



MEETING POSTING

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25

All meeting **notices and agenda** must be filed and time stamped with the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)

RECEIVED

2024 JUN 14 AM 09:43
NANTUCKET TOWN CLERK
Posting Number:T 556

Committee/Board/s	SELECT BOARD SHORT-TERM RENTAL SUBCOMMITTEE
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Day, Date, and Time	THURSDAY, JUNE 20, 2024, 6:00 TO 8:00 PM
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Location / Address	REMOTE PARTICIPATION VIA ZOOM - ONLY
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Signature of Chair or Authorized Person	ERIKA MOONEY
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WARNING: IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!

AGENDA

Please list below the topics the chair reasonably anticipates will be discussed at the meeting

Join Zoom Meeting

<https://us06web.zoom.us/j/83631909009?pwd=uZaPaYVJaVaLFNUN5FxcpsEa6hCagj.1>

Meeting ID: 836 3190 9009

Passcode: 853834

- I. CALL TO ORDER*
- II. SELECT BOARD LED DISCUSSION FOR POTENTIAL CONSOLIDATION OF CITIZEN AND/OR TOWN-SPONSORED SHORT-TERM RENTAL WARRANT ARTICLES FOR SEPTEMBER 17, 2024 SPECIAL TOWN MEETING.*
- III. ADJOURNMENT*

Citizen Warrant Article

Primary Sponsor Name: Charity I Benz, on behalf of Put Nantucket Neighborhoods First

Address: 5 Milestone Crossing
Nantucket, MA 02554

Email: cibenz@comcast.net

Phone #: (508) 292-8290

Warrant Article Title: Zoning Bylaw Amendment Regulating Short-Term Rental Use

To see if the Town will vote to (may attach body of article on separate page):

Please see attached 8 petition sheets containing the signatures of 112 Registered Nantucket voters

Charity I Benz
May 28, 2024

PNNF STR Article

(Zoning Bylaw Amendment Regulating Short-Term Rental Use)

To see if the Town will vote to amend Chapter 139 of the Town Code (Zoning) as follows:

1. Amend § 139-2 (Definitions and Word Usage), by inserting the following new term and definition and inserting it in alphabetical order.

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.

ACCESSORY SHORT-TERM RENTAL

A Short-Term Rental use that complies with this bylaw.

2. Amend § 139-7A (Use Chart) by inserting “Accessory Short-Term Rental” between “Tertiary Dwelling” and “Apartment Building” in the Use column and inserting the designation “A” in all columns with a “Note: Subject to the requirements of §139-38.”

3. Add a new section to Chapter 139 as follows:

§139-38 ACCESSORY SHORT-TERM RENTALS

1. In residential districts, each Lot may be used as an Accessory Short-Term Rental for 28 days (4 weeks) per calendar year as a permitted Accessory Use to a Principal Use, subject to the following conditions:
 - a. The Lot is used for Residential Use at least 32 days per calendar year.
 - b. The Lot may be used as an Accessory Short-Term Rental for an additional 7 calendar days (1 week) for every additional 28 calendar days (4 weeks) of Residential Use beyond the minimum in Subsection 1.a.
 - c. On Lots with multiple Dwelling Units, the Accessory Short-Term Rental limits set forth herein are cumulative of all Dwelling Units on a Lot, and there shall be only one Dwelling Unit used as an Accessory Short-Term Rental at any one time;
 - d. There shall be a minimum stay of 4 calendar days for Accessory Short-Term Rentals throughout the year, except July and August when the minimum stay shall be 7 calendar days;
 - e. A Lot shall have no more than eight changes in Accessory Short-Term Rental occupancy during a calendar year; and

- f. All Accessory Short-Term Rentals shall be registered with the Town and operated in accordance with General Bylaw § 123 of the Town Code.
2. Exemptions. All Accessory Short-Term Rentals occurring during any time when the Lot is Owner Occupied shall be permitted as of right and exempt from the limitations set forth in this provision, except that Subsection 1.d above shall apply.
 3. To register under General Bylaw § 123 as an Accessory Short-Term Rental Use, the Owner must submit as part of its annual registration documents: (a) copies of all rental contracts for the prior year (redacted as appropriate); (b) signed certification documenting compliance with the limitations set forth in this Bylaw regarding Residential Use, Accessory Short-Term Rental days, turnovers and any other information required by the Board of Health.
 4. All other Short-Term Rentals in residential districts are prohibited.
 5. For the purposes of this Section only, Residential Use shall mean occupied by the Owner or tenancy of at least 32 consecutive days in any calendar year without sublet.

Or to take any action relative thereto.

PROPOSED BYLAW ON SHORT-TERM RENTALS

§139-__ SHORT-TERM RENTALS

1. In residential districts, each Lot may be used as a Short-Term Rental ("STR") for 28 days (4 weeks) per calendar year as a permitted accessory use to a Principal Use, subject to the following conditions:
 - a. The Lot is used for Residential Use at least 32 days per calendar year.
 - b. The Lot may be used as an STR for an additional 7 days (1 week) for every additional 28 days (4 weeks) of Residential Use beyond the minimum in Subsection 1.a.
 - c. On Lots with multiple Dwelling Units, the STR limits set forth herein are cumulative of all Dwelling Units on a Lot, and there shall be only one Dwelling Unit used as an STR at any one time;
 - d. There shall be a minimum stay of 4 days for STRs throughout the year, except July and August when the minimum stay shall be 7 days;
 - e. A Lot shall have no more than eight changes in STR occupancy during a calendar year; and
 - f. All Short-Term Rentals shall be registered with the Town and operated in accordance with General Bylaw § 123.
2. Exemptions. All STRs occurring when the Lot is Owner Occupied shall be permitted as of right and exempt from the limitations set forth in this provision, except that Subsection 1.d above shall apply. Cottage colonies that were operating as Short-Term Rentals prior to 1972, when Nantucket enacted zoning, are exempt from the provisions of this Section.
3. To register under General Bylaw § 123 as an accessory use STR, the Owner must submit as part of its annual registration documents: (a) copies of all rental contracts for the prior year (redacted as appropriate); (b) signed certification documenting compliance with the limitations set forth in this Bylaw regarding Residential Use, STR days, turnovers and any other information required by the Planning Department or pursuant to regulations promulgated by the Board of Health governing the use of STRs.
4. All other STRs in residential districts are prohibited.
5. For the purposes of this Section only, Residential Use shall mean occupied by the Owner or tenancy of at least 32 consecutive days without sublet.

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars

May 28, 2024

2:10 pm

~~_____~~ considering the attached article regarding short term rental.

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

I		II	III	
	C Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W P a r e d c	PRINTED NAME
1	✓ <i>Charity Ben</i>	5 MILESTONE CROSSING	0 1	CHARITY BENZ
2	✓ <i>Rick Atherton</i>	48 Syjam Road	0 1	Rick Atherton
3	✓ <i>Clifford Williams</i>	11 Somerset Rd	0 1	Clifford Williams
4	✓ <i>Bamela Perun</i>	4 Roberts Lane	0 1	Bamela Perun
5	✓ <i>Paul Connors</i>	23 ATLANTIC	0 1	PAUL CONNORS
6	✓ <i>Justin P. Connors</i>	23 Atlantic Ave	0 1	PAUL P JUSTIN P CONNORS
7	✓ <i>Frances Karttunen</i>	62 Center Street	0 1	Frances Karttunen
8	✓ <i>Jerry Lendway</i>	19 Cato Ln.	0 1	Jerry Lendway
9	✓ <i>Kristin C. Lendway</i>	19 Cato Ln.	0 1	Kristin Lendway
10	✓ <i>Judith A. Collatz</i>	12 Harbor View Way	0 1	Judith A. Collatz
11			0 1	
12			0 1	
13			0 1	
14			0 1	
15			0 1	
16			0 1	
17			0 1	
18			0 1	
19			0 1	
20			0 1	

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified. For names not certified, use the codes opposite.

N B no such registered voter at that address.

S B unable to identify signature or address as that of

W B wrong district or community.

T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (10) TEN

signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars= names must be signed or stamped below)

Nancy L. Holmes
Judith Wodynshi
Carolyn A. Gould
Registrars of Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars

May 28, 2024
2:10 pm

~~For the purpose of considering~~ The attached article regarding Short term rentals.

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

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I		II	III			
	C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W a r r e d c 0 1	P r e c 0 1	PRINTED NAME
1	✓		27 LILY ST	0	1	ABIGAIL CAMP
2	✓		40 VESPER	0	1	Christina Wiggins
3	✓	Diane Elliott	28 Lily St	0	1	Diane Elliott
4	✓		32 Lily St.	0	1	Richard Gray
5	✓		32 Lily St	0	1	Joanne Lawrence
6	✓		35 Lily St	0	1	Mary G West
7	✓		3 CHASE Lane	0	1	Ann Schmidt
8	✓		27 LILY ST	0	1	ELIZABETH CAMP
9	✓		28 Burnell St	0	1	Macy Smith
10	✓	Raymond Pohl	24 Pine Street	0	1	Raymond Pohl
11	✓		44 UNION ST	0	1	DAE W B COOMBS
12	✓	Laura Camp	10 Mount Vernon St	0	1	LAURA CAMP
13	✓	Michael Molinar	99 Orange St	0	1	MICHAEL MOLINAR
14	✓		45 fairgrounds Rd	0	1	HOLLY WITHERELL
15	✓		21 Hummock Pond	0	1	Peter Sendelbach
16	✓		21 Hummock Pond Road	0	1	Otto Stark Sendelbach
17	✓	Martin McKerrow	106 W. CHESTER ST	0	1	MARTIN MCKERROW
18	✓	Renee Hanan	23 Lily St	0	1	RENEE HANAN
19	✓	C. Addison Hanan	23 Lily St.	0	1	CADDISON HANAN
20	✓	Jeanne Riggs	15 Maplewood	0	1	JEANNE RIGGS

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- N B no such registered voter at that address.
- S B unable to identify signature or address as that of
- W B wrong district or community.
- T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (20) Twenty signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars= names must be signed or stamped below)

