements of this chapter, including Section I, except that if a dwelling unit is transferred to a person or other beneficiary by will, inheritance or gift, any Short-Term Rental activities shall be exempt from subsection I. Any Short-Term Rental contract for a period of time in Calendar Year 2024 that is entered into prior to the effective date of this bylaw amendment shall be exempt from the provisions of subsection I.

I. Short-Term Rentals are prohibited in dwelling units owned by a corporation and shall not be eligible to receive a certificate of registration. Short-Term Rentals are permitted and eligible to receive a certificate of registration in dwelling units owned by an LLC or Trust or a solely family-owned S Corporation, only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration. The Board of Health may adopt regulations pursuant to § 123-4 establishing the documentation required to establish eligibility under this section. This registration documentation shall include an attestation that the operator(s) are not a corporation and are all natural persons.

§ 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, § 21D and the Town's noncriminal disposition bylaw (Chapter 1 of the Town Code). If noncriminal 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 \$100 for the first offense; \$200 for the second offense; and \$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 to take any other action related thereto.

(Steven Cohen, et al)

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

ARTICLE 62 (General Bylaw Amendment: Short-Term Rentals)

To see if the Town will vote to amend Chapter 123 of the Town Code (Short-Term Rentals) as follows (language to be interested shown in highlight):

Chapter 123. Short-Term Rentals

[HISTORY: Adopted by the Annual Town Meeting of the Town of Nantucket 5-2-2022 by Art. 39, approved 11-3-2022. Amendments noted where applicable.]

§ 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:

OPERATOR

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.

SHORT-TERM RENTAL

A dwelling unit or portion(s) thereof that is not a transient residential facility, where:

- (i) at least one 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.

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 § 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 through 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 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 1 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.
- H. Short-Term Rentals are prohibited in dwelling units owned by a corporation. Short Term Rentals are permitted in dwelling units owned by an LLC or Trust only when

every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration.

- I. An Owner may register to operate only two dwelling units as a Short-Term Rentals. If a person owns three or more properties, or owns two and is listed as a manager or agent for a third or more that is or are owned by an LLC, for example, that person must choose two to be registered as a Short-Term Rental. No person shall have more than two legal or equitable titles or beneficial interests in any dwelling unit used for a Short-Term Rental except as provided for above. An Owner may hire a property management company to list and manage Short-Term Rentals, but the registration must be in the Owner's name.

§ 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. Events that include tents or amplified music or which would customarily require a license or permit are not allowed in Short-Term rentals.

§ 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, § 21D and the Town's noncriminal disposition bylaw (Chapter 1 of the Town Code). If noncriminal 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 \$100 for the first offense; \$200 for the second offense; and \$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.

(Michael Kopko, et al)

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

ARTICLE 63

(Bylaw Amendment: Streets and Sidewalks/Map Reference)

To see if the Town will vote to amend Chapter 127 (Streets and Sidewalks) 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 127-20(A) ("Exceptions - Areas located within the Town Overlay District") as follow:

Areas located within the Town Overlay District (not including traffic signals or road widenings for vehicle capacity or installation of signs) as depicted on the map entitled "~~Town and County Overlay District,~~" dated January 2, 2002, Nantucket Planning and Economic Development Commission (Article 37, 2002 ATM) ~~as duly amended and on file at the Town Clerk's office~~ "**Town and County Designations**" as may be amended from time to time.

Or take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Chapter 127 (Streets and 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 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 127-20(A) ("Exceptions - Areas located within the Town Overlay District") as follow:

Areas located within the Town Overlay District (not including traffic signals or road widenings for vehicle capacity or installation of signs) as depicted on the map entitled "~~Town and County Overlay District,~~" dated January 2, 2002, ~~Nantucket Planning and Economic Development Commission (Article 37, 2002 ATM) as duly amended and on file at the Town Clerk's office~~ "Town and County Designations" as may be amended from time to time.

ARTICLE 64

(Bylaw Amendment: Car Rental Agencies, Registration of)

To see if the Town will vote to amend Chapter 58 (Car Rental Agencies, Registration of) 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*):

§58-1. Definitions.

RENTAL AGENCY -- A person, business or corporation engaged in the Town of Nantucket in the business of renting, leasing or keeping for rent any motor vehicle. This definition shall include any individual renting a motor vehicle via a motor vehicle sharing or peer-to-peer vehicle sharing business or platform.

§58-3. Annual fee; issuance of licenses and stickers.

- A. Each application for a rental agency license shall be accompanied by a nonrefundable application fee as established by the Select Board. The application shall include a listing of the registration number of each motor vehicle available or to be available for lease for the year in which the license is to be valid. Licenses for rental agencies shall be issued on a calendar-year basis and shall be issued after payment of an annual fee of \$100 per rental motor vehicle; provided, however, that no payment of such fee shall be required for a motor vehicle upon which an excise has been assessed, levied and paid to the Town of Nantucket under the provisions of Chapter 60A of the General Laws. The Select Board shall issue a license to each approved applicant, which shall be posted in a conspicuous manner at the place of business.
- B. The total number of motor vehicles available for lease on the island of Nantucket shall not exceed 700. The Select Board shall issue each rental agency one rental vehicle medallion (RVM) for each motor vehicle listed in its 1996 application and

which received a rental sticker. Each RVM constitutes the nonexpiring right to lease one motor vehicle. A rental agency shall possess one RVM for each motor vehicle listed in its application beginning in 1998.

- C. Upon issuance of the license, the Select Board shall provide one annual rental sticker for each motor vehicle listed in the approved application, which shall be affixed by the licensee to the left rear bumper of each motor vehicle so listed. Each sticker shall recite the registration number of the vehicle to which it is affixed.
- D. RVM's are transferable, with or without consideration, to any other rental agency or entity. Such transfers may be made whenever, and to the extent that, the number of RVM's held by the transferor exceeds the number of unexpired annual stickers issued to the transferor. A transfer shall be effective upon written notice of the transfer, by the transferor, to the Select Board. Should a rental agency surrender its RVM rights to the Select Board, or should the Select Board possess surplus RVM's from any other cause, these RVM's may be retained by the Town and/or may be re-issued at a fee to be established from time to time by the Select Board. Any RVM's not obtained by any rental agency by the end of any calendar year shall be considered surplus as of January first and may be retired by the Town at that time.
- E. RVMs are intended to be kept in use by licensed rental agencies. A current license holder applying for a renewal license for the next calendar year shall file a renewal application by October 1st. Such renewal application shall include a copy of the vehicle registration for any vehicle currently utilizing a RMV. If the Town obtains information suggesting that a rental agency is holding one or more RMVs that are not in use, the Select Board may conduct a hearing on the issue, after providing written notice to the agency with a minimum of seven days advance notice of said hearing. After providing a hearing, the Select Board may take such action as it deems necessary and appropriate, including but not limited to a suspension or revocation of one or more medallions. Any revoked medallions may be issued by the Select Board to another agency pursuant to §58-3 and any policy or regulation for awarding RMVs adopted by the Select Board.

And further to authorize the Select Board to petition the General Court for special legislation amending Chapter 266 of the Acts of 1989 in order to ratify the objectives of this bylaw if deemed necessary; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court; and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Chapter 58 (Car Rental Agencies, Registration 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-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):

§58-1. Definitions.

RENTAL AGENCY -- A person, business or corporation engaged in the Town of Nantucket in the business of renting, leasing or keeping for rent any motor vehicle. This definition shall include any individual renting a motor vehicle via a motor vehicle sharing or peer-to-peer vehicle sharing business or platform.

§58-3. Annual fee; issuance of licenses and stickers.

- A. Each application for a rental agency license shall be accompanied by a nonrefundable application fee as established by the Select Board. The application shall include a listing of the registration number of each motor vehicle available or to be available for lease for the year in which the license is to be valid. Licenses for rental agencies shall be issued on a calendar-year basis and shall be issued after payment of an annual fee of \$100 per rental motor vehicle; provided, however, that no payment of such fee shall be required for a motor vehicle upon which an excise has been assessed, levied and paid to the Town of Nantucket under the provisions of Chapter 60A of the General Laws. The Select Board shall issue a license to each approved applicant, which shall be posted in a conspicuous manner at the place of business.
- B. The total number of motor vehicles available for lease on the island of Nantucket shall not exceed 700. The Select Board shall issue each rental agency one rental vehicle medallion (RVM) for each motor vehicle listed in its 1996 application and which received a rental sticker. Each RVM constitutes the nonexpiring right to lease one motor vehicle. A rental agency shall possess one RVM for each motor vehicle listed in its application beginning in 1998.
- C. Upon issuance of the license, the Select Board shall provide one annual rental sticker for each motor vehicle listed in the approved application, which shall be affixed by the licensee to the left rear bumper of each motor vehicle so listed. Each sticker shall recite the registration number of the vehicle to which it is affixed.
- D. RVM's are transferable, with or without consideration, to any other rental agency or entity. Such transfers may be made whenever, and to the extent that, the number of RVM's held by the transferor exceeds the number of unexpired annual stickers issued to the transferor. A transfer shall be effective upon written notice of the transfer, by the transferor, to the Select Board. Should a rental agency surrender its RVM rights to the Select Board, or should the Select Board possess surplus RVM's from any other cause, these RVM's may be retained by the Town and/or may be re-issued at a fee to be established from time to time by the Select Board. Any RVM's not obtained by any rental agency by the end of any calendar

year shall be considered surplus as of January first and may be retired by the Town at that time.

- E. RVMs are intended to be kept in use by licensed rental agencies. A current license holder applying for a renewal license for the next calendar year shall file a renewal application by October 1st. Such renewal application shall include a copy of the vehicle registration for any vehicle currently utilizing a RMV. If the Town obtains information suggesting that a rental agency is holding one or more RMVs that are not in use, the Select Board may conduct a hearing on the issue, after providing written notice to the agency with a minimum of seven days advance notice of said hearing. After providing a hearing, the Select Board may take such action as it deems necessary and appropriate, including but not limited to a suspension or revocation of one or more medallions. Any revoked medallions may be issued by the Select Board to another agency pursuant to §58-3 and any policy or regulation for awarding RMVs adopted by the Select Board.

And, that the Select Board is authorized to petition the General Court for special legislation amending Chapter 266 of the Acts of 1989 in order to ratify the objectives of this bylaw if deemed necessary; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court; and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

ARTICLE 65

(Bylaw Amendment: Car Rental Agencies, Registration of)

Chapter 58: Equal Access To Rental Vehicle Medallions For New Local Small Businesses & Nantucket Residents

- No person, business or corporation shall hold more than 20% of total available rental vehicle medallion (RVM's).
- No person, business or corporation shall acquire more than 20% of the RVM's newly available for distribution or redistribution in any calendar year. The town of Nantucket shall hold any unpurchased medallions and keep public record of these available RVM's.
- 300 additional RVM's shall be issued over the next 3 years, with 100 new RVM's to be issued in 2024 and 100 new RVM's in each of the 2 subsequent years bringing the total number of RVM's to 1000 in 2026.
- No person, business or corporation shall hold any RVM "inactively" more than two years after the initial date of purchase without assigning the RVM to a specific vehicle. Any such unutilized RVM's shall be automatically returned to the pool of available RVM's after two years.
- The town of Nantucket will keep an accounting for public record of the following:
 - RVM ownership per person, business or corporation as well as the date of issue for each RVM actively or "inactively" held
 - The total number of available RVM's

- RVM Waitlist and date of application per applicant
- The priority of distribution and redistribution of available RVM's shall be given to Nantucket residents and Massachusetts based businesses and corporations holding less than 50 RVM's. Any remaining RVM's shall be distributed on a first come first serve basis from the waitlist.

(Rebecca McCrensky, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 66

(Bylaw Amendment: Board of Sewer Commissioners/Siasconset Sewer District Map Changes - Sankaty Road, Isobels Way and Plainfield)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3B (Siasconset Sewer District) of the Code of the Town of Nantucket by adding the following parcels to the Siasconset Sewer District:

Map	Parcel	Number	Street
49	80.2	62	Sankaty Road
49	58.1	63	Sankaty Road
49	80.1	64	Sankaty Road
49	58	65	Sankaty Road
49	80	66	Sankaty Road
49	187	68	Sankaty Road
49	81	70	Sankaty Road
49	82	74	Sankaty Road
49	198	90	Sankaty Road
49	2	100	Sankaty Road
49	3	100	Sankaty Road
49	163	100	Sankaty Road
49	164	100	Sankaty Road
48	25	100	Sankaty Road
49	113	8	Isobels Way
49	115	12	Isobels Way
49	144		Plainfield

And to take any other action as may be related thereto.

(Select Board/Sewer Commissioners)

FINANCE COMMITTEE MOTION: Moved that Chapter 41 (Board of Sewer Commissioners), section 41-3B (Siasconset Sewer District) of the Code of the Town of Nantucket is hereby amended by adding the following parcels to the Siasconset Sewer District:

Map	Parcel	Number	Street
49	80.2	62	Sankaty Road
49	58.1	63	Sankaty Road

49	80.1	64	Sankaty Road
49	58	65	Sankaty Road
49	80	66	Sankaty Road
49	187	68	Sankaty Road
49	81	70	Sankaty Road
49	82	74	Sankaty Road
49	198	90	Sankaty Road
49	2	100	Sankaty Road
49	3	100	Sankaty Road
49	163	100	Sankaty Road
49	164	100	Sankaty Road
48	25	100	Sankaty Road
49	113	8	Isobels Way
49	115	12	Isobels Way
49	144		Plainfield

NOTE: At its meeting on February 14, 2024, the Select Board acting as the Sewer Commissioners, voted to add the parcels referenced in the Article to the Siasconset Sewer District. Further, prior to any sewer extension being undertaken the owner(s) of the property may be required to 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 67

(Home Rule Petition: Establishment of Coastal Resilience District)

To see if the Town will vote to authorize the Select Board to petition the General Court to enact special legislation as set forth below; provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language that 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 ESTABLISH COASTAL RESILIENCE DISTRICTS

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. It is in the best interests of the people of the Town of Nantucket to establish Coastal Resilience Districts to allow for the Town to be prepared and plan for the necessary public improvements to mitigate the effects of coastal erosion and shoreline change to the Town's coastline, sea level rise, flooding or other coastal hazards with resilience related infrastructure to reduce the threats to life, injury and property damage, utilities and infrastructure, prevent the occurrence of public emergencies, avoid the loss of roadways and utility services, reduce damage to public and private property, provide

for the planning and preparation of coastal resilience measures, and to provide funding for such planning and preparation measures. The Town of Nantucket is hereby authorized to establish Coastal Resilience Districts that will enable the Town to undertake public improvement projects that will address these environmental effects and to provide funding by those property owners who will benefit from these public improvement projects. The Islands Coastal Resilience District (the "ICRD") shall be described as the geographical boundaries of the entirety of the islands of Nantucket. The establishment of the ICRD shall enable the town to undertake coastal resilience projects to mitigate against the island-wide effects of coastal erosion and shoreline change of the town's coastline, sea level rise, flooding or other coastal hazards.

SECTION 2. It being in the public interest of the residents of the town that the Select Board, by a majority vote, is hereby authorized to designate coastal resiliency sub-districts which will be defined by geographical boundaries as conditions and circumstances warrant, to enable the town to address the effects of coastal erosion and shoreline change to the Town's coastline, sea level rise, flooding or other coastal hazards in specific Coastal Resilience Sub-Districts with the necessary development of planning and prevention contingencies, including but not limited to the relocation of roadways, utilities and infrastructure as well as the construction of structural improvements or coastal resilience related improvements to respond to erosion, flooding or damage to public and private property for specific Sub-Districts; and further to enable the Town to prepare for public and private funding of coastal resilience projects by identifying the properties within the Coastal Resilience Sub-Districts, which will benefit from the planning and development of these projects or from island-wide projects that will benefit the ICRD.

SECTION 3. Notwithstanding the provisions of chapters 40, 80 and 83 of the General Laws to the contrary, the town of Nantucket may make betterment assessments upon owners of land within the ICRD or a Sub-District for costs of public improvements which may include the costs of coastal resiliency projects, including but not limited to the construction and maintenance of coastal engineering structures, bluff armor projects, hard or soft erosion control devices, bulkheads and the like, in the ICR or Sub-District from which they benefit, and which may include but not be limited to the relocation of roadways, utilities, including both water and sewer, and infrastructure.

SECTION 4. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Town's representatives in the General Court are hereby requested to enact special legislation as set forth below; provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language that 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 ESTABLISH COASTAL
RESILIENCE DISTRICTS***

*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. It is in the best interests of the people of the Town of Nantucket to establish Coastal Resilience Districts to allow for the Town to be prepared and plan for the necessary public improvements to mitigate the effects of coastal erosion and shoreline change to the Town's coastline, sea level rise, flooding or other coastal hazards with resilience related infrastructure to reduce the threats to life, injury and property damage, utilities and infrastructure, prevent the occurrence of public emergencies, avoid the loss of roadways and utility services, reduce damage to public and private property, provide for the planning and preparation of coastal resilience measures, and to provide funding for such planning and preparation measures. The Town of Nantucket is hereby authorized to establish Coastal Resilience Districts that will enable the Town to undertake public improvement projects that will address these environmental effects and to provide funding by those property owners who will benefit from these public improvement projects. The Islands Coastal Resilience District (the "ICRD") shall be described as the geographical boundaries of the entirety of the islands of Nantucket. The establishment of the ICRD shall enable the town to undertake coastal resilience projects to mitigate against the island-wide effects of coastal erosion and shoreline change of the town's coastline, sea level rise, flooding or other coastal hazards.

SECTION 2. It being in the public interest of the residents of the town that the Select Board, by a majority vote, is hereby authorized to designate coastal resiliency sub-districts which will be defined by geographical boundaries as conditions and circumstances warrant, to enable the town to address the effects of coastal erosion and shoreline change to the Town's coastline, sea level rise, flooding or other coastal hazards in specific Coastal Resilience Sub-Districts with the necessary development of planning and prevention contingencies, including but not limited to the relocation of roadways, utilities and infrastructure as well as the construction of structural improvements or coastal resilience related improvements to respond to erosion, flooding or damage to public and private property for specific Sub-Districts; and further to enable the Town to prepare for public and private funding of coastal resilience projects by identifying the properties within the Coastal Resilience Sub-Districts, which will benefit from the planning and development of these projects or from island-wide projects that will benefit the ICRD.

SECTION 3. Notwithstanding the provisions of chapters 40, 80 and 83 of the General Laws to the contrary, the town of Nantucket may make betterment assessments upon owners of land within the ICRD or a Sub-District for costs of public improvements which may include the costs of coastal resiliency projects, including but not limited to the construction and maintenance of coastal engineering structures, bluff armor projects, hard or soft erosion control devices, bulkheads and the like, in the ICR or Sub-District

from which they benefit, and which may include but not be limited to the relocation of roadways, utilities, including both water and sewer, and infrastructure.

SECTION 4. This act shall take effect upon its passage.

ARTICLE 68

(Real Estate Lease/License of Baxter Road Property for Erosion Control)

To see if the Town will vote to authorize the Select Board pursuant to Chapter 67-1E of the Town of Nantucket Bylaws to lease or license certain Town-owned property along Baxter Road located from 41 Baxter Road to 119 Baxter Road, located on Town Assessor's Map 49 as Parcel 9, Town Assessor's Map 48 as Parcel 8 and Town Assessor's Map 48 as Parcel 6 as shown on a plan which is on file with the Office of the Town Clerk, for erosion control purposes, and on such terms and conditions as the Select Board deems appropriate, which may include the operation and maintenance of the coastal engineering structures, bluff armoring projects, hard or soft erosion control devices, bulkheads and the like, and the reservation of any easements or restrictions in regard to the property.

All as shown on a map on file 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 lease or license certain Town-owned property along Baxter Road located from 41 Baxter Road to 119 Baxter Road, located on Town Assessor's Map 49 as Parcel 9, Town Assessor's Map 48 as Parcel 8 and Town Assessor's Map 48 as Parcel 6 as shown on a plan which is on file with the Office of the Town Clerk, for erosion control purposes, and on such terms and conditions as the Select Board deems appropriate, which may include the operation and maintenance of the coastal engineering structures, bluff armoring projects, hard or soft erosion control devices, bulkheads and the like, and the reservation of any easements or restrictions in regard to the property.

ARTICLE 69

(Bylaw: Coastal Resilience District)

To see if the Town will vote to add a new Chapter to the Code of the Town of Nantucket, Chapter 66A "Coastal Resilience District" as follows:

§1. Definition. The Coastal Resilience Districts are defined by geographical boundaries to describe the areas in Nantucket which will benefit from coastal resilience projects undertaken for the mitigation of the risk areas within the Coastal Resilience Districts. The land constituting the Islands Coastal Resilience District (the "ICRD") is the entirety of the Island of Nantucket and Tuckernuck and Muskeget as shown on a map on file in the Office of the Town Clerk. The Coastal Resilience Sub-Districts (the "Sub-Districts") will be defined by geographical boundaries of a specific area of Nantucket to

be determined by the Select Board as described in Section 3 below. The ICRD and the Sub-Districts are collectively referred to in this Chapter as the “Coastal Resilience Districts.”

§2. Statement of Purpose. The purpose of the establishment of Coastal Resilience Districts is to provide for shared funding among the property owners in the respective Coastal Resilience Districts who benefit from the coastal resilience projects and improvements. This funding will provide a key contribution to the funding sources for the planning, construction, monitoring and maintenance of coastal resilience projects in the respective Coastal Resilience Districts. The establishment of the ICRD and the Sub-Districts will enable the Town to undertake coastal resilience projects to mitigate against the effects of coastal erosion and shoreline change to the Town’s coastline, sea level rise, flooding or other coastal hazards with resilience related infrastructure to reduce the threats to life, personal injury and property damage, utilities and infrastructure which service the various Coastal Resilience Districts, prevent the occurrence of public emergencies, avoid the loss of roadways and utility services, reduce damage to public and private property, and provide for the planning and preparation of coastal resiliency measures to protect and preserve the Sub-Districts as well as the entire IRCD if the benefits are island-wide.

§3. Coastal Resilience Sub-Districts. The Select Board shall have the authority by a majority vote to designate coastal resilience sub-districts which are defined by clear geographical boundaries, which they deem to be in the best interests of the Town as conditions and circumstances warrant in order to further protect and preserve public and private property, roadways, utilities and infrastructure from the effects of coastal erosion and shoreline change to the Town’s coastline, sea level rise, flooding or other coastal hazards, and to undertake applicable coastal resilience projects.

§4. Strategies and Activities within the Districts.

- A. It is in the public interest to delineate the boundaries of the Coastal Resilience Districts in order to enable the Town to address the purposes of this section. The creation of the Coastal Resilience Districts will provide the Town the ability to mitigate the effects of coastal erosion and shoreline change to the Town’s coastline, sea level rise, flooding or other coastal hazards which occur in specific Sub-Districts, with the development of specific planning and prevention contingencies, including but not limited to the relocation of roadways, utilities and infrastructure as well as the construction of structural improvements or coastal resilience related improvements for particular Sub-Districts, and those plans to address island-wide effects.
- B. The Coastal Resilience Districts will enable the Town to prepare for public and private funding of coastal resilience projects to address the effects of coastal erosion and shoreline change to the Town’s coastline, sea level rise, flooding or other coastal hazards by identifying the properties within

the Coastal Resilience Districts which will benefit from the planning and development of these projects.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that a new Chapter is hereby added to the Code of the Town of Nantucket, Chapter 66A “Coastal Resilience District” as follows:

§1. Definition. The Coastal Resilience Districts are defined by geographical boundaries to describe the areas in Nantucket which will benefit from coastal resilience projects undertaken for the mitigation of the risk areas within the Coastal Resilience Districts. The land constituting the Islands Coastal Resilience District (the “ICRD”) is the entirety of the Island of Nantucket and Tuckernuck and Muskeget as shown on a map on file in the Office of the Town Clerk. The Coastal Resilience Sub-Districts (the “Sub-Districts”) will be defined by geographical boundaries of a specific area of Nantucket to be determined by the Select Board as described in Section 3 below. The ICRD and the Sub-Districts are collectively referred to in this Chapter as the “Coastal Resilience Districts.”

§2. Statement of Purpose. The purpose of the establishment of Coastal Resilience Districts is to provide for shared funding among the property owners in the respective Coastal Resilience Districts who benefit from the coastal resilience projects and improvements. This funding will provide a key contribution to the funding sources for the planning, construction, monitoring and maintenance of coastal resilience projects in the respective Coastal Resilience Districts. The establishment of the ICRD and the Sub-Districts will enable the Town to undertake coastal resilience projects to mitigate against the effects of coastal erosion and shoreline change to the Town’s coastline, sea level rise, flooding or other coastal hazards with resilience related infrastructure to reduce the threats to life, personal injury and property damage, utilities and infrastructure which service the various Coastal Resilience Districts, prevent the occurrence of public emergencies, avoid the loss of roadways and utility services, reduce damage to public and private property, and provide for the planning and preparation of coastal resiliency measures to protect and preserve the Sub-Districts as well as the entire ICRD if the benefits are island-wide.

§3. Coastal Resilience Sub-Districts. The Select Board shall have the authority by a majority vote to designate coastal resilience sub-districts which are defined by clear geographical boundaries, which they deem to be in the best interests of the Town as conditions and circumstances warrant in order to further protect and preserve public and private property, roadways, utilities and infrastructure from the effects of coastal erosion and shoreline change to the Town’s coastline, sea level rise, flooding or other coastal hazards, and to undertake applicable coastal resilience projects.

§4. Strategies and Activities within the Districts.

- A. It is in the public interest to delineate the boundaries of the Coastal Resilience Districts in order to enable the Town to address the purposes of this section. The creation of the Coastal Resilience Districts will provide the Town the ability to mitigate the effects of coastal erosion and shoreline change to the Town's coastline, sea level rise, flooding or other coastal hazards which occur in specific Sub-Districts, with the development of specific planning and prevention contingencies, including but not limited to the relocation of roadways, utilities and infrastructure as well as the construction of structural improvements or coastal resilience related improvements for particular Sub-Districts, and those plans to address island-wide effects.
- B. The Coastal Resilience Districts will enable the Town to prepare for public and private funding of coastal resilience projects to address the effects of coastal erosion and shoreline change to the Town's coastline, sea level rise, flooding or other coastal hazards by identifying the properties within the Coastal Resilience Districts which will benefit from the planning and development of these projects.

ARTICLE 70

(Bylaw Amendment: Board of Sewer Commissioners/Siasconset Sewer District Map Change - 62 and 64 Sankaty Road)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Siasconset Sewer District) of the code of the town of Nantucket by adding the following properties, currently outside of the district. All as shown on the attached map.

Map	Lot	Number	Street
49	80.2	62	Sankaty Road
49	80.1	64	Sankaty Road

Or to take any other action related thereto.