Registrars of Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

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I		II	III	
	C Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W P a r e d c o l	PRINTED NAME
1	✓ <i>Anne Denez</i>	5 Mill Street	0 1	Anne Denez
2	✓ <i>Laura Denez</i>	17 Pearl St.	0 1	LAURA DENEZ
3	✓ <i>Chuck Davis</i>	15 Mill St	0 1	CHUCK DAVIS
4	✓ <i>Lindsay Wehr</i>	3 Marsh Hawk	0 1	Lindsay Wehr
5	✓ <i>Christine Senfrel</i>	3 Mill St.	0 1	Christine Senfrel
6	✓ <i>Sam Baker</i>	30 Hussey St	0 1	Sam Baker
7	✓ <i>Dorothy B Baker</i>	30 Hussey St	0 1	Dorothy B. Baker
8	✓ <i>Nancy Camara</i>	105 Goldfinch Dr	0 1	Nancy Camara
9	✓ <i>Tammy Murphy</i>	2 Daffodil Ln	0 1	Tammy Murphy
10	✓ <i>Mary Howell</i>	4 Copper Lane	0 1	Mary Howell
11	✓ <i>Susan Campese</i>	5 Gloucester St.	0 1	Susan Campese
12	✓ <i>Edmund Liddle</i>	7 Mill St	0 1	Edmund Liddle
13	✓ <i>Deborah Beale</i>	9 Sherburne Commons	0 1	Deborah Beale
14	✓ <i>Ann B Oliver</i>	24 Sherburne Commons	0 1	Ann B OLIVER
15	✓ <i>Stephen Surtis</i>	50 MIA Comet Ave	0 1	STEPHEN SURTIS
16	✓ <i>J P Caron II</i>	16.5 Wydale Rd	0 1	J P Caron II
17	✓ <i>Polly Thayer Miles</i>	9 Old Quodret Mill Rte.	0 1	Polly Thayer Miles
18	✓ <i>Nathaniel Philbrick</i>	4 Silver St.	0 1	Nathaniel Philbrick
19	✓ <i>Melissa Philbrick</i>	4 Silver St.	0 1	Melissa Philbrick
20	✓ <i>Virginia Kinney</i>	3 1/2 Silver St.	0 1	VIRGINIA KINNEY

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N B no such registered voter at that address.
S B unable to identify signature or address as that of
W B wrong district or community.
T B already signed this petition.

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(at least three Registrars' names must be signed or stamped below)

Judith Wodzynski
Spacy 2 flames
Carolyn A. Gould
Registrars of Voters of the Town of Nantucket

DATE and TIME this paper received by Registrars
May 28, 2024
2:10pm

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

~~Consider the proposed~~ considering the attached article regarding short term rentals.

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I		II	III		
	C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W a r r e d c e d	PRINTED NAME
1	✓	Leigh Marr	611 Keadake Ln	0 1	Leigh Marr
2	✓	Tana O'Keefe	3 Burnt Swamp Ln	0 1	Tana O'Keefe
3	✓	Leslie Forbes	19 LONG POND DR	0 1	LESLIE FORBES
4	✓	David D. Worth	19 LONG POND DR	0 1	DAVID D. WORTH
5	✓	Noel Berry	16 WOODBURY LANE	0 1	NOEL BERRY
6	✓	Paul J Bruno	16 WOODBURY LANE	0 1	PAUL J BRUNO
7	✓	Clay Ray	7 GOLD STAR DR	0 1	Clay Ray
8	✓	Emily Pihl	15 MIZZENMAST Rd	0 1	EMILY PIHL
9	✓	Barbara Holsted	14 Lyon St	0 1	Barbara Holsted
10	✓	Toni B. McKereau	106 West Chester St	0 1	Toni B. McKereau
11	✓	William E. Griener	10 F STREET	0 1	William E. Griener
12	✓	Catherine M. Slattery	261 Madaket Rd	0 1	Catherine M. Slattery
13	✓	V.E. Girvan Lipuma	11 Midland Ave	0 1	V.E. Girvan Lipuma
14	✓	Joseph P. Lipuma	11 Midland Ave	0 1	Joseph P. Lipuma
15	✓	Jocelyn Duffey	72 Long Pond	0 1	Jocelyn Duffey
16	✓	Paul Genis	12 Long Pond Dr.	0 1	PAUL GENIS
17	✓	Elizabeth Braun	90 W. CHESTER	0 1	ELIZABETH BRAUN
18	✓	Kramer Johnson	54 Essex Rd	0 1	Kramer Johnson
19	✓	Kathryn Coyne	17 Long Pond DR.	0 1	Kathryn Coyne
20	✓	John Coyne Jr.	17 Long Pond Dr	0 1	John Coyne Jr.

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N B no such registered voter at that address.

S B unable to identify signature or address as that of

W B wrong district or community.

T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (20) Twenty
signatures checked thus ✓ are names of voters of the
Town of Nantucket and are qualified to sign this petition.

(at least three Registrars= names must be signed or stamped below)

Carolyn A. Gould
Marilyn J. Holmes
Judith W. Dynski
Registrars of Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote ~~_____~~

DATE and TIME this paper received by Registrars

May 28, 2024
2:10 pm

~~_____~~
purpose of considering the attached article regarding short term rentals

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

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I		II	III			
	C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W a r r e n t e d	P r e s e n t	PRINTED NAME
1	✓	PHARDING	3 Saxeamin Way	0	1	Patricia Harding
2	✓	M. Fale	52 Cato Ln	0	1	Maria Fale
3	✓	Howard	16 Polpis	0	1	Ellie Howard
4	✓	N. Ridge	97 Goldfinch	0	1	Nicole Ridge
5	✓	M. Sybert	3 meadowview Drive	0	1	Madeleine Sybert
6	N	C. Collins	6 Tripp Drive	0	1	Courtney Collins
7	N	J. Spence	693 Vestal St.	0	1	Gail Spence
8	N	G. Myers	28 Kelly Rd	0	1	Gillian Myers
9	✓	M. Lepore	87A Skyline Drive	0	1	Mercedith Lepore
10	✓	C. McLaughlin	30 Essex Rd	0	1	Carol McLaughlin
11	✓	S. Kirk	8 Bayberry Ct #4	0	1	Sarah Kirk
12	✓	C. Lepore	48 Prospect St.	0	1	Kathleen Lepore
13	✓	EPH Lepore	48 PROSPECT	0	1	EPH LEPORE
14	✓	Ayesha Khan	11 South Valley Rd.	0	1	Ayesha Khan
15	✓	Jerry W. Adams	6 MEADOWVIEW Dr	0	1	Jerry W. Adams
16	✓	Paola Velez	73 D Himsdale Rd	0	1	Paola Velez
17	✓	Cynthia C vonKampen	84 Skyline Dr	0	1	Cynthia C vonKampen
18	✓	Sally Obrenski	7 Kelley Rd	0	1	Sally Obrenski
19	✓	Audrey Obrenski	7 Kelley Rd	0	1	Audrey Obrenski
20	✓	William Obrenski	7 Kelley Rd	0	1	William Obrenski

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N B no such registered voter at that address.
S B unable to identify signature or address as that of
W B wrong district or community.
T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (17) Seventeen
signatures checked thus ✓ are names of voters of the
Town of Nantucket and are qualified to sign this petition.

(at least three Registrars' names must be signed or stamped below)

Judith W. Woodman
Carolyn A. Gould
Registrars of Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars
May 28, 2024
2:10 pm

~~_____~~

~~The purpose of considering~~ the attached article regarding short term rentals

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

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Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

I		II	III	
	C Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W P a r d c 0 1	PRINTED NAME
1	✓ <i>Patricia Wright</i>	10 Cherry St. 02554	0 1	Patricia Wright
2	✓ <i>Reginald Levine</i>	1 Prospect St 02554	0 1	Reginald Levine
3	✓ <i>Max J. Wolf</i>	14 Fair Street	0 1	Max J. Wolf
4	S <i>Faith Trable</i>	315 Polpis Rd	0 1	Faith Trable
5	✓ <i>P. Anderson</i>	13 Deer Run.	0 1	P. Anderson
6	✓ <i>Jan Kuptch</i>	27 Meadow View	0 1	J. KUPATEK
7	✓ <i>Yvette St. Jean</i>	33 First Way	0 1	Yvette St. Jean
8	✓ <i>Robert S. Elger</i>	48 Shakespeare Green	0 1	Robert S. Elger
9	✓ <i>Shelc Darn</i>	24 Bluebird	0 1	Shelc Darn
10	S <i>Merrilee Wing</i>	90 Box 2902	0 1	Merrilee Wing
11	✓ <i>Whitney Burt</i>	60 N. Cambridge	0 1	Whitney Burt
12	✓ <i>Birith Rustad</i>	85 Goldsmith Dr.	0 1	Birith Rustad
13	✓ <i>Normand Berthelotte</i>	85 Goldsmith Dr.	0 1	Normand Berthelotte
14	✓ <i>Lucy Bixby</i>	24 Gloucester St.	0 1	Lucy BIXBY
15	✓ <i>Coastance Congdon</i>	4 Pine St	0 1	Coastance Congdon
16	✓ <i>Joe Hammer</i>	14A Fair St	0 1	JOE HAMMER
17	✓ <i>Stacey Sparty</i>	854 Polpis	0 1	STACEY SPARTY
18	✓ <i>Peter J. Greenholz</i>	254 Polpis	0 1	Peter J. Greenholz
19	✓ <i>Mike Wood</i>	14 Fair St.	0 1	Mike Wood
20	✓ <i>Erica Ellis Wideman</i>	14 Macomet Ave	0 1	ERICA ELLIS WIDEMAN

Instructions to Registrars
You must time-stamp or write in date and time these papers are received.
Check this ✓ against the name of qualified voter to be certified.
For names not certified, use the codes opposite.
N B no such registered voter at that address.
S B unable to identify signature or address as that of
W B wrong district or community.
T B already signed this petition.

CERTIFICATION OF SIGNATURES
We certify that (18) Eighteen signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars= names must be signed or stamped below)
Carolyn A. Gould
Priscilla Holmes
Judith Wodynski
Registrars of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by
Registrars

May 28, 2024
2:10 pm

~~Call a Special Town Meeting for the~~
purpose of considering the attached
article regarding short term rental.