(Robert Sarkisian, et al)

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

NOTE: *The parcels referenced in the Article are contained in Article 66.*

ARTICLE 71

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change - 16 Rabbit Run Road)

To see if the Town will vote to place the real property ;known and numbered as 16 Rabbit Run Road (Map 43, Parcel 4) in the Town Sewer District pursuant to Nantucket Code, § 41-3.A;

or take other action with regard thereto.

(Arthur I. Reade, Jr., 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 Harbor Watershed Protection District Zone A, to the Town Sewer District:

Map	Lot	Number	Street
43	4	16	Rabbit Run Road

NOTE: *At its meeting on February 14, 2024, 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 72

(Bylaw Amendment: Repeal Chapter 141: Stretch Energy Code)

To see if the Town will vote to repeal its approval of Article 72 at the 2019 Annual Town Meeting held on April 1, 2019 in its entirety. Chapter 141 reads as follows:

Chapter 141Stretch Energy Code

[HISTORY: Adopted by the Annual Town Meeting of the Town of Nantucket 4-1-2019 by Art. 72, approved 8-6-2019. Amendments noted where applicable.]

§ 141-1Purpose.

§ 141-2Definitions.

§ 141-3Applicability.

§ 141-4Authority.

§ 141-5Stretch Code.

§ 141-1Purpose.

The purpose of 780 CMR 115, Appendix AA, is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the Building Code for new buildings.

§ 141-2Definitions.

INTERNATIONAL ENERGY CONSERVATION CODE (IECC)

The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency and is updated on a three-year cycle. The baseline energy conservation requirements of the Massachusetts State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

STRETCH ENERGY CODE

Codified by the Board of Building Regulations and Standards as 780 CMR 115, Appendix AA, of the Massachusetts Building Code, the Stretch Energy Code is an appendix to the Massachusetts Building Code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§ 141-3Applicability.

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115, Appendix AA, as indicated.

§ 141-4Authority.

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 115; Appendix AA, may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

§ 141-5Stretch Code.

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR 115, Appendix AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Code of the Town of Nantucket under the General Bylaws, Chapter 141, of the Town Code. The Stretch Code is enforceable by the Building Inspector and effective as of September 1, 2019.

(John Fones, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 73

(Acceptance of Massachusetts General Law: Change to Standards of Investment for Municipal Trust Funds)

To see if the Town will vote to accept the provisions of G.L. c.44, §54(b) to allow Town trust funds to be invested in accordance with G.L. c.203C, the so-called “Prudent Investment Rule”, or take any other action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the provisions of Massachusetts General Law Chapter 44, Section 54(b), are hereby accepted; and, to authorize the Town trust funds to be invested in accordance with G.L. c.203C, the so-called “Prudent Investment Rule”.

ARTICLE 74

(No Town Funds: Surfside Crossing)

To see if the Town will vote to require that no Town of Nantucket funds, or funds under the control of the Town of Nantucket, be paid to any developer involved with, or used to acquire any units or interests in, or otherwise used to support in any way, directly or indirectly, any development, project, construction, maintenance or operation thereof or the like, located at or in any way related to number 3, 5, 7, and 9 South Shore Road and/or 20 Miacomet Road in the Town of Nantucket, or take any other action related thereto.; or otherwise act thereon.

(Meghan Glowacki, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 75

(Establishment of Madaket Landfill Working Partnership Committee)

To see if the Town will vote to authorize the Select Board to form a committee of like-minded individuals, local contractors and business owners, to form a working partnership with the Town of Nantucket, for the purpose of operating the Madaket Landfill.

(Clifford Williams, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 76

(Request for Town Assistance with Evictions)

To see if the Town will vote to authorize the Select Board to aid individual home owner that have rented for less than fair market value and then have the tenant squat in the property once the owner starts the eviction process.

(Clifford Williams, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 77

(Withdraw from "Good Neighbor Agreement")

To see if the Town will vote to direct the Select Board to take any and all actions available to it in order to withdraw the Town from participation in the "Good Neighbor Agreement" purportedly entered into by the Town and County of Nantucket with Vineyard Wind, LLC, dated August 27, 2020, regarding development of off-shore wind energy projects within the Massachusetts Wind Energy Area, which was executed by the Chair of the Nantucket Select Board without authorization by Town Meeting;

or take other action with regard thereto.

(Vallorie Oliver, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 78

(Offshore Wind Power - Town Meeting Vote Required)

To see if the Town will vote to require that any action taken by or on behalf of the Town of Nantucket with regard to any off-shore wind power generation project shall not be effective unless it has been authorized by vote of Town Meeting;

or take other action with regard thereto.

(Vallorie Oliver, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 79

(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, Article 79 of the 2019 Annual Town Meeting and Article 76 of the 2022 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Town's representatives in the General Court are hereby requested to introduce legislation 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.

ARTICLE 80

(Home Rule Petition: Authorization for Year-Round Housing Occupancy Restriction)

To see if the Town will vote to authorize the Select Board to petition the General Court to enact special legislation as set forth below; provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language that may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

*AN ACT AUTHORIZING THE TOWN OF NANTUCKET AFFORDABLE HOUSING
TRUST FUND TO ACQUIRE YEAR-ROUND HOUSING OCCUPANCY
RESTRICTIONS*

*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. As used in this Act the following words shall, unless a different meaning clearly appears from the context, have the following meanings:

Select Board - the duly elected Select Board of the Town of Nantucket.

Town - the Town of Nantucket.

Year-Round Housing Occupancy Restriction - is a right, either in perpetuity or for a specified number of years, whether or not stated in the form of a restriction, easement, covenant, condition in any deed, mortgage, will, agreement or other instrument executed by or on behalf of the owner of the land appropriate to (a) limiting the use of all or part of the land to residential housing occupancy by persons or families who occupy either rental or ownership housing as their primary residence for not less than 10 months during any 1-year period, or (b) in any way limiting or restricting the use or enjoyment of all or any portion of the land for the purpose of encouraging or assuring creation or retention of rental and ownership housing for occupancy to persons or families who occupy either rental or ownership housing as their primary residence for not less than 10 months during any 1-year period.

SECTION 2. Notwithstanding any special or general law to the contrary in the Commonwealth, the Town of Nantucket Affordable Housing Trust Fund, a Massachusetts municipal affordable housing trust created pursuant to Massachusetts General Laws Chapter 44, Section 55C, under a Declaration of Trust dated February 8, 2010, recorded with the Nantucket County Registry of Deeds in Book 1221, Page 20, as amended by First Amendment to Declaration of Trust dated September 25, 2014, recorded with the Nantucket County Registry of Deeds in Book 1452, Page 272, or an authorized municipal board or agency approved by the Select Board, may acquire a year-round housing occupancy restriction for rental or ownership housing.

SECTION 3. The year-round housing occupancy restriction shall be recorded with the Nantucket County Registry of Deeds, or if on registered land, filed with the Nantucket Registry District of the Land Court, and contain a description of the land upon which the restriction is to be imposed provided it specifies that the land lies in the Town and is shown on a recorded or registered plan in the Nantucket County Registry of Deeds or the Nantucket Registry District of the Land Court, gives the boundaries of the land by metes and bounds, with reference to said plan or instrument and if the land is registered, specifies the certificate or certificates of title thereof. The restriction imposed shall run with the title of the land on which it is imposed.

SECTION 4. The acquisition of a year-round housing occupancy restriction must be approved by a vote of the Select Board prior to its acquisition.

SECTION 5. The year-round housing occupancy restriction may be enforced by the holder of the restriction, by injunction or other proceeding, and shall entitle representatives of the holder to enter the land in a reasonable manner and at reasonable times to assure compliance. If the court in any judicial enforcement proceeding, or the decision maker in any arbitration or other alternative dispute resolution enforcement proceeding, finds that there has been a violation of the restriction then, in addition to any other relief ordered, the petitioner bringing the action or proceeding may be awarded reasonable attorneys' fees and costs incurred in the action proceeding. The restriction may be released, in whole or in part, by the holder for consideration, if any, as the holder may determine, in the same manner as the holder may dispose of land or other interests in land, but only after a public hearing upon reasonable public notice, by the Select Board, whose approval shall be required. The release of the restriction must be recorded or registered in the Nantucket County Registry of Deeds or the Nantucket Registry District of the Land Court, as applicable.

SECTION 6. Acceptance of the restrictions and releases shall be evidenced by certificates of approval or release and executed by the holder of the restriction and the Select Board, and duly recorded or registered.

SECTION 7. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Town's representatives in the General Court are hereby requested to enact special legislation as set forth below; provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language that may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

***AN ACT AUTHORIZING THE TOWN OF NANTUCKET AFFORDABLE HOUSING
TRUST FUND TO ACQUIRE YEAR-ROUND HOUSING OCCUPANCY
RESTRICTIONS***

***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. As used in this Act the following words shall, unless a different meaning clearly appears from the context, have the following meanings:

Select Board - the duly elected Select Board of the Town of Nantucket.

Town - the Town of Nantucket.

Year-Round Housing Occupancy Restriction - is a right, either in perpetuity or for a specified number of years, whether or not stated in the form of a restriction, easement, covenant, condition in any deed, mortgage, will, agreement or other instrument executed by or on behalf of the owner of the land appropriate to (a) limiting the use of all or part of the land to residential housing occupancy by persons or families who occupy

either rental or ownership housing as their primary residence for not less than 10 months during any 1-year period, or (b) in any way limiting or restricting the use or enjoyment of all or any portion of the land for the purpose of encouraging or assuring creation or retention of rental and ownership housing for occupancy to persons or families who occupy either rental or ownership housing as their primary residence for not less than 10 months during any 1-year period.

SECTION 2. Notwithstanding any special or general law to the contrary in the Commonwealth, the Town of Nantucket Affordable Housing Trust Fund, a Massachusetts municipal affordable housing trust created pursuant to Massachusetts General Laws Chapter 44, Section 55C, under a Declaration of Trust dated February 8, 2010, recorded with the Nantucket County Registry of Deeds in Book 1221, Page 20, as amended by First Amendment to Declaration of Trust dated September 25, 2014, recorded with the Nantucket County Registry of Deeds in Book 1452, Page 272, or an authorized municipal board or agency approved by the Select Board, may acquire a year-round housing occupancy restriction for rental or ownership housing.

SECTION 3. The year-round housing occupancy restriction shall be recorded with the Nantucket County Registry of Deeds, or if on registered land, filed with the Nantucket Registry District of the Land Court, and contain a description of the land upon which the restriction is to be imposed provided it specifies that the land lies in the Town and is shown on a recorded or registered plan in the Nantucket County Registry of Deeds or the Nantucket Registry District of the Land Court, gives the boundaries of the land by metes and bounds, with reference to said plan or instrument and if the land is registered, specifies the certificate or certificates of title thereof. The restriction imposed shall run with the title of the land on which it is imposed.

SECTION 4. The acquisition of a year-round housing occupancy restriction must be approved by a vote of the Select Board prior to its acquisition.

SECTION 5. The year-round housing occupancy restriction may be enforced by the holder of the restriction, by injunction or other proceeding, and shall entitle representatives of the holder to enter the land in a reasonable manner and at reasonable times to assure compliance. If the court in any judicial enforcement proceeding, or the decision maker in any arbitration or other alternative dispute resolution enforcement proceeding, finds that there has been a violation of the restriction then, in addition to any other relief ordered, the petitioner bringing the action or proceeding may be awarded reasonable attorneys' fees and costs incurred in the action proceeding. The restriction may be released, in whole or in part, by the holder for consideration, if any, as the holder may determine, in the same manner as the holder may dispose of land or other interests in land, but only after a public hearing upon reasonable public notice, by the Select Board, whose approval shall be required. The release of the restriction must be recorded or registered in the Nantucket County Registry of Deeds or the Nantucket Registry District of the Land Court, as applicable.

SECTION 6. Acceptance of the restrictions and releases shall be evidenced by certificates of approval or release and executed by the holder of the restriction and the Select Board, and duly recorded or registered.

SECTION 7. This act shall take effect upon its passage.

SELECT BOARD COMMENT: The Select Board supports the Finance Committee Motion. Housing is a critical component of the Board's Strategic Plan and enactment of this Home Rule Petition would advance the Board's Housing Goals and Initiatives.

ARTICLE 81

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

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending the Nantucket Sewer Act to allowing the Select Board, acting as the Nantucket Sewer Commission, to waive all or a portion of sewer connection fees for year-round residents of the Town, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage:

AN ACT AMENDING CHAPTER 396 OF THE ACTS OF 2008

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

Section 1. Chapter 396 of the Acts of 2008 is hereby amended by inserting a new section 8A as follows:

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

Section 2. This act shall take effect upon passage.

Or to take any other action relative thereto.

(Select Board)

NOTE: This home rule petition was approved as Article 77 of the 2022 Annual Town Meeting and Article 84 of the 2023 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Town's representatives in the General Court are hereby requested to introduce special legislation, the text of which is

set forth below, amending the 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.

ARTICLE 82

(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)

NOTE: This home rule petition was approved as Article 78 of the 2022 Annual Town Meeting and Article 85 of the 2023 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Town's representatives in the General Court are hereby requested to introduce special legislation, the text of which is set forth below, amending the charter for the Town of Nantucket, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):*

Article II, Section 2.2 - Town Moderator

The Moderator shall be elected for a term of ~~one-year~~ **three years** and shall have all the powers and duties given to moderators under the Constitution and the laws of the Commonwealth, and such additional powers and duties as are authorized by this Charter.

Article II, Section 2.4 - Clerk of the Meeting

The Town Clerk shall serve as Clerk of the Town Meeting. In advance of each Town Meeting, the Town Clerk shall by written notice to the Moderator appoint an Alternate Clerk of the Meeting who shall, during such Town Meeting, serve in the event of absence or disability of the Clerk of the Meeting. If an Alternate Clerk of the Meeting is not appointed or is unable so to serve, the Moderator shall appoint a clerk, **who shall be a registered voter of the town.**

Article II, Section 2.5 - Town Meeting Warrant

...

(b) The Select Board shall publish notice of the issuance of the warrant of each town meeting in a newspaper of general circulation within the town promptly after the issuance of the warrant **and make a copy of the warrant available on the town website.** After such publication, the Finance Committee shall hold a public hearing on each article and vote its recommendations. For articles that do not call for the Town to raise and appropriate, transfer or borrow sums of money, the Finance Committee may choose to make no recommendation.

(c) The Select Board shall publish the warrant with the recommendations of the Finance

Committee by mailing a copy of such warrant to the address or postal box of each registered voter at least ~~seven~~ fourteen days prior to the Town Meeting.

(d) Notwithstanding any general or special law to the contrary, the Select Board shall insert in the warrant for the annual meeting all subjects the insertion of has been requested of them in writing by fifty or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which has been requested of them in writing by one hundred registered voters.

Article II, Section 2.6 - Rights of Nonresident Property Owners

One spokesperson for the Town's nonresident property owners shall be allowed to speak at any annual or special Town Meeting on matters before the Meeting but only at such times during a Meeting as the Moderator may allow and in accordance with the rules of order. The Moderator, in his or her sole discretion, may permit additional nonresident property owners to speak at any annual or special Town Meeting on matters before the Meeting.

Article IV, Section 4.2 - Town Manager

...

(d) In particular, the Town Manager:

...

(14) shall approve and sign warrants for payment ~~before such warrants are submitted to the Select Board;~~ and

Article IV, Section 4.3 - Town Manager Appointments

The Town Manager:

(a) shall appoint the department heads of all Town Administration departments (other than any elected heads), subject to resolution of disapproval pursuant to Section 3.4(a)(4) by the Select Board;

...

Article V, Section 5.4 - Recall of Elected Officials

...

(c) If, within 21 days after the certification date, such recall petition forms signed by at least 20% of registered voters, as established by the Town Clerk as of March 1st of the previous year, with Town residence address shown are returned to the Town Clerk, the Clerk shall, within 14 days, certify the signatures of registered voters, to determine sufficiency of the petition.

(d) If sufficient the Town Clerk shall thereupon submit the petition with date of its certification to the Select Board which shall forthwith give written notice thereof to the officer sought to be recalled. If the officer does not resign within 75 days, the Select Board shall not less than 75 days after such certification date order a recall election to be held concurrently with the next annual election for Town officers not less than 75 days after such certification date. The recall election, once ordered, shall proceed, even if the office becomes vacant, in the same manner as for an annual Town election.

(e) The officer sought to be removed may seek renomination, may serve until expiration of the current term of office unless and until a successor is sooner elected, and may not be put twice to the recall process in the same term.

(f) Recall election ballots shall first submit the question:

For the recall of (name and title of officer)

Against the recall of (name and title of officer)

~~Article VI, Section 6.6 – Time of Taking Effect~~

~~This Charter shall take effect on July first next following ratification by the voters of the Town. All Town officers, boards, councils, commissions and committees shall continue to perform their duties until re-appointed or re-elected or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another.~~

~~Any person holding a Town office or employment under the Town shall continue to retain such office or such employment and shall continue to perform the duties of the office or of the employment until such time as provisions shall have been made in accordance with this Charter for the performance of such duties by another person or agency. No person in the permanent, full time service or employment of the Town shall forfeit pay grade or time in service by reason solely of the adoption of this Charter. All such persons, unless removed in accordance with this Charter, shall be retained in an employment capacity as similar to their former employment capacity as is feasible.~~

~~SECTION 2. Continuance of the Charter Commission.~~

~~The Town and County Charter Commission elected April 4, 1995 pursuant to Chapter 328 of the Acts of 1992 shall continue to exist until thirty days after the enactment of this Act and any act that it may recommend in furtherance of a merger of the Town and County of Nantucket, provided that it shall submit a final report of its recommendations as to such a merger by December 31, 1998 and provided further that in no event shall such Commission continue beyond April 4, 2000.~~

~~SECTION 3. Ratification by the Voters.~~

~~On the official ballot to be used by the Town of Nantucket at the next annual election for Town officers at least two months after enactment of this Act by the General Court, the~~

~~question shall be placed substantially as follows:~~

~~"Shall an act passed, by the General Court in the year 1996 entitled 'An Act providing for a Charter for the Town of Nantucket' be accepted?"~~

~~A summary of the Charter to be prepared by the Town and County Charter Commission shall accompany the ballot question described herein.~~

~~If the majority of the votes cast in answer to such question is in the affirmative, this Act shall take full effect but not otherwise.~~

~~Ratified April 8, 1997~~

The form of the Special Act shall be as follows:

AN ACT AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET

SECTION 1. Section 2.2 of article II of the charter of the town of Nantucket, as established by chapter 289 of the acts of 1996, as amended, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the words "one year" and inserting in place thereof the following words:- three years.

SECTION 2. Section 2.4 of said article II of said charter is hereby amended by inserting after the words "Moderator shall appoint a clerk" the following words:- , who shall be a registered voter of the town.

SECTION 3. Subsection (b) of section 2.5 of said article II of said charter is hereby amended by inserting after the words "after the issuance of the warrant" the following words:- and make a copy of the warrant available on the town website.

SECTION 4. Subsection (c) of said section 2.5 of said article II of said charter is hereby amended by striking out the word "seven" and inserting in place thereof the following word:- fourteen.

SECTION 5. Said section 2.5 of said article II of said charter is hereby amended by inserting after subsection (c) the following new subsection:- (d) Notwithstanding any general or special law to the contrary, the Select Board shall insert in the warrant for the annual meeting all subjects the insertion of which has been requested of them in writing by fifty or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which has been requested of them in writing by one hundred registered voters.

SECTION 6. Section 2.6 of said article II of said charter is hereby amended by inserting at the end of said section the following words:- The Moderator, in his or her sole discretion, may permit additional nonresident property owners to speak at any annual or special Town Meeting on matters before the Meeting.

SECTION 7. Paragraph (14) of subsection (d) of section 4.2 of article IV of said charter is hereby amended by striking out the words “before such warrants are submitted to the Select Board” and by inserting after the words “shall approve” the following words:- and sign.

SECTION 8. Subsection (a) of section 4.3 of said article IV of said charter is hereby amended by inserting after the words “shall appoint the” the following word:- department.

SECTION 9. Subsection (c) of section 5.4 of article V of said charter is hereby amended by inserting after the words “at least 20% of registered voters” the following words:- , as established by the Town Clerk as of March 1st of the previous year.

SECTION 10. Subsection (d) of said section 5.4 of said article V of said charter is hereby amended by striking out the numeral “7” after the words “does not resign within” and inserting in place thereof the following numeral:- 5.

SECTION 11. Said subsection (d) of said section 5.4 of said article V of said charter is hereby further amended by striking out the words “not less than 75 days after such certification date” and inserting after the words “the Select Board shall” the following words:- not less than 75 days after such certification date.

SECTION 12. Subsection (f) of said section 5.4 of said article V of said charter is hereby amended by inserting after the words “For the recall of (name” the following words:- and title.

SECTION 13. Said subsection (f) of said section 5.4 of said article V of said charter is hereby further amended by inserting after the words “Against the recall of (name” the following words:- and title.

SECTION 14. Article VI of said charter is hereby amended by striking out Section 6.6 in its entirety.

ARTICLE 83

(Home Rule Petition: An Act Regulating the Application of Nutrient Management and Fertilizer in the Town of Nantucket)

To see if the Town will vote to request its representatives to the General Court to introduce legislation as set forth below; and, that the General Court, with the approval of the Select Board, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of the legislation in order to secure its passage, as follows:

AN ACT RELATIVE TO THE REGULATION OF NUTRIENT MANAGEMENT AND FERTILIZER IN THE TOWN NANTUCKET

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

Section 1. Notwithstanding the provisions of sections 9 and 10 of chapter 262 of the Acts of 2012 or any other general or special law, the deadline for the adoption of any rule, regulation, or by-law relative to nutrient management and fertilizer guidelines adopted in the Town of Nantucket under chapter 561 of the acts of 1973, shall be extended for a period of two years after the effective date of this act. Such rule, regulation or bylaw shall not be less restrictive than regulations adopted by the department of agricultural resources under section 1 of chapter 262 and shall be done in conjunction with the University of Massachusetts Amherst Extension to ensure any regulations relative to plant nutrients are consistent with the program's published information, educational materials and other public outreach programs relative to nutrient management and fertilizer guidelines.

Section 2. The act shall take effect upon passage.

Or to take any other action related thereto.

(Select Board)

NOTE: This home rule petition was approved as Article 86 of the 2023 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Town's representatives in the General Court are hereby requested to introduce legislation as set forth below; and, 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 84

(Home Rule Petition: Real Estate Conveyance - 50 Altar Rock Road to Nantucket Conservation Foundation, Inc.)

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

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO CONVEY A CERTAIN PARCEL OF LAND SITUATED IN THE TOWN OF NANTUCKET HELD FOR PARK PURPOSES TO THE NANTUCKET CONSERVATION FOUNDATION, INC. FOR OPEN SPACE, RECREATIONAL AND CONSERVATION PURPOSES CONSERVATION OR RECREATIONAL PURPOSES

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

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of all or a portion a certain parcel of land situated in the Town of Nantucket and held by the Select Board for park purposes subject to Article 97 to the Nantucket Conservation Foundation, Inc. for open space, recreational and conservation purposes for roadway and/or any purposes to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, described as follows:

- Tax Assessor's Map 45, Parcel 9, 50 Altar Rock Road as shown on a map filed with the Office of the Town Clerk.

Section 2. No instrument conveying by or on behalf of the Commonwealth, any interest in the parcel of land described in Section 1, shall be valid unless such instrument: (i) provides that the land shall be used solely for open space, recreational and conservation purposes; (ii) if the instrument conveys a fee interest in the parcel of land, includes a clause that shall require the grantee to convey a conservation restriction over the land in perpetuity as defined in and subject to sections 31, 32 and 33 of Chapter 184; and (iii) includes a clause that shall state that if the land ceases to be used by the grantee, or its successors or assigns, solely for open space, recreational and conservation purposes at any time that said parcel of land shall revert to the Town of Nantucket, which shall dedicate it for park purposes subject to Article 97.

Section 3. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

NOTE: This home rule petition was approved as Article 94 of the 2022 Annual Town Meeting and Article 87 of the 2023 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of all or a portion of a certain parcel of land in the Town of Nantucket held by The Inhabitants of the Town of Nantucket for park purposes, as described in more detail below and as shown on a map filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance; and further to authorize the Select Board to convey the property described below to the Nantucket Conservation foundation, Inc. for open space, recreational, and conservation purposes, to be on any terms and conditions the Select Board deem appropriate for roadway and/or any purposes, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

***AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO CONVEY A CERTAIN
PARCEL OF LAND SITUATED IN THE TOWN OF NANTUCKET HELD FOR PARK
PURPOSES TO THE NANTUCKET CONSERVATION FOUNDATION, INC. FOR
OPEN SPACE, RECREATIONAL AND CONSERVATION
PURPOSES CONSERVATION OR RECREATIONAL PURPOSES***

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

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or

otherwise dispose of all or a portion a certain parcel of land situated in the Town of Nantucket and held by the Select Board for park purposes subject to Article 97 to the Nantucket Conservation Foundation, Inc. for open space, recreational and conservation purposes for roadway and/or any purposes to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, described as follows:

- Tax Assessor's Map 45, Parcel 9, 50 Altar Rock Road as shown on a map filed with the Office of the Town Clerk.

Section 2. No instrument conveying by or on behalf of the Commonwealth, any interest in the parcel of land described in Section 1, shall be valid unless such instrument: (i) provides that the land shall be used solely for open space, recreational and conservation purposes; (ii) if the instrument conveys a fee interest in the parcel of land, includes a clause that shall require the grantee to convey a conservation restriction over the land in perpetuity as defined in and subject to sections 31, 32 and 33 of Chapter 184; and (iii) includes a clause that shall state that if the land ceases to be used by the grantee, or its successors or assigns, solely for open space, recreational and conservation purposes at any time that said parcel of land shall revert to the Town of Nantucket, which shall dedicate it for park purposes subject to Article 97.

Section 3. This act shall take effect upon its passage.

ARTICLE 85

(Home Rule Petition: Real Estate Conveyance - A Portion of Ames Avenue)

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

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO CONVEY FOR ROADWAY AND ANY OTHER PURPOSES CERTAIN PARCELS OF LAND WITHIN THE ROADWAY KNOWN AS AMES AVENUE, AND SHOWN AS LOTS 35-38 (INCLUSIVE) IN BLOCK 31 ON LAND COURT PLAN NO. 2408-M FILED WITH THE NANTUCKET REGISTRY DISTRICT OF THE LAND COURT SITUATED IN THE TOWN OF

*NANTUCKET HELD FOR CONSERVATION OR RECREATIONAL PURPOSES TO BE
CONVEYED FOR ROADWAY AND/OR ANY PURPOSES.*

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

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

- Lots 35-38 (inclusive) in Block 31 on Land Court Plan 2408-M of the Nantucket County Land Court Registry and as shown on a map filed with the Office of the Town Clerk;

Section 2. As a condition of any disposition pursuant to Section 1, and to ensure no net loss of land subject to Article 97 of the Amendments to the Constitution of the Commonwealth, the Town of Nantucket shall convey to the care, custody, management and control of the Conservation Commission, and dedicate for conservation and recreation purposes pursuant to Article 97, land of equal or greater acreage and natural resource value as the land so disposed.