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

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I		II	III	
C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W	P
			a r d	r e c
1	Charity Bend	5 HILLSTONE CROSSING	0	1
2	Bill Atherton	18 Syjam Road	0	1
3	✓ D. Anne R. Atherton	48 Syjam Road	0	1
4			0	1
5			0	1
6			0	1
7			0	1
8			0	1
9			0	1
10			0	1
11			0	1
12			0	1
13			0	1
14			0	1
15			0	1
16			0	1
17			0	1
18			0	1
19			0	1
20			0	1

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For names not certified, use the codes opposite.

N B no such registered voter at that address.
S B unable to identify signature or address as that of
W B wrong district or community.
T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (1) one
signatures checked thus ✓ are names of voters of the
Town of Nantucket and are qualified to sign this petition.

(at least three Registrars' names must be signed or stamped below)

Judith Wodynski
Carolyn A. Gould
Nancy Z. Holmes

Registrars of Voters of the Town of Nantucket

PAGE
PAGE 1

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars

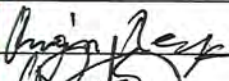
May 28, 2024
2:10 pm

~~Call a Special Town Meeting~~
~~for the purpose of considering~~
the attached article regarding
short term rentals.

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

I		II		III	
	C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W a r r e n t c o d e	PRINTED NAME
1	✓		10 ORCHARD PL APT 1-A	0 1	AMIN REXES
2	✓		9a Cynthia LN	0 1	Fausto J. Paniagua
3	✓		2 wildflower RD	0 1	Yodira Fernandez
4				0 1	
5				0 1	
6				0 1	
7				0 1	
8				0 1	
9				0 1	
10				0 1	
11				0 1	
12				0 1	
13				0 1	
14				0 1	
15				0 1	
16				0 1	
17				0 1	
18				0 1	
19				0 1	
20				0 1	

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

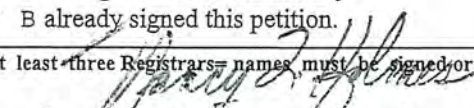
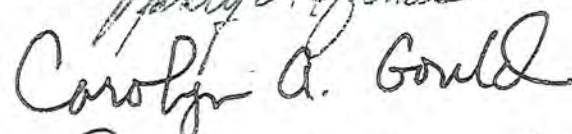
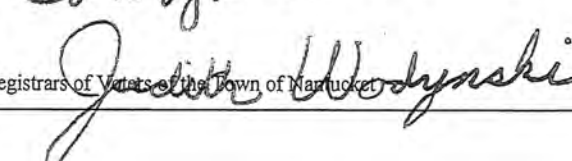
Check thus ✓ against the name of qualified voter to be certified.
For names not certified, use the codes opposite.

N B no such registered voter at that address.
S B unable to identify signature or address as that of
W B wrong district or community.
T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (3) THREE
signatures checked thus ✓ are names of voters of the
Town of Nantucket and are qualified to sign this petition.

(at least three Registrars' names must be signed or stamped below)




Registrars of Voters of the Town of Nantucket

Citizen Warrant Article

Primary Sponsor Name: Pamela Perun

Address: 4 Roberts Lane, Nantucket, MA

Email: justpjp@gmail.com

Phone #: 508 825-2195

Warrant Article Title: General Bylaw Amendment Regulating the
Operation of Short-Term Rentals

To see if the Town will vote to (may attach body of article on separate page):

Expand the definition of businesses prohibited from
operating short-term rentals

By: Pamela Perun

Date: May 29, 2024

(General Bylaw Amendment Regulating the Operation of 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:

1. Amend § 123-2 (Definitions), by substituting the following new definition for the existing definition of Corporation.

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.~~

Any entity organized under the law of any state or country which is taxable as a corporation under the Internal Revenue Code, or which would be taxable thereunder as a corporation if it had become taxable under the Internal Revenue Code. Such entities shall include without limitations corporations, limited liability companies which are taxed as corporations, and so-called Massachusetts Business Trusts, provided, however, that a limited liability company and an S corporation shall not treated as Corporations when every shareholder, partner, member is a natural person, as established by documentation provided by the applicant as required at the time of registration and subsequently thereafter from time to time as required under regulations established under this Chapter.

2. Amend § 123-2 (Definitions), by inserting the following terms and definitions and inserting them in alphabetical order.

INTERNAL REVENUE CODE

The United States Internal Revenue Code of 1986, as amended.

PARTNERSHIP

Any entity organized under the law of any state or country which is taxable as a partnership under the Internal Revenue Code, or which would be taxable thereunder as a partnership if it had become taxable under the Internal Revenue Code. Such entities shall include without limitation general partnerships, limited partnerships, and limited liability partnerships taxed as partnerships.

REAL ESTATE INVESTMENT TRUST

Any entity defined in Internal Revenue Code, §856.

3. Amend §123-3 (Registration, Permitting, Prohibitions, Inspection and Fees) as follows:

H. Short-Term Rentals are prohibited in dwelling units owned by a Corporation, **Partnership, Real Estate Investment Trust, or any similar entity which pools funds from investors and is engaged primarily in investment activity.** ~~Short-Term Rentals are permitted in dwelling units owned by a limited liability company, 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.~~

Or to take any action relative thereto.

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

if the Town will vote to:

DATE and TIME this paper received by Registrars

MAY 29, 2024
2:55

Expand the definition of businesses

Prohibited from operating short-term rentals. Page 1

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence. If you HAVE moved since June 1, please complete column III.

I		II		III		
	C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W a r d	P r e c	PRINTED NAME (And Previous Residence if different than column II)
1	✓	<i>Pamela Perun</i>	4 Roberts Lane	0	1	Pamela Perun
2	✓	<i>Robert Sarvis</i>	11 Vesper Ln	0	1	ROBERT SARVIS
3	✓	<i>Patricia M. Bider</i>	50 VESTAL ST.	0	1	PATRICIA M. BIDER
4	✓	<i>Nigel Goss</i>	17 York St	0	1	Nigel Goss
5	✓	<i>Chris Hanson</i>	1 Field Ave.	0	1	Chris Hanson
6	✓	<i>Patricia Ross</i>	101 Sankaty Rd	0	1	Patricia Ross
7	✓	<i>Kenneth Ross</i>	101 Sankaty Rd	0	1	Kenneth Ross
8	✓	<i>Melissa Nassbaum</i>	10 Fair St	0	1	Melissa Nassbaum
9	✓	<i>Susan E. Robinson</i>	144 ORANGE ST	0	1	SUSAN E. ROBINSON
10	✓	<i>Louis G. Vaccaro</i>	3 APPLETON RD	0	1	Louis G. VACCARO
11	✓	<i>Deirdre Duffy</i>	<i>Janice E. Ellsworth</i>	0	1	Deirdre Duffy
12	✓	<i>Joelith Belash</i>	6 old Tom Newcomb Rd	0	1	Joelith Belash
13	✓	<i>Calista West</i>	6 Farmer Street	0	1	Calista West
14	✓	<i>John W. Belash</i>	52R Hooper Farm Rd.	0	1	JOHN W. BELASH
15	✓	<i>Brian King</i>	6 Farmer Street	0	1	Brian King
16	✓	<i>Sara Boyce</i>	4 Rides Lane	0	1	Sara Boyce
17	✓	<i>Colleen Murphy</i>	11 S Shore Rd	0	1	Colleen Murphy
18	✓	<i>Henriette B. Tardif</i>	2 Maclean Ln	0	1	Henriette B. Tardif
19	✓	<i>Henry C. Ross</i>	14 Cynthia Ln	0	1	Henry C. Ross
20	✓	<i>Henry C. Ross</i>	254 Market Rd	0	1	Henry C. Ross

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified. For names not certified, use the codes opposite.

N B no such registered voter at that address.

S B unable to identify signature or address as that of

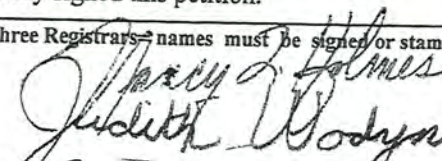
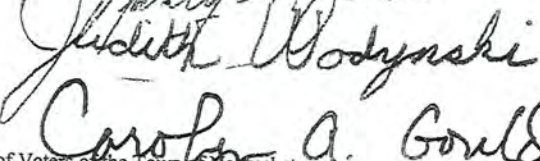
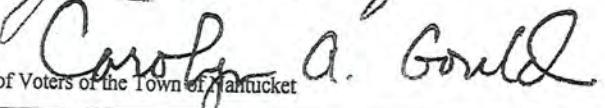
W B wrong district or community.

T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (20) twenty signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars' names must be signed or stamped below)




 Registrars of Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars

May 29, 2024 2:55p

Expand the definition of businesses

Prohibited from operating short-term rentals.

Page 2

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence. If you HAVE moved since June 1, please complete column III.

I		II	III		
C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W	P	PRINTED NAME (And Previous Residence if different than column II)
			a r d	r e c	
1	✓ <i>Justine P Connors</i>	23 Atlantic Ave	0	1	Justine P. Connors
2	✓ <i>Barbara Holsted</i>	14 Lynn St	0	1	Barbara Holsted
3	✓ <i>Terry Lendway</i>	19 CATO LN.	0	1	Terry Lendway
4	✓ <i>Isaiah Williams</i>	53 Skyline Dr.	0	1	Isaiah Williams
5	✓ <i>Shiria Mahjoubi</i>	33 Pleasant St	0	1	Shiria Mahjoubi
6	✓ <i>Tina M Lorenzen</i>	21 West York Lane	0	1	TINA M LORENZEN
7	✓ <i>Rosemary McLaughlin</i>	39 Surfside Rd	0	1	ROSEMARY McLAUGHLIN
8	✓ <i>Hillary H. Rayport</i>	89 Marsh St.	0	1	Hillary H. Rayport
9	✓ <i>Georgia Ann Snell</i>	7 Wamasquid Place	0	1	GEORGIA Ann Snell
10	✓ <i>Bruce D. Miller</i>	4 HENDERSON DR	0	1	BRUCE D. MILLER
11	✓ <i>Jeanne Miller</i>	4 Hendersons Dr.	0	1	Jeanne Miller
12	✓ <i>Casey Lendway</i>	19 CATO lane	0	1	casey Lendway
13	✓ <i>Judith A. Collatz</i>	12 Harbor View Way	0	1	Judith A. Collatz
14	✓ <i>Frances Karttunen</i>	67 Center Street	0	1	Frances Karttunen
15	✓ <i>Mary Bergman</i>	15 Nanina Drive	0	1	Mary Bergman
16	✓ <i>Margaret Carr</i>	73 Bartlett Rd	0	1	Margaret Carr
17	✓ <i>Allen B. Reinhard</i>	4 Eagles wing way	0	1	Allen B. REINHARD
18	✓ <i>Kezia Duarte</i>	3 Cedar Circle	0	1	Kezia Duarte
19	✓ <i>John A Copenhaver</i>	3 N. LIBERTY St.	0	1	JOHN A COPENHAVER
20	✓ <i>Lynn R Blake Jr</i>	11 LAUREN LA	0	1	LYNN R BLAKE JR

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified.

For names not certified, use the codes opposite.

N B no such registered voter at that address.

S B unable to identify signature or address as that of

W B wrong district or community.

T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (20) twenty signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars— names must be signed or stamped below)

Mary D. Holmes
Judith Wodyski
Carolyn A. Gould
Registrars of Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars

May 29, 2024 2:55

Expand the definition of businesses

Prohibited from operating short-term rentals. page 3

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence. If you HAVE moved since June 1, please complete column III.

I		II	III	
C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W a r r e n t	P r e s e n t
			PRINTED NAME (And Previous Residence if different than column II)	
1			0	1
2	✓ Campbell Sutter	15 Appleton Rd	0	1
3	✓ Elizabeth Sutter-Sims	15 Appleton	0	1
4	✓ Rick Atterton	48 Squam Road	0	1
5	✓ [Signature]	7 FAIRFIELD ST	0	1
6	✓ [Signature]	10 Gloucester St	0	1
7	✓ Teresa Cook	50 Chicory Place	0	1
8	✓ Emily Molden	139.5 HUMMOCK POND RD	0	1
9	N Anna Day	77B Skyline Dr	0	1
10			0	1
11			0	1
12			0	1
13			0	1
14			0	1
15			0	1
16			0	1
17			0	1
18			0	1
19			0	1
20			0	1

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified.
For names not certified, use the codes opposite.

N B no such registered voter at that address.

S B unable to identify signature or address as that of

W B wrong district or community.

T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (7) Seven
signatures checked thus ✓ are names of voters of the
Town of Nantucket and are qualified to sign this petition.

(at least three Registrars= names must be signed or stamped below)

Judith W. Wodyski
Carolyn A. Gould
Registrars of Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars

May 29, 2024 2:55

Expand the definition of businesses

Prohibited from operating short-term rentals.

Page 4

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence. If you HAVE moved since June 1, please complete column III.

I		II		III	
C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W	P	PRINTED NAME (And Previous Residence if different than column II)
			a r d	r e c	
1	✓ Paul R. Connors	23 ATLANTIC AVE	0	1	PAUL R. CONNORS
2	✓ Kristin C. Lendway	19 Cato lane	0	1	Kristin Lendway
3	✓ Skylar Lendway	19 Cato Lane	0	1	Skylar Lendway
4	✓ Abigail Camp	27 Lily Street	0	1	ABIGAIL CAMP
5	✓ Elizabeth Camp	27 Lily St.	0	1	ELIZABETH CAMP
6	✓ Mary West	35 Lily St	0	1	Mary West
7	✓ Diane Elliott	28 Lily St	0	1	Diane ELLIOTT
8	Elizabeth Camp	27 LILY ST.	0	1	ELIZABETH CAMP
9	✓ John T. Dammin	12 New Mill St	0	1	John T. Dammin
10			0	1	
11			0	1	
12			0	1	
13			0	1	
14			0	1	
15			0	1	
16			0	1	
17			0	1	
18			0	1	
19			0	1	
20			0	1	

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified. For names not certified, use the codes opposite.

N B no such registered voter at that address.

S B unable to identify signature or address as that of

W B wrong district or community.

T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (8) eight signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars= names must be signed or stamped below)

Carolyn A. Gould
Judith Wodynski
Registrars of Voters of the Town of Nantucket
Mary J. Holmes

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars

May 29, 2024 2:55

Expand the definition of businesses prohibited from operating short-term rentals pages

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence. If you HAVE moved since June 1, please complete column III.

I		II	III	
	C Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W P a r r e d c 0 1	PRINTED NAME (And Previous Residence if different than column II)
1	✓	76 Somerset Rd	0 1	Kimberly Lattippe
2	✓	2 wildflower RD	0 1	Yodira Fernandez
3	✓	4 Calchast Lane	0 1	JURGITA BUDAITE
4	✓	10 Martins Lane	0 1	Albert Messina
5	✓	5 Althea's Ln.	0 1	P. Budzynski
6	N	2 Creek Lane	0 1	Lisa Linton
7	✓	213 greglen ave	0 1	Sandra Reynoso
8	✓	5 William St	0 1	Alisha Kanner
9	✓	7 Sesapana Rd	0 1	Barbara Dale
10	✓	73 orange st	0 1	Anne Lynn
11	✓	6 Keel Lane	0 1	JANE P. ROCHE
12	✓	1 Keel Lane	0 1	MICHAEL J. ROCHE
13			0 1	
14			0 1	
15			0 1	
16			0 1	
17			0 1	
18			0 1	
19			0 1	
20			0 1	

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified.
For names not certified, use the codes opposite.

CERTIFICATION OF SIGNATURES

We certify that (11) eleven signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

N B no such registered voter at that address.
S B unable to identify signature or address as that of
W B wrong district or community.
T B already signed this petition.

(at least three Registrars= names must be signed or stamped below)

Registrars of Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars
May 29, 2024 2:55

Expand the definition of
businesses prohibited from operating short-term rentals

Page 6

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence. If you HAVE moved since June 1, please complete column III.

I		II	III	
C	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	Ward	PRINTED NAME (And Previous Residence if different than column II)
1		5 MILESTONE CROSSING	01	C.I. BENZ
2		10 Cherry St.	01	Patsy Wright
3		71 Milestone Rd	01	ELIN CAREY
4		71 Milestone	01	Frank Duto
5		71 Milestone Rd	01	Catherine Boulter
6		71 Milestone Rd	01	Eleanor Goldstein
7		605 Milestone Rd	01	Joyce Bernier
8		44 Tennessee Ave	01	David B. King
9		44 Tennessee Ave	01	Beverly Hall
10		10 N. Cambridge St	01	Whitney Burr
11		53 Norquanta	01	Yvonne King
12		1 Prospect St.	01	Reginald Leving
13		71 Milestone Rd	01	Mark Anderson
14		4A Evergreen way	01	Nate Leibowitz
15		11 Nohadeer Way	01	Noah Davidson
16		14 Fair Street	01	Max Wolf
17		14 Fair Street	01	Audre' A Oilly Wolf
18		35 Surfside	01	
19		2 Newtown Rd.	01	Becky Mack
20		16 Green Medgyn	01	Diana M. Huel

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified. For names not certified, use the codes opposite.

N B no such registered voter at that address.

S B unable to identify signature or address as that of

W B wrong district or community.

T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (19) NINETEEN signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars= names must be signed or stamped below)

Carolyn A. Gould
Judith Wodynski
Marcy Z. Holmes
Registrars of Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars

May 29, 2024 2:55

Expand the definition of businesses

Prohibited from operating short-term rentals. page 7

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence. If you HAVE moved since June 1, please complete column III.

I		II	III			
	C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W a r d c	P r e s e n t c	PRINTED NAME (And Previous Residence if different than column II)
1	✓	Cathy Ward	4A Sunn St.	0	1	CATHERINE WARD
2	✓	Lyn C. B.	27 Pine St	0	1	Lyn C Boyajian
3	✓	Melissa Philbrick	4 Silver St	0	1	Melissa Philbrick
4	✓	Nathaniel Philbrick	4 Silver St.	0	1	Nathaniel Philbrick
5	✓	Julie A Fitzgerald	1 New Hummock Cr	0	1	Julie A Fitzgerald
6	✓	Jennifer Anderson	6 M St.	0	1	Jennifer Anderson
7	✓	Renee Hanan	23 Lily St.	0	1	Renee Hanan
8	✓	Paul LaPaglia	5 Atlantic	0	1	Paul LaPaglia
9	✓	Thomas Daly	72 Hummock Pond Rd	0	1	Thomas Daly
10	✓	Scott A. Anderson	6 M St.	0	1	-
11	✓	Elizabeth Wrigg	15 Clifton Sr	0	1	Elizabeth Wrigg
12	✓	JAWIGGS	15 CLIFTON SR	0	1	JAWIGGS
13	✓	LEANNE W. RIGGS	18 MEADOWS LCU	0	1	LEANNE W. RIGGS
14	✓	CAROLINE A. ELLIS	8 GUAISE PASTORS	0	1	CAROLINE A. ELLIS
15	✓	Shaele Deane	24 Bluebird	0	1	Shaele Deane
16	✓	Polly Thayer Miller	9 Old Quodact Mill Lk	0	1	Polly Thayer Miller
17	✓	G. Nicholas Miller	9 Old Quodact Mill Pte	0	1	G. Nicholas Miller
18	✓	Danny Newhouse	15 Liberty St.	0	1	Danny Newhouse
19	✓	Sunny Daily	6 Nanna Dr.	0	1	Sunny Daily
20	✓	Betty MacDonald	10 Presella Lane	0	1	Betty MacDonald

Instructions to Registrars

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified.
For names not certified, use the codes opposite.

N B no such registered voter at that address.

S B unable to identify signature or address as that of

W B wrong district or community.

T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (20) twenty
signatures checked thus ✓ are names of voters of the
Town of Nantucket and are qualified to sign this petition.

(at least three Registrars - names must be signed or stamped below)

Carolyn A. Gould
Judith Wodyski
Carolyn A. Gould
Registrars or Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

Registrars

To see if the Town will vote to:

May 29, 2024 2:53

Expand the definition of businesses

Prohibited from operating short-term rentals.

Page 7 a

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability writing you may authorize some person to write your name and residence in your presence. If you HAVE moved since June 1, please complete column III.