Section 3. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

NOTE: This home rule petition was approved as Article 95 of the 2022 Annual Town Meeting and Article 88 of the 2023 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

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

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO CONVEY FOR ROADWAY AND ANY OTHER PURPOSES CERTAIN PARCELS OF LAND WITHIN THE ROADWAY KNOWN AS AMES AVENUE, AND SHOWN AS LOTS 35-38 (INCLUSIVE) IN BLOCK 31 ON LAND COURT PLAN NO. 2408-M FILED WITH THE NANTUCKET REGISTRY DISTRICT OF THE LAND COURT SITUATED IN THE TOWN OF NANTUCKET HELD FOR CONSERVATION OR RECREATIONAL PURPOSES TO BE CONVEYED FOR ROADWAY AND/OR ANY PURPOSES.

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

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

- Lots 35-38 (inclusive) in Block 31 on Land Court Plan 2408-M of the Nantucket County Land Court Registry and as shown on a map filed with the Office of the Town Clerk;

Section 2. As a condition of any disposition pursuant to Section 1, and to ensure no net loss of land subject to Article 97 of the Amendments to the Constitution of the Commonwealth, the Town of Nantucket shall convey to the care, custody, management and control of the Conservation Commission, and dedicate for conservation and recreation purposes pursuant to Article 97, land of equal or greater acreage and natural resource value as the land so disposed.

Section 3. This act shall take effect upon its passage.

ARTICLE 86

(Home Rule Petition: Issuance of Pension Obligation Bonds and Notes)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation as set forth below; and, that the General Court, with the approval of the Select Board, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of the legislation in order to secure its passage, as follows:

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO ISSUE PENSION OBLIGATION BONDS OR NOTES

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

SECTION 1. The town of Nantucket may issue, at one time or from time to time, bonds or notes for the purpose of funding the portion of the unfunded pension liability of the

Barnstable County retirement association allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank. The proceeds of any such issuance, other than amounts to be applied to issuance costs and expenses, shall be paid by the town of Nantucket to the Barnstable County retirement association, shall be allocated solely to reduce the unfunded pension liability allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank to which the bonds or notes relate, shall be invested in any investments which are permitted under chapter 32 of the General Laws and shall otherwise be held and expended on behalf of the town by the Barnstable County retirement association in accordance with law. The terms of any such bonds or notes shall not exceed 30 years from the date of issuance and the amount of any such bonds or notes shall be outside the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws. Upon the authorization of the issuance of pension obligation bonds by the town, the town shall submit the vote and a plan demonstrating how the town will finance and allocate the debt service associated with the bonds or notes to the executive office for administration and finance, and no bonds or notes authorized to be issued by this act shall be issued until the secretary for administration and finance has approved the plan and the issuance of such bonds or notes. Except as otherwise provided in this act, such bonds or notes shall be subject to said chapter 44.

SECTION 2. The aggregate principal amount of the bonds or notes issued during any calendar year under authority of this act shall not be greater than the amount sufficient to extinguish the unfunded pension liability of the Barnstable County retirement association allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank as of a particular date as determined in accordance with this section, plus an amount to provide for issuance costs and other expenses necessary or incidental thereto. The Barnstable County retirement association shall first determine the amount sufficient to extinguish the unfunded pension liability of the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank in accordance with the report of a nationally recognized independent consulting firm, which may be the consulting actuary generally retained by the Barnstable County retirement association, and which amount shall be approved by the public employee retirement administration commission. The report shall also set forth the present value savings to the town reasonably expected to be achieved as a result of the issuance of such bonds or notes.

SECTION 3. The maturities of such bonds or notes shall be scheduled so that the annual combined payments of principal and interest for each issue shall be as nearly equal as practicable in the opinion of the town Treasurer, in any manner that shall provide for a more rapid amortization of principal, or in accordance with any other manner consistent with the town's approved funding schedule, as the secretary for administration and finance shall approve. In granting the approval, the secretary may require the establishment of a reserve to be created from a portion of the amount of the annual savings used to calculate the present value savings. Any such reserve shall be held and controlled by the town and shall be separate from any other reserve or fund of the town allowed or required by statute. The secretary shall establish a method to calculate both the required amount of annual contribution to the reserve and the minimum value to be maintained in the reserve and shall prescribe conditions for expenditure from the reserve, including its use if necessary to prevent or limit any future

unfunded actuarial pension liability, and the conditions under which all or a portion of the funds in the reserve may be available for unrestricted purposes in which case such funds or portions thereof shall be transferred to the town treasury. Any funds in the reserve shall be trust funds within the meaning of section 54 of chapter 44 of the General Laws and, expected as otherwise provided in this act, shall be subject to the provisions of said section 54.

SECTION 4. If the unfunded pension liability to be funded with the proceeds of an issue of bonds or notes issued under this act relates in part to employees of Nantucket County or the Nantucket Islands Land Bank, each of such entities shall be responsible for reimbursing the town of Nantucket for such proportion of the annual debt service expense paid by the town of Nantucket for bonds or notes issued hereunder as is equal to the proportion of the total unfunded pension liability to be funded with the proceeds of the bonds or notes as relates to each of such entities. Notwithstanding any general or special law to the contrary, the Public Employee Retirement Administration Commission shall increase the annual amount to be certified under section 22 of the General Laws as the amount necessary to be paid by Nantucket County and the Nantucket County Land Bank as its proportionate share of the annual debt service expense as determined herein. The town of Nantucket shall have the same legal rights and authority as the retirement board of the Barnstable County retirement association to collect any amount so assessed to Nantucket County or the Nantucket Islands Land Bank.

SECTION 5. Notwithstanding chapter 70 of the General Laws or any other general or special law to the contrary, the portion of the annual debt service paid by the town of Nantucket for bonds or notes issued under this act applicable to school department personnel who are members of the Barnstable County retirement association shall be included in the computation of net school spending for the purposes of said chapter 70 or any other law.

SECTION 6. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

NOTE: This home rule petition was approved as Article 95 of the 2021 Annual Town Meeting and Article 89 of the 2023 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Town's representatives in the General Court are hereby requested to introduce special legislation as set forth below; and, that the General Court, with the approval of the Select Board, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of the legislation in order to secure its passage, as follows:

***AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO ISSUE PENSION
OBLIGATION BONDS OR NOTES***

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

SECTION 1. The town of Nantucket may issue, at one time or from time to time, bonds or notes for the purpose of funding the portion of the unfunded pension liability of the Barnstable County retirement association allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank. The proceeds of any such issuance, other than amounts to be applied to issuance costs and expenses, shall be paid by the town of Nantucket to the Barnstable County retirement association, shall be allocated solely to reduce the unfunded pension liability allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank to which the bonds or notes relate, shall be invested in any investments which are permitted under chapter 32 of the General Laws and shall otherwise be held and expended on behalf of the town by the Barnstable County retirement association in accordance with law. The terms of any such bonds or notes shall not exceed 30 years from the date of issuance and the amount of any such bonds or notes shall be outside the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws. Upon the authorization of the issuance of pension obligation bonds by the town, the town shall submit the vote and a plan demonstrating how the town will finance and allocate the debt service associated with the bonds or notes to the executive office for administration and finance, and no bonds or notes authorized to be issued by this act shall be issued until the secretary for administration and finance has approved the plan and the issuance of such bonds or notes. Except as otherwise provided in this act, such bonds or notes shall be subject to said chapter 44.

SECTION 2. The aggregate principal amount of the bonds or notes issued during any calendar year under authority of this act shall not be greater than the amount sufficient to extinguish the unfunded pension liability of the Barnstable County retirement association allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank as of a particular date as determined in accordance with this section, plus an amount to provide for issuance costs and other expenses necessary or incidental thereto. The Barnstable County retirement association shall first determine the amount sufficient to extinguish the unfunded pension liability of the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank in accordance with the report of a nationally recognized independent consulting firm, which may be the consulting actuary generally retained by the Barnstable County retirement association, and which amount shall be approved by the public employee retirement administration commission. The report shall also set forth the present value savings to the town reasonably expected to be achieved as a result of the issuance of such bonds or notes.

SECTION 3. The maturities of such bonds or notes shall be scheduled so that the annual combined payments of principal and interest for each issue shall be as nearly equal as practicable in the opinion of the town Treasurer, in any manner that shall provide for a more rapid amortization of principal, or in accordance with any other manner consistent with the town's approved funding schedule, as the secretary for administration and finance shall approve. In granting the approval, the secretary may require the establishment of a reserve to be created from a portion of the amount of the

annual savings used to calculate the present value savings. Any such reserve shall be held and controlled by the town and shall be separate from any other reserve or fund of the town allowed or required by statute. The secretary shall establish a method to calculate both the required amount of annual contribution to the reserve and the minimum value to be maintained in the reserve and shall prescribe conditions for expenditure from the reserve, including its use if necessary to prevent or limit any future unfunded actuarial pension liability, and the conditions under which all or a portion of the funds in the reserve may be available for unrestricted purposes in which case such funds or portions thereof shall be transferred to the town treasury. Any funds in the reserve shall be trust funds within the meaning of section 54 of chapter 44 of the General Laws and, excepted as otherwise provided in this act, shall be subject to the provisions of said section 54.

SECTION 4. If the unfunded pension liability to be funded with the proceeds of an issue of bonds or notes issued under this act relates in part to employees of Nantucket County or the Nantucket Islands Land Bank, each of such entities shall be responsible for reimbursing the town of Nantucket for such proportion of the annual debt service expense paid by the town of Nantucket for bonds or notes issued hereunder as is equal to the proportion of the total unfunded pension liability to be funded with the proceeds of the bonds or notes as relates to each of such entities. Notwithstanding any general or special law to the contrary, the Public Employee Retirement Administration Commission shall increase the annual amount to be certified under section 22 of the General Laws as the amount necessary to be paid by Nantucket County and the Nantucket County Land Bank as its proportionate share of the annual debt service expense as determined herein. The town of Nantucket shall have the same legal rights and authority as the retirement board of the Barnstable County retirement association to collect any amount so assessed to Nantucket County or the Nantucket Islands Land Bank.

SECTION 5. Notwithstanding chapter 70 of the General Laws or any other general or special law to the contrary, the portion of the annual debt service paid by the town of Nantucket for bonds or notes issued under this act applicable to school department personnel who are members of the Barnstable County retirement association shall be included in the computation of net school spending for the purposes of said chapter 70 or any other law.

SECTION 6. This act shall take effect upon its passage.

ARTICLE 87

(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)

NOTE: This home rule petition was approved as Article 90 of the 2023 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of all or portions of certain parcels of land in the Town of Nantucket owned by The Inhabitants of the Town of Nantucket held 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.

ARTICLE 88

(Home Rule Petition: Conveyance of Properties from County to Town)

To see if the Town will vote to authorize the Select Board to petition the General Court to enact a special act to authorize the transfer and conveyance of all or portions of certain parcels of land situated in the Town of Nantucket and the County of Nantucket owned by the County of Nantucket held for bicycle path purposes as described in more detail below and as shown on a map filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance described below on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE COUNTY OF NANTUCKET TO CONVEY CERTAIN LAND SITUATED IN THE TOWN AND COUNTY OF NANTUCKET FOR PURPOSES OF CONVEYANCE TO THE TOWN OF NANTUCKET

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

Section 1. The County of Nantucket is hereby authorized to convey the following parcels of land, owned by the County of Nantucket to the Town of Nantucket for purposes of conveyance:

- Parcels 23, 24, 25, and 28 shown on Plan File 49- O recorded with the Nantucket County Registry of Deeds.

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map filed with the Office of the Town Clerk.

Section 2. The provisions of Chapter 30B of the Massachusetts General Laws and any rights of first refusal in the Commonwealth under the provisions of Section 14 of Chapter 34 of the Massachusetts General laws shall not be applicable to any conveyance authorized hereunder.

Section 3. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

NOTE: This home rule petition was approved as Article 91 of the 2023 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Town's representatives in the General Court are hereby requested to enact a special act to authorize the transfer and conveyance of all or portions of certain parcels of land situated in the Town of Nantucket and the County of Nantucket owned by the County of Nantucket held for bicycle path purposes as described in more detail below and as shown on a map filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance described below on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

***AN ACT AUTHORIZING THE COUNTY OF NANTUCKET TO CONVEY CERTAIN
LAND SITUATED IN THE TOWN AND COUNTY OF NANTUCKET FOR PURPOSES
OF CONVEYANCE TO THE TOWN OF NANTUCKET***

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

Section 1. The County of Nantucket is hereby authorized to convey the following parcels of land, owned by the County of Nantucket to the Town of Nantucket for purposes of conveyance:

- Parcels 23, 24, 25, and 28 shown on Plan File 49- O recorded with the Nantucket County Registry of Deeds.

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map filed with the Office of the Town Clerk.

Section 2. The provisions of Chapter 30B of the Massachusetts General Laws and any rights of first refusal in the Commonwealth under the provisions of Section 14 of Chapter

34 of the Massachusetts General laws shall not be applicable to any conveyance authorized hereunder.

Section 3. This act shall take effect upon its passage.