I		II		III	
C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W a r d	P r e c	PRINTED NAME (And Previous Re if different than co
			0	1	
1	Cathy Ward	4A Silver St.	0	1	CATHERINE
2	John C. B.	27 Pine St	0	1	Lyn C. Boya
3	Melissa Philbrick	4 Silver St	0	1	Melissa Philbrick
4	Michael Philbrick	4 Silver St.	0	1	Nathaniel P.
5	Julie A. Fitzgerald	1 New Hummock Cr.	0	1	Julie A. Fi
6	Madeline	6 M. St.	0	1	Jennifer
7	Renee Hanon	23 Lily St.	0	1	Renee Ha
8	Paul A. Pasternak	5 Atlantic	0	1	Paul La
9	Thomas Daly	72 Hummock Pond Rd	0	1	Thomas D.
10	Scott H. Anderson	6 M. St.	0	1	
11	Elizabeth	15 Clifton St	0	1	Elizabeth
12	John W. Higgins	15 Clifton St	0	1	John W. Higgins
13	Leanne Higgins	18 Meadowcroft Cr	0	1	LEANNE HIGGINS
14	Carolyn Allen	8 QUAIL PASTURE	0	1	CAROLYN ALLEN
15	Shelley Dan	24 Bluebird	0	1	Shelley Dan
16	Fredrick P. McClure	98 Hummock Pond Rd	0	1	FREDERICK McCLURE
17	Kathryn Sheehan	6 Pond Road	0	1	Kathryn Sheehan
18	Clement Dukes	2 Salsbury Rd.	0	1	Clement Dukes
19	Annex Wright	40 Center Street	0	1	Annex Wright
20	Julie Revere	26 Creech Ln.	0	1	Julie Revere

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified.

N B no such registered voter at that address.

S B unable to identify signature or address as that of

W B wrong district or community.

T R already signed this petition

ORIGINAL
SIGNATURES

Citizen Warrant Article

D

190712

Primary Sponsor

Name: STEVEN COHEN
Address: 34 MAIN STREET, NANTUCKET, MA
Email: STEVEN@COHENLEGAL.NET 02554
Phone #: 508-221-3152

Warrant Article Title: STR-ZONING

To see if the Town will vote to (may attach body of article on separate page):

; or otherwise act thereon.

May 31, 2024
12:08 pm
3:27 pm

ARTICLE _____

Zoning Bylaw Amendment - Regulating Short Term Rental

To see if the Town will vote to take the following actions in regard to the following Zoning Bylaw § 139-2 as follows

1. Amend § 139-2 (Definitions and Word Usage), by inserting the following new term and definition in alphabetical order.

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.

ACCESSORY SHORT-TERM RENTAL

A Short-Term Rental use that complies with this bylaw.

2. Amend § 139-7A (Use Chart) by inserting Accessory Short-Term Rental between Tertiary Dwelling and Apartment Building in the Use column and inserting the designation Y in all columns, except inserting N the Commercial Industrial (CI) District column, with a Note: Subject to the requirements of § 139-38.

3. Add a new section to Chapter 139 as follows:

§139-38 ACCESSORY SHORT-TERM RENTALS

1. To qualify as an Accessory Short-Term Rental, the dwelling unit or portion thereof shall only be rented as a Short-Term Rental in the aggregate for less than half of the calendar year.
2. Beginning on May 1, 2025, all Accessory Short-Term Rentals occur only concurrent to the operator obtaining and maintaining a valid Certificate of Registration for such from the Nantucket Health Department for and during the period of use, pursuant to the regulations set forth in Section 123 of the Code of the Town of Nantucket.

Or to take any other action related thereto.

(Steven Cohen)

NAME (PRINT)

SIGNATURE

RESIDENTIAL ADDRESS

- ✓ 1. Steven L. Chen *Steven Chen* 21 Flintlock Rd
- ✓ 2. Linda Williams *Linda Williams* 6 S. PASTURE LN
- ✓ 3. STEPHEN MAURY *Stephen Maury* 28 RUGGED RD
- ✓ 4. Catherine Ancero *Catherine Ancero* 7 Field Avenue
- ✓ 5. Richard Beaudette *Richard Beaudette* 3 Amc Drive
- ✓ 6. Evan Gerardi *Evan Gerardi* 6 S. PASTURE Lane
- ✓ 7. Bryan Swain *Bryan Swain* 19 Friendship Lane
- ✓ 8. Kevin F. Dale *Kevin F. Dale* 7 Sesayana Rd
- ✓ 9. Haren Motta *Haren Motta* 9 Swayze Dr.
- ✓ 10. Ana Maria Ribeiro *Ana M. Rip* 36 Flintlock Rd.
- ✓ 11. Yvette St Jean *Yvette St Jean* 33 First Way
- ✓ 12. Bernadette Meyer *B. Meyer* 307 Polpis Rd.
- ✓ 13. Maybelle Gibson *Maybelle Gibson* 4 Galsburn
- ✓ 14. Kay Gibson *Kay Gibson* 4 Galsburn
- ✓ 15. Gary Winn *Gary Winn* 42 Somerset Ln
- ✓ 16. Susan Blake-Laramy *Susan Blake-Laramy* 6 West Creek Rd
- ✓ 17. Schuyler Kuhl *Schuyler Kuhl* 2 Devon St.
- ✓ 18. Katherine Killian *Katherine Killian* 638 Lovers Lane
- ✓ 19. Mary Taaffe *Mary Taaffe* 20 Boulevard
- ✓ 20. Susan Chambers *Susan Chambers* 113 Somerset Rd
- ✓ 21. Joyce M Montalban *Joyce M Montalban* 140 Main St
- ✓ 22. Liam Bruno *Liam Bruno* 10 Monmouth Rd
- ✓ 23. Stephanie Watan *Stephanie Watan* 6 Hurlingham St.

NAME (PRINT)

SIGNATURE

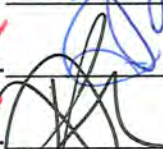
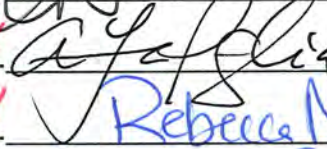
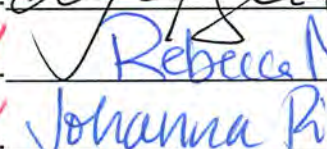
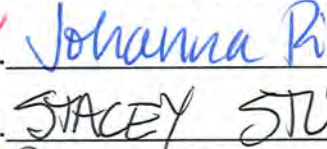
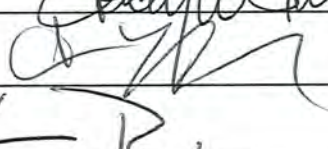
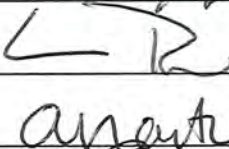
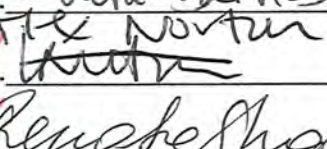
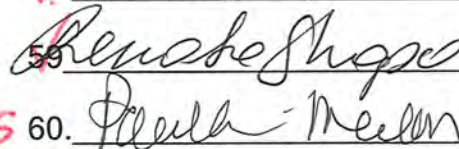
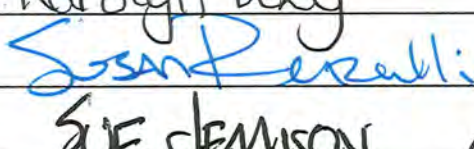
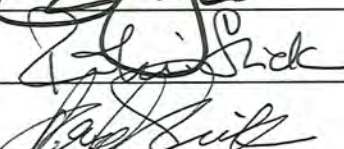
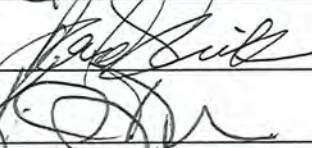
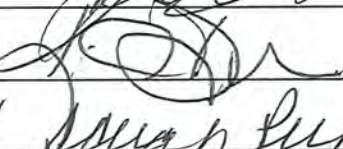
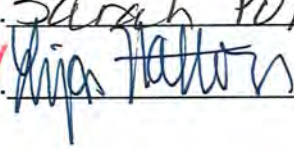
RESIDENTIAL ADDRESS

24. Dalton Frazier Dalton 19 Centric St.
25. James Edward Britton Jr. James E. Britton Jr. 56 N Liberty St
26. Chris Kling c.kling 80 Goldfinch Tr.
27. Gillian Freter Gillian Freter 33 White Whale Ln
28. Anne Topham Anne Topham 18 Hummock Pond Rd
29. Peter Fowler Peter Fowler 12 Amelia dr
30. Barbara A. Reis Barbara A. Reis 27 Equator Dr.
31. Natalie Kaufman N. Kaufman 32 Milk St
32. Whitney Caldwell Whitney Caldwell 19 Kaer Ln
33. Kenneth Gillman Kenneth Gillman 18 B. 1. v. d. r.
34. Jody Peterson Jody Peterson 30 Quaiser Rd
35. Robert Jackson Robert Jackson 29 MAY/S LN
36. Wendy Sannelle Wendy Sannelle 34 Gloucester St.
37. Magdalene Eddy Magdalene Eddy 12 Celtic Dr
38. Alison Hamrick Alison Hamrick 5 Kithwicks Ln
39. Carol Andersson Carol Andersson 1 Eucharlot Ln
40. Jon Hencke Jon Hencke 312 Friendship Ln
41. Jennifer Hudson Jennifer Hudson 54 Essex
42. Mary Coffin Marshman Mary Coffin Marshman 31 Ereter St.
43. Stuart & Borissonault Stuart & Borissonault 37 Orange St.
44. Damm Mayer Damm Mayer 8 Evergreen Way
45. Maria Waickowski Maria Waickowski 19 S Cambridge St.
46. Kristy Bonke Kristy Bonke 44 Essex

NAME (PRINT)

SIGNATURE

RESIDENTIAL ADDRESS

47. Ann B. Maury Ann B. Maury 22 Meadow View Dr.
48. EDWIN RUDD Ed 24 5A Pocktick Ave
49.  Holly Viscio 22 Azarby Way
50.  RICHARD J. GIBSON 41 SOMERSET LN
51.  Kimberly Greshin 15 Pine Tree Road
52.  Alexandra LaPeyrie 5 Atlantic Ave
53.  Rebecca Miller 31 Hope Farm Rd
54.  Johanna Richard 71 Tom Nevers
55. STACEY STUART  893 Baidhat Rd
56. Claire McCain  238 Madaket
57. Laura Barnes  12 Sweet Hill Lane
58.  Alex Norton 5 Dvekie Ct.
59.  Renee Shapiro 66 Benavias
60. Paula McElmoy Paula McElmoy 2 Parker Lane
61. Scott Corey  32 Gloucester St.
62. Karolyin Lexy  13 Dwindet Rd.
63.  Susan Perzelli 5A 5th Ln
64. SUE JEMISON  22 NEW ST
65. Robin Sick  6 Sand Plane
66. DAVID SICK  6 Sand Plane
67. Katherine Davidson  4 Step
68. Sarah Punnett Sarah Punnett 49 Milk St
69.  Liza Halton 8 Meeting house Ln

	NAME (PRINT)	SIGNATURE	RESIDENTIAL ADDRESS
70.	J. BROST Taramella	[Signature]	20 ATLANTIC AVE.
71.	[Signature]	[Signature]	2 ^{DOOLEY} DOWLING G
72.	Gaelan Truymen	[Signature]	10 POLLWOG
73.	Dorel Lynch	[Signature]	30 Somerst
74.	gina ocallaghan	[Signature]	16 Boulevard
75.	Lara Hanson	[Signature]	95 Orange Street
76.	Robert Lang	[Signature]	4 Plum Ln.
77.	KAREEM TATA	[Signature]	4c Folger Ave.
78.	Norm Frazee	[Signature]	12 Clark Dr
79.	Timothy White	[Signature]	42 E Wobadeer Farm
80.	PENROPS DEY	[Signature]	17 WARREN ST.
81.	EDUARDO SANFAS	[Signature]	12 DOLRYDEN DRIVE
82.	NIHORE BONSQUET	Nim Bonsquet	4 Pinkham Circle
83.	CARY TURNER	[Signature]	3 TOPPING LIFT
84.	GREG McKECHNIE	[Signature]	50 DUKES ROAD
N 85.	Carlos Castrejo	[Signature]	2 BLUESTEM APT 10
86.	Savannah Haddon	[Signature]	17 Evergreen Way
87.	A Valdez	[Signature]	110 Pleasant St. Apt A
88.	John Bailing	[Signature]	11 Wobadeer Way
89.	DAN BAILING	[Signature]	106 Fairgrounds Rd
90.	Heather Kaiser	[Signature]	43 MILLSPOOK
91.	Susan Bailer	[Signature]	66 Fairgreen BLVD
92.	Christopher Oberg	[Signature]	35 GLOUCESTER ST

NAME (PRINT)

SIGNATURE

RESIDENTIAL ADDRESS

93.

Christopher Cheng



35 GLOUCESTER ST

94.

Michael Wilson



7 CORNWALL ST.

95.

Emeralda Martinez



6 Larrabee Lane

96.

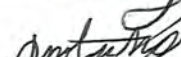
Kelsey Tejada



6 Larrabee Lane

97.

Joseph Martinez



6 Larrabee Lane

98.

HOLLY BACKUS



3208 PUPIS RD

99.

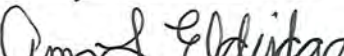
DAWN E HILL HOLDGATE



2 VESPER LN

100.

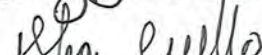
Amy Eldridge



516 Sankaty

101.

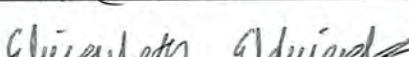
Shirley Cuello Martinez



134 1st Way

102.

Elizabeth Eldridge



56 Sankaty

103.

Stephen Theron



26 DARTMOUTH ST

104.

Vendisa Moore



7B Chicom Pl

105.

Dawn Redella



4 White St

106.

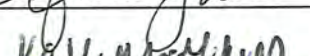
ANNA SAMUELS



32 EVERGREEN WAY

107.

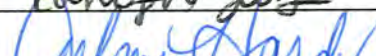
Rakhi Mishra



16 Hesper Pennel

108.

Arlene Hardsy



193 Hummock Rd

109.

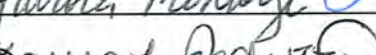
Faviola Montoya



136 Old South Rd

110.

Laura Reduzzi



36 Goldfinch Dr.

111.

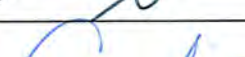
TENESHTIA CHENNIS



133 ORANGE ST

112.

Chen Hoan



13 Cypress

113.

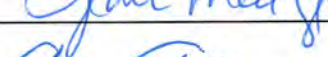
Jean Marie Grasng



12 Clarkson St

114.

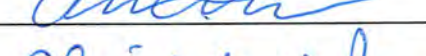
Audrey Anderson



23 Nanning Dr.

115.

Christopher L Roy



6 Sturgis Pines Lane

NAME (PRINT)	SIGNATURE	RESIDENTIAL ADDRESS
116. LEO C. ASADOORIAN	Leo C. Asadoorian	19 EDWARD DR.
117. Chris Andrews	Chris Andrews	6 1/2 Daffodil Lane
118. Gary Stahl	Gary Stahl	31 Duffin Dr
119. Charles Yates	Charles Yates	18 Field Ave
120. Susan K Spring	Susan K Spring	33 Fair
121. John Kann	John Kann	80 Korwan Ave.
122. Gloria Grimsdale	Gloria Grimsdale	22 Juniper Rd.
123.		
124.		
125.		
126.		

CERTIFICATION OF SIGNATURES

We certify that (112) One hundred twelve
signatures checked thus ✓ are names of voters of the
Town of Nantucket and are qualified to sign this
petition.

(at least three Registrars names must be signed or stamped below)

Henry D. Holmes
Carolyn A. Gould
Judith Wodynski

Registrars of Voters of the Town of Nantucket

5

Citizen Warrant Article

Primary Sponsor

Name: STEVEN COHEN
Address: 34 MAIN ST, NANTUCKET, MA 02554
Email: STEVEN@COHENLEGAL.NET
Phone #: 508-221-3152

Warrant Article Title: TOWN CODE-STR

To see if the Town will vote to (may attach body of article on separate page):

; or otherwise act thereon.

M2/Helmes
May 30 2024
3:27 p.m.

ARTICLE _____

General Bylaw Amendment of the Town Code: Short-Term Rentals

To see if the Town will vote to take the following actions in regard to the following Chapter 123 of the Code of the Town of Nantucket:

Move that Chapter 123 of the Town Code (Short-Term Rentals) be struck and restated as follows *(and 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)*:

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.

§ 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.

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

- A. As of May 1, 2025, No 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. Separate leases, sub-

leases or changes of occupancy for different dwellings on the same lot shall require separate certificates of registration for each such dwelling unit.

- 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 owner, the operator, the intermediary (if there is one) and at least two 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; and
 - (4) Certified that the property has no known outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders.
 - (5) Certified that the property is compliant with Chapter 102, outdoor lighting, for all dwelling constructed after January 1, 2025 and for all properties beginning January 1, 2027.
 - (6) Certified that any exterior pool or spa on a property holding or seeking a certificate of registration is compliant with standards for low lumens lighting, as determined by the Board of Health, beginning on January 1, 2027.

- 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 calendar 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 by the deadline set by the Board of Health. 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. However, subject to the provisions herein, Short-Term Rental leases or subleases entered into under and within the period of a valid certificate of registration may be honored by a new operator of the Short-Term Rental during the pendency of an application for a new certificate of registration applicable to that property.
- 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 underlying 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 natural persons or 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. In addition, Time-Share or Time-Interval Ownership Dwelling Units shall be exempt from Sections H, I, J and K, provide that the owner obtains a Certificate of Registration and provides sufficient

evidence that the Unit was rented to one of more third parties for at least one period of less than 30 days prior to January 1, 2024.

- K. Any person or other legal entity, except Corporations, but including 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.
- L. Within the months of July and August, each Certificate of Registration shall have no more than 9 lease or sub-lease contracts or changes of occupancy with different renters. This provision shall not apply to any lot for which any dwelling on the lot is the primary residence of one or more Owners.
- M. No person may hold all or a portion of not more than two (2) certificates of registration.
- i. Persons who paid the rooms excise tax for more than two (2) Short-Term Rentals in any calendar quarter prior to January 1, 2024 may hold an equivalent number of certificates of registration, limited only to those properties for which the tax was paid and not transferable to other Owners or to other properties, and may not obtain additional certificates of registration under this provision.
- ii. Properties containing more than two dwelling units that have been in use as Short-Term Rentals since January 1, 2000 or prior are exempt from the numerical limitation on the number of certificates of registration allowed to be held by any person in this provision.
- L. Each certificate of registration shall provide for the maximum number of occupants in each dwelling.
- M. All advertising for a short term rental shall include the certificate of registration number and the allocated maximum number of occupants.
- N. Any dwelling used as a short term rental shall prominently post the rules promulgated by the Board of Health, the applicable certificate of registration number, the designated occupancy for each dwelling, the contact information for the operator and at least two persons designated to address any issues at the short-term rental within two hours' notice, a process for trash disposal and recycling, a summary of the applicable hours of the noise by-law, a parking policy, and contact information for the Nantucket Police and Fire Departments.
- O. No short term renter may occupy a short term rental until the operator or their designee has verified the identity of the occupant, and obtained a signed

affirmation of the number of guests and acknowledgement of the applicable rules and regulations from them.

(p) On any property with more than two (2) dwellings, no more than two (2) dwelling units per lot, or equivalent density, may be used a short-term rental, which shall be designated on the certificate of registration. Properties containing more than two (2) dwelling units that have been in use as Short-Term Rentals since January 1, 2000 or prior are exempt from this provision.

(q) Short-Term Rentals are prohibited in tertiary dwellings and inclusionary housing.

§ 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.