ARTICLE 89

(Home Rule Petition: Conveyance of School Street from County to Town)

To see if the Town will vote to authorize the Select Board to petition the General Court to enact a special act to authorize the transfer and conveyance of all or portions of School Street situated in the Town of Nantucket and the County of Nantucket owned by the County of Nantucket held for highway purposes as described in more detail below and as shown on a map entitled "Conveyance of School Street from County to Town" dated January, 2024 and filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance described below on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE COUNTY OF NANTUCKET TO CONVEY SCHOOL STREET SITUATED IN THE TOWN AND COUNTY OF NANTUCKET FOR PURPOSES OF CONVEYANCE TO THE TOWN OF NANTUCKET

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

Section 1. The County of Nantucket is hereby authorized to convey School Street, as shown on a plan of land entitled "Plan of Taking for Nantucket County Commissioners School Street in Nantucket (Surfside) MA.," dated May 26, 1981, prepared by John J. Shugrue, Inc., recorded with Nantucket County Registry of Deeds in Plan Book 12-C-1, owned by the County of Nantucket to the Town of Nantucket for purposes of conveyance.

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map on file with the Office of the Town Clerk.

Section 2. The provisions of Chapter 30B of the Massachusetts General Laws and any rights of first refusal in the Commonwealth under the provisions of Section 14 of Chapter 34 of the Massachusetts General laws shall not be applicable to any conveyance authorized hereunder.

Section 3. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to petition the General Court to enact a special act to authorize the transfer and conveyance of all or portions of School Street situated in the Town of Nantucket and the County of Nantucket owned by the County of Nantucket held for highway purposes as described in more detail below and as shown on a map entitled "Conveyance of School Street from County to Town" dated January, 2024 and filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance described below on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE COUNTY OF NANTUCKET TO CONVEY SCHOOL STREET SITUATED IN THE TOWN AND COUNTY OF NANTUCKET FOR PURPOSES OF CONVEYANCE TO THE TOWN OF NANTUCKET

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

Section 1. The County of Nantucket is hereby authorized to convey School Street, as shown on a plan of land entitled "Plan of Taking for Nantucket County Commissioners School Street in Nantucket (Surfside) MA.," dated May 26, 1981, prepared by John J. Shugrue, Inc., recorded with Nantucket County Registry of Deeds in Plan Book 12-C-1, owned by the County of Nantucket to the Town of Nantucket for purposes of conveyance.

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map on file with the Office of the Town Clerk.

Section 2. The provisions of Chapter 30B of the Massachusetts General Laws and any rights of first refusal in the Commonwealth under the provisions of Section 14 of Chapter 34 of the Massachusetts General laws shall not be applicable to any conveyance authorized hereunder.

Section 3. This act shall take effect upon its passage.

ARTICLE 90

(Home Rule Petition: Real Estate Conveyances from Town of Nantucket to Nantucket Islands Land Bank and/or Sconset Trust, Inc.)

To see if the Town will vote to authorize the Select Board to petition the General Court to enact special legislation consistent with the requirements of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts to authorize

the transfer and conveyance of a certain parcel of land situated at 35 Grove Lane in the Town of Nantucket owned by the Town of Nantucket under the care, custody, control and management of the Conservation Commission for open space and conservation purposes as described in more detail below and as shown on a map filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance described below on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, and further to authorize the transfer and conveyance of certain parcels of land owned by the Inhabitants of the Town of Nantucket held for open space, conservation or passive recreational purposes, which may include the reservation of any easements or restrictions with regard to the properties, 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 CONSERVATION COMMISSION TO CONVEY A CERTAIN PARCEL OF LAND SITUATED IN THE TOWN FOR PURPOSES OF CONVEYANCE TO THE TOWN OF NANTUCKET UNDER THE CARE, CUSTODY, MANAGEMENT AND CONTROL OF THE SELECT BOARD AND THE TOWN OF NANTUCKET TO CONVEY CERTAIN LAND IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE, PASSIVE RECREATION OR CONSERVATION PURPOSES TO THE NANTUCKET ISLANDS LAND BANK FOR THE PURPOSES PURSUANT TO ITS LEGISLATION AND/OR TO THE SCONSET TRUST, INC. FOR OPEN SPACE, CONSERVATION AND PASSIVE RECREATION 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 any provisions of any general or special law to the contrary, the Town of Nantucket acting by and through its Conservation Commission, is hereby authorized to convey a certain parcel of land situated at 35 Grove Lane, as shown on a plan of land recorded with the Nantucket County Registry of Deeds in Plan File 8A of land entitled "Plan of Taking for Nantucket County Commissioners School Street in Nantucket (Surfside) MA.," dated May 26, 1981, prepared by John J. Shugrue, Inc., recorded with Nantucket County Registry of Deeds in Plan Book 12-C-1, owned by the Town of Nantucket pursuant to a Deed recorded with the Nantucket County Registry of Deeds in Book 164, Page 228, to the Town of Nantucket acting by and through its Select Board for purposes of conveyance.

Section 2. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding any 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/or to the Sconset Trust, Inc. for open space, conservation and passive recreation purposes, and described as follows:

- Tax Assessor's Map 74 as Parcel 71, Low Beach Road (portion of former railroad bed)
- Unnamed way bounded by the eastern sideline of Low Beach Road to the Atlantic Ocean and bounded by 2 Low Beach Road, shown on Tax Assessor's Map 74 as Parcel 74 and 6 Low Beach Road, shown on Tax Assessor's Map 74 as Parcel 76, Siasconset
- Hawthorne Avenue (between Ocean Avenue and the Atlantic Ocean)
- 35 Grove Lane, shown on Tax Assessor's Map 71 as Parcel 342

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map filed with the Office of the Town Clerk.

Section 3. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to petition the General Court to enact special legislation consistent with the requirements of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts to authorize the transfer and conveyance of a certain parcel of land situated at 35 Grove Lane in the Town of Nantucket owned by the Town of Nantucket under the care, custody, control and management of the Conservation Commission for open space and conservation purposes as described in more detail below and as shown on a map filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance described below on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, and further to authorize the transfer and conveyance of certain parcels of land owned by the Inhabitants of the Town of Nantucket held for open space, conservation or passive recreational purposes, which may include the reservation of any easements or restrictions with regard to the properties, 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 CONSERVATION COMMISSION TO CONVEY A CERTAIN PARCEL OF LAND SITUATED IN THE TOWN FOR PURPOSES OF CONVEYANCE TO THE TOWN OF NANTUCKET UNDER THE CARE, CUSTODY, MANAGEMENT AND CONTROL OF THE SELECT BOARD AND THE TOWN OF NANTUCKET TO CONVEY CERTAIN LAND IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE, PASSIVE RECREATION OR CONSERVATION PURPOSES TO THE NANTUCKET ISLANDS LAND BANK FOR THE PURPOSES PURSUANT TO ITS LEGISLATION AND/OR TO THE SCONSET

***TRUST, INC. FOR OPEN SPACE, CONSERVATION AND PASSIVE RECREATION
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 any provisions of any general or special law to the contrary, the Town of Nantucket acting by and through its Conservation Commission, is hereby authorized to convey a certain parcel of land situated at 35 Grove Lane, as shown on a plan of land recorded with the Nantucket County Registry of Deeds in Plan File 8A of land entitled "Plan of Taking for Nantucket County Commissioners School Street in Nantucket (Surfside) MA.," dated May 26, 1981, prepared by John J. Shugrue, Inc., recorded with Nantucket County Registry of Deeds in Plan Book 12-C-1, owned by the Town of Nantucket pursuant to a Deed recorded with the Nantucket County Registry of Deeds in Book 164, Page 228, to the Town of Nantucket acting by and through its Select Board for purposes of conveyance.

Section 2. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding any 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/or to the Sconset Trust, Inc. for open space, conservation and passive recreation purposes, and described as follows:

- Tax Assessor's Map 74 as Parcel 71, Low Beach Road (portion of former railroad bed)
- Unnamed way bounded by the eastern sideline of Low Beach Road to the Atlantic Ocean and bounded by 2 Low Beach Road, shown on Tax Assessor's Map 74 as Parcel 74 and 6 Low Beach Road, shown on Tax Assessor's Map 74 as Parcel 76, Siasconset
- Hawthorne Avenue (between Ocean Avenue and the Atlantic Ocean)
- 35 Grove Lane, shown on Tax Assessor's Map 71 as Parcel 342

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map filed with the Office of the Town Clerk.

Section 3. This act shall take effect upon its passage.

Or to take any other action related thereto.

ARTICLE 91
(Home Rule Petition: An Act Amending the Charter of the County 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, amending the Nantucket County Charter by striking out, in every instance in which they appear, the words "Board of Selectmen" and inserting in place thereof the words "Select Board," 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 MAKING THE CHARTER OF THE COUNTY OF NANTUCKET GENDER
NEUTRAL*

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

SECTION 1. The first sentence of section 2.2 of article II of the charter of the county of Nantucket is hereby amended by striking out the word "Selectmen," and inserting in place thereof, in each instance, the following words:- select board members.

SECTION 2. Section 2.2 of said article II of said charter is hereby further amended by adding the following clause:-

The select board shall have the full role of and all of the powers and authority of a board of selectmen under any general or special law and its members and officers shall have the full role of and all of the powers and authority of the members and officers of a board of selectmen under any general or special law.

SECTION 3. The first paragraph of section 2.3 of said article II of said charter is hereby amended by striking out the words "Board of Selectmen," in each instance in which they appear, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 4. Subsection (d) of section 2.8 of said article II of said charter is hereby amended by striking out the words "Board of Selectmen" and inserting in place thereof the following words:- select board.

SECTION 5. This act shall take effect upon its passage.

Or take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to request the Town's representatives in the General Court to introduce special legislation, the text of which is set forth below, amending the Nantucket County Charter by striking out, in every instance in which they appear, the words "Board of Selectmen" and inserting in place thereof the words "Select Board," 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 MAKING THE CHARTER OF THE COUNTY OF NANTUCKET GENDER
NEUTRAL***

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

SECTION 1. The first sentence of section 2.2 of article II of the charter of the county of Nantucket is hereby amended by striking out the word “Selectmen,” and inserting in place thereof, in each instance, the following words:- select board members.

SECTION 2. Section 2.2 of said article II of said charter is hereby further amended by adding the following clause:-

The select board shall have the full role of and all of the powers and authority of a board of selectmen under any general or special law and its members and officers shall have the full role of and all of the powers and authority of the members and officers of a board of selectmen under any general or special law.

SECTION 3. The first paragraph of section 2.3 of said article II of said charter is hereby amended by striking out the words “Board of Selectmen,” in each instance in which they appear, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 4. Subsection (d) of section 2.8 of said article II of said charter is hereby amended by striking out the words “Board of Selectmen” and inserting in place thereof the following words:- select board.

SECTION 5. This act shall take effect upon its passage.

ARTICLE 92

**(Home Rule Petition: An Act Amending the Charter of the Town of Nantucket to Require
Town Department Heads be Town Employees)**

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 sections 4.2, 4.4, and 4.5 of Chapter IV of the charter for the Town of Nantucket. **Said amendments will require that Department Heads of Town Administration Departments report to the Town Manager and are not subject to employment contracts with other boards, commissions, or agencies.**

And further 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 THE CHARTER FOR THE TOWN OF NANTUCKET
Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

The Home Rule Charter of the Town of Nantucket, as established by chapter 289 of the acts of 1996, as amended, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by making the following changes to Article IV - Town Administration.

Section 1: In Section 4.2, Town Manager; insert the following after the text in (d) (2) "said powers shall not be delegated."

Section 2: In Section 4.4, Town Administration Departments; make these changes to the second paragraph of section b) (additions shown in **highlighted text**)

All town employees in the employ of these boards, and commissions, and agencies as staff, assistants and the like shall, on the effective date of this amendment, come under the appointment, removal or other authority of the Town Manager in accordance with section 4.3 and 4.6 of the Charter and shall not be party to any employment contract with any commission, board or agency, provided, however, that the method of appointment or election of members of such boards and commissions (which boards and commissions shall be "Department Head" within the meaning of section 4.6 of the Charter of the Town for each of their respective jurisdictions) shall not be changed by this amendment. [Amended 4-11-2007 ATM by Art. 44, approved 5-21-2007]

Section 3: In Section 4.5, Department Head Responsibilities; make the following changes (additions shown in **highlighted text**)

The heads of Town Administration departments shall be responsible to the Town Manager for the efficient operation of their respective departments and for the proper implementation of the laws and regulations of the Commonwealth and of Town bylaws applicable to their departmental functions. **Heads of Town Administration departments shall not hold or enter employment contracts with any board, commission or agency.**

Section 2: This Act shall take effect upon passage.

Or to take any other action related thereto.

(Meghan Glowacki, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 93

(Real Estate Acquisition: Unnamed Way in Siasconset)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain the fee title or lesser interests together with any public and private rights of passage for public ways, open space and/or municipal purposes in all or any portions of an unnamed and unconstructed way bounded by the eastern sideline of Low Beach Road to the Atlantic Ocean located between two parcels of land owned by the Nantucket Islands Land Bank located at 2 Low Beach Road, shown on Town Assessor's Map 74 as Parcel 74 and 6 Low Beach Road shown on Town Assessor's Map 74 as Parcel 76.

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain the fee title or lesser interests together with any public and private rights of passage for public ways, open space and/or municipal purposes in all or any portions of an unnamed and unconstructed way bounded by the eastern sideline of Low Beach Road to the Atlantic Ocean located between two parcels of land owned by the Nantucket Islands Land Bank located at 2 Low Beach Road, shown on Town Assessor's Map 74 as Parcel 74 and 6 Low Beach Road shown on Town Assessor's Map 74 as Parcel 76.

ARTICLE 94

(Real Estate Acquisition: Linden and Hawthorne Avenues in Siasconset)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for general municipal, public ways, or open space purposes and for purpose of conveyance the fee title or lesser interests together with any public and private rights of passage in all or any portions of an unnamed and unconstructed way bounded by the eastern sideline of Ocean Avenue to the Atlantic Ocean.

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain for general municipal, public ways, or open space purposes and for purpose of conveyance the fee title or lesser interests together with any public and private rights of passage in all or any portions of an unnamed and unconstructed way bounded by the eastern sideline of Ocean Avenue to the Atlantic Ocean.

ARTICLE 95

(Real Estate Conveyance: Linden and Hawthorne Avenues in Siasconset)

To see if the Town will vote to authorize the Select Board to convey, sell, exchange or otherwise dispose of the fee title or lesser interests in all or any portion of Hawthorne Avenue subject to the following terms: (1) the Town shall accept grant(s) of One Big Beach Easement(s) to be held for the public benefit as consideration for such disposal of all or any portion of Hawthorne Avenue; (2) the Town shall convey all or a portion of the fee title or lesser interests in the land located between Hawthorne and Linden Avenues adjacent to the Atlantic Ocean, to the Nantucket Islands Land Bank for purposes pursuant to its enabling legislation or the Sconset Trust, Inc. for open space,

conservation or passive recreation purposes, as determined by the Select Board; and (3) such disposal of all or any portion of Hawthorne Street shall be upon such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements.

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to convey, sell, exchange or otherwise dispose of the fee title or lesser interests in all or any portion of Hawthorne Avenue subject to the following terms: (1) the Town shall accept grant(s) of One Big Beach Easement(s) to be held for the public benefit as consideration for such disposal of all or any portion of Hawthorne Avenue; (2) the Town shall convey all or a portion of the fee title or lesser interests in the land located between Hawthorne and Linden Avenues adjacent to the Atlantic Ocean, to the Nantucket Islands Land Bank for purposes pursuant to its enabling legislation or the Sconset Trust, Inc. for open space, conservation or passive recreation purposes, as determined by the Select Board; and (3) such disposal of all or any portion of Hawthorne Street shall be upon such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements.

ARTICLE 96

(Real Estate Acquisition: Unnamed Way - Grove Lane to Westchester Road)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain the fee title or lesser interests together with any public and private rights of passage for public ways, and/or municipal purposes in all or any portions of an unnamed and unconstructed way between the northern sideline of Grove Lane to the southern sideline of Westchester Road.

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain the fee title or lesser interests together with any public and private rights of passage for public ways, and/or municipal purposes in all or any portions of an unnamed and unconstructed way between the northern sideline of Grove Lane to the southern sideline of Westchester Road.

ARTICLE 97

(Real Estate Conveyance: Unnamed Way - Grove Lane to Westchester Road)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee title or lesser interests to the Nantucket Islands Land Bank for all purposes pursuant to their enabling legislation and/or the Nantucket Conservation

Foundation, for open space and conservation purposes, in all or any portions of an unnamed and unconstructed way between the northern sideline of Grove Lane to the southern sideline of Westchester Road, subject to such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements.

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

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 title or lesser interests to the Nantucket Islands Land Bank for all purposes pursuant to their enabling legislation and/or the Nantucket Conservation Foundation, for open space and conservation purposes, in all or any portions of an unnamed and unconstructed way between the northern sideline of Grove Lane to the southern sideline of Westchester Road, subject to such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements.

ARTICLE 98

(Real Estate Conveyance: Town of Nantucket to Nantucket Islands Land Bank and/or Sconset Trust, Inc. - Miscellaneous Parcels in Siasconset and Grove Lane)

To see if the Town will vote to authorize the Town of Nantucket, acting by and through its Conservation Commission to transfer the care, custody, management and control of a certain parcel of land situated at 35 Grove Lane, Nantucket as shown on a plan of land recorded with Nantucket County Registry of Deeds in Plan File 8A, to the Select Board for purposes of conveyance; and further to authorize the Select Board to sell, convey or otherwise dispose of a portion of the fee title or lesser interests in the afore-referenced properties to the Nantucket Islands Land Bank for all purposes pursuant to its enabling legislation and/or to the Sconset Trust, Inc. for open space, conservation and passive recreation purposes, such disposition to be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the following properties: (1) a certain parcel of land off Low Beach Road being a portion of the former railroad bed and shown on Town Assessor's Map 74 as Parcel 71; (2) a certain parcel of unconstructed land shown as Hawthorne Avenue, bounded by Ocean Avenue to the Atlantic Ocean: and (3) a certain parcel of land shown as 35 Grove Lane shown on Town Assessor's Map 41 as Parcel 342, Siasconset.

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Conservation Commission is hereby authorized to transfer the care, custody, management and control of a certain parcel of land situated at 35 Grove Lane, Nantucket as shown on a plan of land recorded with Nantucket County Registry of Deeds in Plan File 8A, to the Select Board for purposes of conveyance; and further the Select Board is authorized to sell, convey or otherwise dispose of a portion of the fee title or lesser interests in the afore-referenced properties to the Nantucket Islands Land Bank for all purposes pursuant to its enabling legislation and/or to the Sconset Trust, Inc. for open space, conservation and passive recreation purposes, such disposition to be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the following properties: (1) a certain parcel of land off Low Beach Road being a portion of the former railroad bed and shown on Town Assessor's Map 74 as Parcel 71; (2) a certain parcel of unconstructed land shown as Hawthorne Avenue, bounded by Ocean Avenue to the Atlantic Ocean; and (3) a certain parcel of land shown as 35 Grove Lane shown on Town Assessor's Map 41 as Parcel 342, Siasconset.

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

ARTICLE 99

(Real Estate Acquisition: 75A, 75B and 77 Bartlett 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 construction of a municipal sewer pumping station, municipal housing and drainage, sidewalk, utility, public transportation and any other related public purposes, the fee title or lesser interests of all or any portion of property located at 75A, 75B and 77 Bartlett Road, shown on Town Assessor's Map 66 as Parcels 427.1, 427.2 and 428.

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

Or to take any other action related thereto.

(Select Board)

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

ARTICLE 100

(Real Estate Acquisition: Paper Streets - Miacomet Park)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain the fee title or lesser interests together with any public and private rights of passage for public ways, open space and/or municipal purposes and for conveyance purposes in all or any portions of unconstructed ways within an area of land known as Miacomet Park including but not limited to Central, Ocean, Miacomet and Surfside Avenues, and Cottage, Dartmouth, Harvard, Hemlock, Highland, Lincoln, Mineral, Spring, Spruce, Summer and Walnut Streets, as shown on a plan entitled "Plan of Land Taking in Nantucket, MA," dated October 5, 1998, recorded with the Nantucket Registry of Deeds as Plan 53-T.

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain the fee title or lesser interests together with any public and private rights of passage for public ways, open space and/or municipal purposes and for conveyance purposes in all or any portions of unconstructed ways within an area of land known as Miacomet Park including but not limited to Central, Ocean, Miacomet and Surfside Avenues, and Cottage, Dartmouth, Harvard, Hemlock, Highland, Lincoln, Mineral, Spring, Spruce, Summer and Walnut Streets, as shown on a plan entitled "Plan of Land Taking in Nantucket, MA," dated October 5, 1998, recorded with the Nantucket Registry of Deeds as Plan 53-T.

ARTICLE 101

(Real Estate Conveyance: Paper Streets - Miacomet Park)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee title or lesser interests to the Nantucket Islands Land Bank for all purposes pursuant to its enabling legislation all or any portions of unconstructed ways within an area of land known as Miacomet Park including but not limited to Central, Ocean, Miacomet and Surfside Avenues, and Cottage, Dartmouth, Harvard, Hemlock, Highland, Lincoln, Mineral, Spring, Spruce, Summer and Walnut Streets shown on a plan of land entitled "Plan of Land Taking in Nantucket, MA," dated October 5, 1998 recorded with Nantucket Registry of Deeds as Plan 53-T, subject to such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements.

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

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 title or lesser interests to the Nantucket Islands Land Bank for all purposes pursuant to its enabling legislation all or any portions of unconstructed ways within an area of land known as Miacomet Park including but not limited to Central, Ocean, Miacomet and Surfside Avenues, and Cottage, Dartmouth, Harvard, Hemlock, Highland, Lincoln, Mineral, Spring, Spruce, Summer and Walnut Streets shown on a plan of land entitled "Plan of Land Taking in Nantucket, MA," dated October 5, 1998 recorded with Nantucket Registry of Deeds as Plan 53-T, subject to such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements.

ARTICLE 102

(Real Estate Conveyance: School Street, Surfside)

To see if the Town will vote to authorize the County of Nantucket to transfer the care, custody, management and control of School Street, as shown on a plan entitled

“Plan of Taking for Nantucket County Commissioners School Street in Nantucket (Surfside) MA.,” dated May 26, 1981, prepared by John J. Shugrue, Inc., recorded with Nantucket County Registry of Deeds in Plan Book 12-C-1, to the Select Board for purposes of conveyance; and further to authorize the Select Board sell, convey or otherwise dispose of a portion of the fee title or lesser interests in School Street subject to the following terms: (1) the Town shall accept a grant of a One Big Beach Easement to be held for the public benefit as consideration for such disposal of all or any portion of School Street; (2) the Town shall retain rights for the public to access Surfside Beach from Western Avenue to the Atlantic Ocean; (3) the owner of 26 Western Avenue, shown on Town Assessor’s Map 87 as Parcel 77, shall grant an easement over their property to the Town for pedestrian and emergency access over an existing path; and (4) subject to such terms and conditions as the Select Board, deem appropriate which may include the reservation of restrictions and other easements.

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the County of Nantucket is hereby authorized to transfer the care, custody, management and control of School Street, as shown on a plan entitled “Plan of Taking for Nantucket County Commissioners School Street in Nantucket (Surfside) MA.,” dated May 26, 1981, prepared by John J. Shugrue, Inc., recorded with Nantucket County Registry of Deeds in Plan Book 12-C-1, to the Select Board for purposes of conveyance; and that the Select Board is authorized to sell, convey or otherwise dispose of a portion of the fee title or lesser interests in School Street subject to the following terms: (1) the Town shall accept a grant of a One Big Beach Easement to be held for the public benefit as consideration for such disposal of all or any portion of School Street; (2) the Town shall retain rights for the public to access Surfside Beach from Western Avenue to the Atlantic Ocean; (3) the owner of 26 Western Avenue, shown on Town Assessor’s Map 87 as Parcel 77, shall grant an easement over their property to the Town for pedestrian and emergency access over an existing path; and (4) subject to such terms and conditions as the Select Board, deem appropriate which may include the reservation of restrictions and other easements.

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

ARTICLE 103

(Real Estate Conveyances: Utility Easements for Electric Vehicle Charging Stations)

To see if the Town will vote to authorize the Select Board to convey a perpetual non-exclusive easement to National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain, operate, use, inspect and patrol the electric lines and transformer necessary for electric vehicle charging stations and together with any other equipment and appurtenances, reasonably required in, through, under, across and upon a portion of two Town-owned parcels of land located at (1) Surfside Beach, 166 Surfside Road, Nantucket shown on Town Assessor’s Map 87 as

Parcel 131, and (2) Jetties Beach Tennis Courts located at 4 Bathing Beach Road, Nantucket, shown on Town Assessor's Map 29 as Parcel 1.

All as shown on a map filed with the office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to convey a perpetual non-exclusive easement to National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain, operate, use, inspect and patrol the electric lines and transformer necessary for electric vehicle charging stations and together with any other equipment and appurtenances, reasonably required in, through, under, across and upon a portion of two Town-owned parcels of land located at (1) Surfside Beach, 166 Surfside Road, Nantucket shown on Town Assessor's Map 87 as Parcel 131, and (2) Jetties Beach Tennis Courts located at 4 Bathing Beach Road, Nantucket, shown on Town Assessor's Map 29 as Parcel 1.

ARTICLE 104

(Real Estate Conveyance: Wauwinet Road and Unnamed Way)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee title or lesser interests in all or any portions of the subject land pursuant to M.G.L., c. 30B, and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's office, any such disposition to be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of easements and restrictions, in the following:

- An unnamed way between the western sideline of properties shown on Town Assessor's Map 20 as Parcels 37 and 41 and the eastern sideline of Wauwinet Road;
- A portion of Wauwinet Road between the western sideline of property shown on Town Assessor's Map 20 as Parcel 41, the eastern sideline of property shown on Town Assessor's Map 20 as Parcel 45, the southern sideline of an unnamed way, and a point connecting the southwestern sideline of property shown on Town Assessor's Map 20 as Parcel 41 with the southern property line of property shown on Town Assessor's Map 20 as Parcel 45.

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey or otherwise dispose of the fee title or lesser interests in all or any portions of the subject land pursuant to M.G.L., c. 30B, and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's office, any such disposition

to be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of easements and restrictions, in the following:

- An unnamed way between the western sideline of properties shown on Town Assessor's Map 20 as Parcels 37 and 41 and the eastern sideline of Wauwinet Road;
- A portion of Wauwinet Road between the western sideline of property shown on Town Assessor's Map 20 as Parcel 41, the eastern sideline of property shown on Town Assessor's Map 20 as Parcel 45, the southern sideline of an unnamed way, and a point connecting the southwestern sideline of property shown on Town Assessor's Map 20 as Parcel 41 with the southern property line of property shown on Town Assessor's Map 20 as Parcel 45.