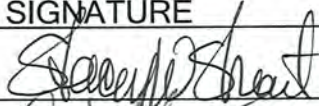
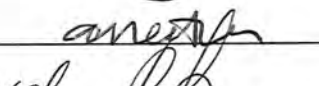
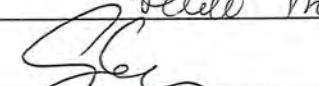
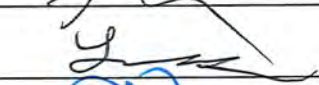
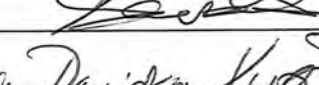
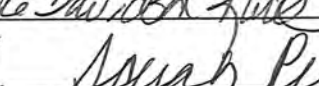
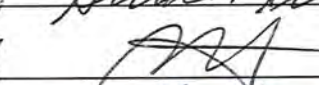
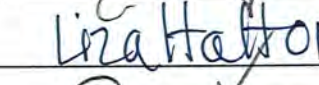
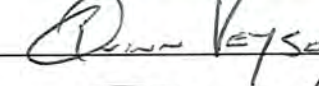
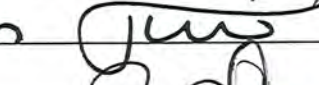
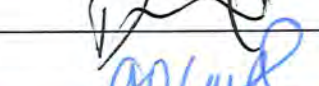
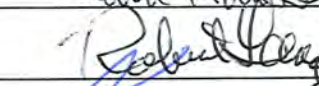
Or to take any other action related thereto.

(Steven Cohen)

NAME (PRINT)	SIGNATURE	RESIDENTIAL ADDRESS
1. STEVEN C. COHEN <u>STEVEN C. COHEN</u>	<u>Steven C. Cohen</u>	<u>21 Flintlock Rd</u>
2. <u>Linda Williams</u>	<u>[Signature]</u>	<u>6 S. PASTURE LN</u>
3. <u>STEPHEN MAURY</u>	<u>[Signature]</u>	<u>28 RUGGED RD</u>
4. <u>Catherine Ancuro</u>	<u>Catherine Ancuro</u>	<u>7 Field Avenue</u>
5. <u>Richard Beaudette</u>	<u>[Signature]</u>	<u>3 Anna Drive</u>
6. <u>Evan Gerardi</u>	<u>Evan Gerardi</u>	<u>6 S. PASTURE LN</u>
7. <u>Bryan Swan</u>	<u>[Signature]</u>	<u>19 Fairbury Ave</u>
8. <u>Kevin Dale</u>	<u>[Signature]</u>	<u>7 Sesquiana Rd</u>
9. <u>Laren Molta</u>	<u>Laren Molta</u>	<u>9 Swayze Dr.</u>
10. <u>Ana Maria Ribeiro</u>	<u>Ana M. Ribeiro</u>	<u>36 Flintlock Rd.</u>
11. <u>Vette St Jean</u>	<u>Vette St Jean</u>	<u>33 First Way</u>

NAME (PRINT)	SIGNATURE	RESIDENTIAL ADDRESS
12. Bernadette Mayer	B. Mayer	307 Polpis Rd.
13. Kay Ballah	K. Ballah	4 Pauls Rd.
14. M. Gibson	M. Gibson	41 Goldview
15. Schuyler Kuhl	X/K	2 Devon St.
16. [Signature]	Gary Winn	42 Somerston Ln
17. Susan Blake-Lazarus	[Signature]	6 West Creek Rd
18. Schuyler Kuhl	[Signature]	2 Devon St.
19. Katherine Killian	Katherine K	63 B Lovelock Lane
20. Mary Tauffe	Mary Tauffe	20 Boulevard
21. Susan Chambers	Susan Chambers	113 Somerset Rd.
22. Joyce M Montalbano	Joyce M Montalbano	140 MAIN ST
23. Liam Bruno	[Signature]	10 Monahansett Rd
24. Stephane Watkins	Stephane Watkins	6 Hutton St.
25. Dalton Frazer	Dalton Frazer	19 Centre St
26. James Edward Gillum	James E Gillum	56 N. Liberty St
27. Chris Kling	Chris Kling	80 Goldfinch Tr.
28. Gillian Freter	Gillian Freter	33 White Whale Ln
29. Anne Lapham	[Signature]	18 Hummock Pond Rd
30. Peter Fowler	Peter Fowler	12 Amelia dr
31. Barbara A. Reis	Barbara A Reis	27 Equator Dr.
32. Natalie Kaufman	N. Kaufman	32 Milk St.
33. M. K. G. G. G.	M. K. G. G. G.	19 Keel Ln
34. Kenneth L. L.	Kenneth L. L.	18 Pond View Dr.

NAME (PRINT)	SIGNATURE	RESIDENTIAL ADDRESS
35. Jody Petersen	J Petersen	30 Quarrel Rd
36. Robert Sarkisian	Robert Sarkisian	29 MACYS LN
37. Wendy Clinton-Jannelle	Wendy Clinton-Jannelle	34 Gloucester St.
38. Magdalen Eddy	Magdalen Eddy	12 Celtic Dr
39. Alison Womack	Alison Womack	5 Kithincke Ln
40. Carol Andersson	Carol Andersson	1 Cachalot Ln
41. Jon Hencke	Jon Hencke	3R Friendship Ln
42. Jennifer Hudson	JRHudson	54 Essex Rd
43. Mary Coffin Harshman	M Coffin Harshman	34 Exeter St.
44. Stuart Boissonant	Stuart Boissonant	37 Orange St.
45. Darrin Mayer	D Mayer	8 Evergreen Way
46. Maria Waickowski	M. Waickowski	195 Cambridge St.
47. Kristy Brown	Kristy Brown	41 Essex
48. Ann R. MAURY	Ann R. Maury	22 Meadow View Dr
49. Ed EDWARDS	Ed Edwards	5A Pottick Ave
50. Holly Visco	Holly Visco	2 Zachary Way
51. Richard J. Gibson	Richard J. Gibson	41 Somerset Ln
52. Kimberly Guehrin	Kimberly Guehrin	15 Pine Tree Rd.
53. John Breslin	John Breslin	31 Saint Lane
54. Alexandra LaFayette	Alexandra LaFayette	5 Atlantic Ave
55. Rebecca Miller	Rebecca Miller	31 Hope Farm Rd
56. Johanne Richard	Johanne Richard	71 Tom Nevers
57. STACEY STUART	Stacey Stuart	89B Bartlett Rd

	NAME (PRINT)	SIGNATURE	RESIDENTIAL ADDRESS
T	58. STACEY STUART		89B Bartlett Rd
✓	59. Claire McCann		238 Madaket Rd
✓	60. Laura Barnes		12 Sunset Hill Lane
✓	61. Alexandra Norton		5 Dorelie Ct.
✓	62. Renata Shapovalov		66 ARKANSAS AV
N	63. Paula Mearns	Paula Mearns	2 Anne Lane
✓	64. Scott Coern		32 GLOUCESTER ST.
✓	65. Karolyi, Lexy		13 Dufinet Rd
✓	66. Sean Demull	Sean Demull	5A Stag Ln
N	67. SUE JENISON		22 NEW ST.
✓	68. Robin Sude		6 Sand Plain
✓	69. DAVID Sude		6 Sand Plain
✓	70. Kurt Gier Katherine Davidson	Kurt Gier	4 Step
✓	71. Sarah Punnett		49 H. H. St
✓	72. Brent Taramella		20 AHOPE AVE.
✓	73. Liza Halton		8 Meetinghouse Ln
✓	74. Don Keyser	Don Keyser	2 ^{Pooley} Dookey Ct
✓	75. Caelan Thymann		10 POLLINO G
✓	76. Daniel Lynch		3A Smerck
✓	77. Gina O'Callaghan		16 Boulevard
✓	78. Laura Hayden		95 Orange Street
✓	79. Robert Lang		4 Plum Ln.
✓	80. KAREEM TATHA		4c Folger Ave

NAME (PRINT)	SIGNATURE	RESIDENTIAL ADDRESS
81. Norm Freese	[Signature]	10 Clare Dr
82. Timothy White	[Signature]	42E Nobadear Farm
83. Penelope Day	[Signature]	17 Warren St.
84. Edg S	EDWARDS SANFORD	12 DOCKYER DR
85. NICOLE BOUTQUET	Nicole Boutquet	4 Pinkham Court
86. CARY TURNER	[Signature]	3 TOPPING LIFT
87. GREG McKEHNEE	[Signature]	50 DUKES ROAD
N 88. Carlos Castrollo	[Signature]	23 WESTERN APT 1C
89. Savannah Haddon	[Signature]	17 Evergreen way
90. Anna Valdez	[Signature]	110 Pleasant St Apt A
91. John Balling	[Signature]	11 Nobadear way
92. DAN BALLING	[Signature]	66 Fairgrounds Rd.
93. Thae Kailer	[Signature]	49 Millbrook Rd
94. Adam Balling	[Signature]	66 Fairground Rd
95. Christopher Berg	[Signature]	35 GLOUCESTER ST
96. Michael Wilson	[Signature]	7 CORNWALL ST
97. Esmeralda Martinez	[Signature]	6 Larrabee Lane
98. Kelsey Tejada	[Signature]	6 Larrabee lane
99. Joseph Martinez	[Signature]	6 Larrabee lane
100. HOLLY BACKUS	Holly Backus	320F POWPIS RD
101. DAWN E HILL HOLDGATE	[Signature]	2 VESPER LN
102. Amy Eldridge	Amy Eldridge	506 Sankaty
103. Isha Cuello Martinez	Isha Cuello	13A 1ST way

	NAME (PRINT)	SIGNATURE	RESIDENTIAL ADDRESS
✓	Elizabeth Eldridge	Elizabeth Eldridge	56 Samkathy Rd
✓	Stephan Theroux	Stephan Theroux	26 Dartmouth St
✓	Venessa Moore	Venessa Moore	113 Chicory Pl
✓	Dawn Frenschke	Dawn Frenschke	4 white St
N	Ana Samuels	Ana Samuels	311 EVERGREEN WAY
✓	Kathryn Murrain	Kathryn Murrain	116 Harper Farm rd
✓	Arlene Hardy	Arlene Hardy	193 Hummer Rd.
N	Faviola Montoya	Faviola Montoya	136 Old South Rd
✓	Laura Peduzzi	Laura Peduzzi	23 Goldfinch Dr
✓	TENESHIA CHENNIS	Teneshia Chenis	133 ORANGE ST.
✓	Gum Godin	Gum Godin	13 Cypress
✓	Jean Marie Grasng	Jean Marie Grasng	12 Clarendon St
✓	Andrew Anderson	Andrew Anderson	23 Nanina Dr.
✓	Christopher L Ray	Christopher L Ray	6 Sturgis Lines Lane
✓	LEO C. ASDOORIAN	Leo C. Asdoorian	19 EQUATOR DR.
✓	Chris Andrews	Chris Andrews	6 1/2 Daffodil Lane
✓	Gary Stahl	Gary Stahl	31 Dukes Rd 31 Dukes Rd
✓	Charles Yatec	Charles Yatec	18 Field Ave
✓	Susan Sprung	Susan Sprung	33 Fair St.
✓	John Kann	John Kann	8 O Korwan Ave.
✓	Gloria Grimsman	Gloria Grimsman	22 Judson Rd.
125.			
126.			