ARTICLE 105

(Real Estate Acquisition: Unnamed Way (Surfside))

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain the fee title or lesser interests together with any public or private rights of passage for public ways and/or general municipal purposes in the unnamed way from the northern side of Western Avenue to Weeweeder Pond.

Or otherwise act thereon.

(Patricia A. Halsted, et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain the fee title or lesser interests together with any public or private rights of passage for public ways and/or general municipal purposes in the unnamed way from the northern side of Western Avenue to Weeweeder Pond.

ARTICLE 106

(Real Estate Conveyance: Unnamed Way (Surfside))

To see if the Town will vote to authorize the Select Board to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of the unnamed way from the northern sideline of Western Avenue to Weeweeder Pond, 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 otherwise act thereon.

(Patricia A. Halsted, et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of the unnamed way from the northern sideline of Western Avenue to Weeweeder Pond, 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 107

(Real Estate Acquisition: Bank Avenue and Adjacent Way)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for general municipal purposes and for the purpose of conveyance of the fee title or lesser interests, together with any public or private rights of passage, in the unconstructed private way called Bank Avenue, as shown upon Land Court Plans 8178-A and 14733-A, and in so much of the Way running to the northeast from Bank Avenue between Lots A and C on Land Court Plan 8178-A as is southwest of the extended northeasterly line of Lot C;

or take other action with regard thereto.

(Arthur I. Reade, Jr., et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain, for general municipal purposes and for the purpose of conveyance of the fee title or lesser interests, together with any public or private rights of passage, in the unconstructed private way called Bank Avenue, as shown upon Land Court Plans 8178-A and 14733-A, and in so much of the Way running to the northeast from Bank Avenue between Lots A and C on Land Court Plan 8178-A as is southwest of the extended northeasterly line of Lot C.

ARTICLE 108

(Real Estate Conveyance: Bank Avenue and Adjacent Way)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land pursuant to M.G.L., c. 30B, and guidelines established under the “Nantucket Yard Sales” program on file at the Board of Selectmen’s office, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in the unconstructed private way called Bank Avenue, as shown upon Land Court Plans 8178-A and 14733-A, and in so much of the Way running to the northeast from Bank Avenue between Lots A and C on Land Court Plan 8178-A as is southwest of the extended northeasterly line of Lot C;

or take other action with regard thereto.

(Arthur I. Reade, Jr., 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 of all or any portion of the subject land pursuant to M.G.L., c. 30B, and guidelines established under the “Nantucket Yard Sales” program on file at the Board of Selectmen’s office, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in the unconstructed private way called Bank Avenue, as shown upon Land Court Plans 8178-A and 14733-A, and in so much of the Way running to the northeast from Bank Avenue

between Lots A and C on Land Court Plan 8178-A as is southwest of the extended northeasterly line of Lot C.

ARTICLE 109

(Real Estate Acquisition: Hamblin Road)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for general municipal purposes and for the purpose of conveyance of the fee title or lesser interests, together with any public or private rights of passage, in the unconstructed private way called Bank Avenue, as shown upon Land Court Plans 8178-A and 14733-A, and in so much of the Way running to the northeast from Bank Avenue between Lots A and C on Land Court Plan 8178-A as is southwest of the extended northeasterly line of Lot C;

or take other action with regard thereto.

(Kenneth Gullicksen, et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain, for general municipal purposes and for the purpose of conveyance of the fee title or lesser interests, together with any public or private rights of passage, in the unconstructed private way called Bank Avenue, as shown upon Land Court Plans 8178-A and 14733-A, and in so much of the Way running to the northeast from Bank Avenue between Lots A and C on Land Court Plan 8178-A as is southwest of the extended northeasterly line of Lot C.

ARTICLE 110

(Real Estate Acquisition Conveyance: Hamblin Road)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land pursuant to M.G.L., c. 30B, and guidelines established under the “Nantucket Yard Sales” program on file at the Board of Selectmen’s office, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in so much of the unconstructed private way called Hamblin Road, as shown upon plan dated Nov. 1953, recorded with Nantucket Deeds in Plan Book 14, Page 40, as lies between the extended southern boundary of Lot 12 on said plan and the extended northerly boundary of Lot 9 on said plan;

or take other action with regard thereto.

(Kenneth Gullicksen, 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 of all or any portion of the subject land pursuant to M.G.L., c. 30B, and guidelines established under the “Nantucket Yard Sales” program on file at the Select Board office, any such disposition to be on such terms and conditions as the Select Board deems appropriate, which may include the reservation of easements and restrictions, in so much of the unconstructed private way called Hamblin Road, as shown upon plan dated Nov. 1953, recorded with

Nantucket Deeds in Plan Book 14, Page 40, as lies between the extended southern boundary of Lot 12 on said plan and the extended northerly boundary of Lot 9 on said plan.

ARTICLE 111

(Appropriation: Stabilization Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of the Stabilization Fund in accordance with Chapter 40 section 5B of the Massachusetts General Laws, from which appropriations may be made by a two-thirds vote of an Annual or Special Town Meeting for any purpose for which a municipality may borrow money or for any other lawful purpose; said sum not to exceed ten percent (10%) of the Fiscal Year 2023 tax levy.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that One Million Dollars (\$1,000,000) from Free Cash in the Treasury of the Town be deposited by the Treasurer into the Stabilization Fund; and, that One Million Dollars (\$1,000,000) from Free Cash in the Treasury of the Town be deposited into the Capital Projects Stabilization Fund.

ARTICLE 112

(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.

ZONING**139 Attachment 2**

Town of Nantucket Use Chart
(See § 139-7A.)

[Amended 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; 4-4-2011 ATM by Arts. 58 and 61, AG approval 9-15-2011; 3-31-2012 ATM by Art. 47, AG approval 7-12-2012; 4-2-2013 ATM by Art. 30, AG approval 7-26-2013; 4-5-2014 ATM by Art. 67, AG approval 5-7-2014; 4-6-2015 ATM by Arts. 44, 47, 61, 62, 64, AG approval 8-5-2015; 11-9-2015 STM by Art. 2, AG approval 12-29-2015; 4-2-2016 ATM by Art. 36, 52, AG approval 7-12-2016; 4-1-2017 ATM by Art. 69, AG approval 5-31-2017; 11-6-2017 STM by Arts. 2, 19, 21, AG approval 2-26-2018; 10-10-2018 STM by Art. 2, AG approval 5-8-2019; 4-1-2019 ATM by Art. 49, AG approval 8-6-2019; 6-5-2021 ATM by Art. 48, AG approval 10-7-2021; 5-2-2022 ATM by Art. 54, AG approval 10-31-2022]

A = Accessory Use as defined in § 139-15

FBED = Formula Business Exclusion District

N = No

SP = Special Permit issued by Zoning Board of Appeals, unless the Planning Board is designated as the special permit granting authority pursuant to another section of this chapter.

Y = Yes

	Use	Town Residential Districts						Town Commercial Districts							Country Residential Districts					Country Commercial Districts	
		R-1 SR-1	ROH SOH	R-5 R-5L	R-10 R-10L SR-10	R-20 SR-20	R-40	CDT	CMI	CN	CTEC	CI	RC	RC-2	V-R	LUG-1	LUG-2	LUG-3	MMD	VN	VTEC
Residential	Primary dwelling	Y	Y	Y	Y	Y	Y	A	A	A	Y	N	Y	Y	Y	Y	Y	Y	Y	A	A
	Secondary dwelling	Y	Y	Y SP R-5L	Y SP R-10L	Y	Y	Y	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N
	Accessory dwelling	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Tertiary dwelling	N	N	Y R-5 N R-5L	Y R-10 N R-10L N SR-10	Y R-20 N SR-20	Y	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N

Article 45/Emily Molden article attachment

Apartment	N	N	N	N	N	N	Y	Y	Y	Y	SP	N	N	N	N	N	N	N	N	N	N
Apartment building	N	N	N	N	N	N	N	SP	SP	N	N	N	N	N	N	N	N	N	SP	N	N
Tiny house unit	N	N	Y R-5	Y R-10	Y R-20	Y	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N
			N R-5L	N R-10L N SR-10	N SR-20																
Garage apartment	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Duplex	Y R-1	N	Y	Y R-10	N	N	Y	Y	A	Y	N	Y	Y	N	N	N	N	N	N	N	N
	N SR-1		N R-5L	N R-10L N SR-10																	
Workforce rental community	N	N	N	N	N	N	N	SP	SP	N	N	N	N	N	N	N	N	N	N	N	N
Elder housing facilities	SP	SP	SP	SP	SP	SP	N	SP	SP	N	N	SP	SP	SP	SP	SP	SP	SP	N	N	N
Studio	A	A	A	A	A	A	Y	Y	Y	Y	Y	Y	Y	A	A	A	A	A	Y	Y	Y
Garage – residential	A/SP	A/SP	A/ SP	A/SP	A/SP	A/SP	N	N	A	A	N	A	A	A/ SP	A	A	A/SP	A	A	A	A
Shed	A	A	A	A	A	A	N	N	A	A	A	A	A	A	A	A	A/SP	A	A	A	A
Outbuildings – other	A	A	Y	Y	A	A	N	N	A	A	A	A	A	A	A	A	A/SP	A	A	A	A
Swimming pool - residential	A2	N	A2	A	A	A	A	A	A	A	N	A	A	SP	A	A	A	SP N	A	A	A
Hot tub/spa	A	N	A	A	A	A	A	A	A	A	N	A	A	SP	A	A	A	SP N	A	A	A

139 Attachment 2:1

Supp 40, Jun 2022

PLANNING BOARD REPORT

ZONING ARTICLE GLOSSARY

ZONING DISTRICTS BY LAND AREA

(Updated through XXXX)

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
2024 ANNUAL TOWN ELECTION**



**Tuesday, May 21, 2024 - 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	One for a term of three years
School Committee	Two for terms of three years
Historic District Commission	One for a term of three years
Nantucket Islands Land Bank Commission	One for a term of five years
Harbor and Shellfish Advisory Board	Two for terms of three years
Community Preservation Committee	Two for terms of three years
Planning Board	One for a term of five years
Nantucket Board of Water Commissioners	Two for terms of three years

And, to cast their vote as “YES” or “NO” on the following ballot questions:

1. Debt Exclusion for Town Employee Housing Feasibility Costs

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so called, the amounts required to pay for the bonds issued to conduct a Town Employee Housing Feasibility Study, and Design and OPM services for Town Employee Housing, including the cost of professional services, including permitting, and engineering, and any other costs incidental and related thereto?

2. Debt Exclusion: Acquisition of 31 Western Avenue

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 31 Western Avenue and any other costs incidental and related thereto?

3. Debt Exclusion: Supplemental Funding for Public Works Facility Design Improvements

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bonds issued for the purpose of making design improvements to the Department of Public Works facility at 188 Madaket Road, 10 Sun Island Road, and/or 1 Shadbush Road, including the costs of professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto?

4. Debt Exclusion for Supplemental Funding for Newtown Road Transportation Improvements

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so called, the amounts required to pay for the bonds issued to provide supplemental funding to make various transportation-related improvements on Newton Road including the cost of professional services, permitting, engineering, construction, construction supervision, materials and other related professional services, and any other costs incidental and related thereto?

5. Debt Exclusion for Tom Nevers Park Debris Removal and Erosion Control/Dune Restoration

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 to make various improvements at Tom Nevers Park including debris removal and erosion control/dune restoration, including the cost of professional services, permitting, engineering, construction, construction supervision, materials and other related professional services, and any other costs incidental and related thereto?

6. Debt Exclusion for the Expansion of Landfill Cell 3B

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 to expand landfill cell 3B located at the Solid Waste Management Facility at 188 Madaket Road including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

7. Debt Exclusion for Reconstruction of the Jetties Beach Tennis Courts

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 to reconstruct the Tennis Courts located at Jetties Beach, 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?

8. Debt Exclusion for Public Safety Auxiliary Building

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 to construct a Public Safety Auxiliary Building located at 4 Fairgrounds 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?

9. Capital Outlay Exclusions

Shall the Town of Nantucket be allowed to assess an additional \$4,338,916 in real estate and personal property taxes for the following purposes in the amounts as follows for the fiscal year beginning July 1, 2024?

Department	Purpose	Amount
DPW - Central Fleet	DPW Mechanic's Truck Replacement	\$120,000
DPW - Central Fleet	New: Parks and Recreation Pickup Truck	\$82,500
DPW - Central Fleet	New: Parks and Recreation Dump Truck	\$129,800
DPW - Central Fleet	New: Operations Dump Truck	\$121,000
DPW - Central Fleet	Operations: Dump Truck Replacement	\$129,800
DPW - Central Fleet	Facilities: Dump Truck Replacement	\$121,000
DPW - Central Fleet	Facilities: Utility Body Truck Replacement	\$104,500
DPW - Operations	Cat 420 Backhoe Replacement	\$153,800
DPW - Operations	Kubota M4070 Tractor Replacement	\$84,400
DPW - Parks	Tom Nevers Playground Reconstruction	\$157,116
Fire Department	Engine 1 Replacement (supplemental funding)	\$50,000
Fire Department	Engine 2 Replacement	\$1,000,000
Fire Department	New: Administration Car - EMS/Training Deputy Chief	\$85,000
Fire Department	Ladder Truck Replacement	\$2,000,000
Total Capital Exclusion		\$4,338,916

Town of Nantucket
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Nantucket, MA 02554

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