CERTIFICATION OF SIGNATURES

We certify that (115) One hundred fifteen
signatures checked thus ✓ are names of voters of the
Town of Nantucket and are qualified to sign this
petition.

(at least three Registrars names must be signed or stamped below)

Nancy Z. Holmes
Judith Wodynski
Carolyn A. Gould
Registrars of Voters of the Town of Nantucket

CERTIFICATION OF SIGNATURES

We certify that (115) One hundred fifteen
signatures checked thus ✓ are names of voters of the
Town of Nantucket and are qualified to sign this
petition.

(at least three Registrars names must be signed or stamped below)

Nancy L. Holmes
Carolyn A. Gould

Registrars of Voters of the Town of Nantucket

Jacinta Wodynski

F

Citizen Warrant Article

Primary Sponsor Name: **Matthew Peel**

Address: **87 Skyline Dr Nantucket, MA 02554**

Email: **mattpeelsea@gmail.com**

Phone #: **(253)590-8290**

Warrant Article Title: **Amendment to Chapter 123 Administration and Enforcement of Nantucket's Short-Term Rentals General Bylaws**

To see if the Town will vote to (may attach body of article on separate page):

Article attached.

9 Pages of signatures

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

1. Amend § 123-3 (Registration, permitting, inspection and fees) by deleting subsection B in its entirety and replacing it with the following:

B. The annual fee for such a certificate of registration shall be \$250 for Town residents and \$350 for non-residents for the first STR on each Lot. Each additional STR on a Lot shall be an additional \$150 annual fee.

2. Amend § 123-3 (Registration, permitting, inspection and fees) by inserting the following new provisions:

H. The Board of Health may grant an exemption from the requirements of this Bylaw in the event that the Operator satisfies the Board that short-term rental use of the property existed prior to the enactment of the Zoning Bylaw on Nantucket in 1972.

3. Amend § 123-3 (Registration, permitting, inspection and fees) by revising subsection E as follows (deletions shown as strikethroughs and new language in red):

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. The Board of Health shall dedicate one employee whose primary responsibility is inspecting STRs and ensuring compliance with the Bylaw and applicable Regulations. In order to facilitate such inspections, at the time of Registration, each operator shall provide a floor plan showing the STR layout and exits.

4. Amend § 123-5 (Enforcement) by revising subsection B as follows (deletions shown as strikethroughs and new language in red):

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 \$5000, and for each subsequent offence, the STR registration is subject to suspension for the period of 1 calendar year following a review hearing of the STR Committee. 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.

5. Amend 123-4 (Regulations) as follows (deletions shown as strikethroughs and new language in red):

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 ensure 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. At a minimum, the Regulations shall prohibit any on-street parking for Short-Term Rentals and limit vehicles to the number of spaces available within the bounds of the Short-Term Rental Lot. The Board of Health shall also develop an online complaint form that allows submissions of photographs, video and any other supporting documentation.

6. Amend Chapter 123 (Short-Term Rentals) by adding the following new subsection:

§123-8. (STR Committee)

The Select Board shall create an STR Committee comprised of 5 Town residents to be appointed by the Board of Health. The STR Committee shall be responsible for proposing regulations for adoption by the Board of Health, reviewing complaints and imposing fines based upon the recommendation of staff, and hearing any appeals of approvals, suspensions, revocations, or denials of Certificates of Registration under this Bylaw.

Or to take any action relative thereto.

DATE and TIME this paper received by Registrars
5/30/2024 1:10 pm

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE
To see if the Town will vote to:

Consider the attached amendment to Chapter 123 pertaining to the administration and strengthened enforcement of Nantucket's Short-Term Rentals General Bylaws

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

I		II	III			
	C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W a r r e d	P r e c	PRINTED NAME
1	✓	Matthew Reel	87 Skyline Pl	0	1	Matthew Reel
2	✓	Heather McAuley	4 Topping Riff	0	1	Heather McAuley
3	✓	Heather McAuley	14a Equator Drive	0	1	Heather McAuley
4	✓	Jane Oberer	20 Tatham Ln	0	1	Jane Oberer
5	✓	Meredith Lepore	87 Skyline Drive	0	1	Meredith Lepore
6	✓	Corinne Muffly	1 Sea Fox Cir.	0	1	Corinne Muffly
7	✓	Enn Collins	3 Arrowhead Dr.	0	1	Enn Collins
8	✓	Margaret J. Malan	43R South Shore Rd	0	1	Margaret J. Malan
9	✓	Cathleen Lepore	48 Prospect St.	0	1	Cathleen Lepore
10	✓	Richard Rogers	60 Macomet Ave	0	1	Richard Rogers
11	✓	Hayley LaPiere	10 Daffodil Ln.	0	1	Hayley LaPiere
12	✓	Jane Hardy	4 Lornest Rd.	0	1	Jane Hardy
13	✓	Susan Rogers	199 Hommock Pond Rd	0	1	Susan Rogers
14	✓	Jamie Strang	55 BARTLETT RD	0	1	JAMIE STRANG
15	✓	Ayesha Khan	11 S. Valley Rd	0	1	Ayesha Khan
16	✓	Todd Stout	45 Meadowview Dr	0	1	Todd Stout
17	✓	James Renner	3 Keel Ln	0	1	James Renner
18	✓	Sean Lyer	15 Seabrook Pl	0	1	Sean Lyer
19	✓	Nate Barlow	11 S. Valley Rd	0	1	NATE BARLOW
20	✓	Amy Greenwood	149 Polpis Rd	0	1	AMY GREENWOOD

Instructions to Registrars
You must time-stamp or write in date and time these papers are received.
Check this ☒ against the name of qualified voter to be certified.
For names not certified, use the codes opposite.

N B no such registered voter at that address.
S B unable to identify signature or address as that of
W B wrong district or community.
T B already signed this petition.

CERTIFICATION OF SIGNATURES
We certify that (19)
signatures checked thus ☒ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars' names must be signed or stamped below)

Registrars of Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars

May 30, 2024 1:10pm

Consider the attached amendment to Chapter 123 pertaining to the administration and strengthened enforcement of Nantucket's Short-Term Rentals General Bylaws

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

I		II	III		
	C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W a r r e d c o d e	PRINTED NAME
1	✓	Paola Velez	24 Woodland DR	0 1	Paola Velez
2	✓	Jules Embry-Pelrine	26 Rugged Rd.	0 1	Jules Embry-Pelrine
3	✓	Elizabeth Torovich	2 Dee Ryder Dr	0 1	Elizabeth Torovich
4	✓	Timothy Lepore	48 PROSPECT	0 1	TIMOTHY LEPORE
5	✓	Ayesha Khan	115 Valley Rd	0 1	Ayesha Khan
6	✓	Jane D Ziesing	16 B Newtown rd	0 1	Jane D Ziesing
7	✓	Alina Wommack	5 Kittiwake Ln.	0 1	Alina Wommack
8	✓	Mark W. Foss	B DEER RUN	0 1	MARK W FOSS
9	✓	Sharna Apple	78 Surfside	0 1	Sharna Apple
10	✓	Jonathan Brooks	78 Surfside	0 1	Jonathan Brooks
11	✓	Gree Faircloth	23B Park Circle	0 1	Gree Faircloth
12	✓	Amber Holmso Graves	29 Teshoma	0 1	Amber Holmso Graves
13				0 1	
14				0 1	
15				0 1	
16				0 1	
17				0 1	
18				0 1	
19				0 1	
20				0 1	

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified. For names not certified, use the codes opposite.

N B no such registered voter at that address.

S B unable to identify signature or address as that of

W B wrong district or community.

T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (9) None signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars' names must be signed or stamped below)

Judith Wodynski
Carolyn A. Gould
Registrars or Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars

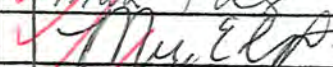
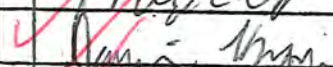
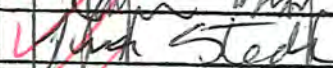
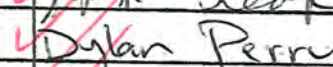
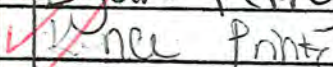
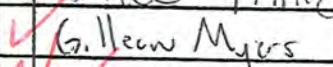
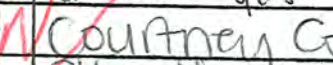
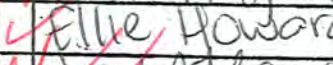
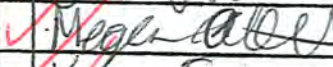
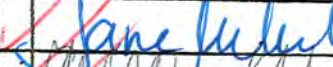
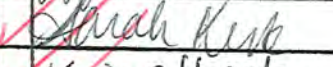
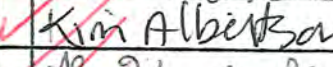
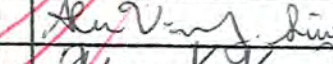
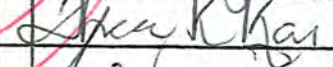
5/30/2024 6:10 pm

Consider the attached amendment to Chapter 123 pertaining to the administration and strengthened enforcement of Nantucket's Short-Term Rentals General Bylaws

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

I		II	III		
	C h e c k Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W a r r e d o l	P r e c e d e n t e d o l	PRINTED NAME
1	☒ 	22 B Youngs Way	0	1	JAMIE Corum
2	☒ 	52 Cato Ln	0	1	Maria Fales
3	☒ 	52 Cato Lane	0	1	Megan Fales
4	☒ 	5 Skiff Lane	0	1	Tazmine Kasperzyk
5	☒ 	69 Vestal Street	0	1	Tina Steadman
6	☒ 	16 1/2 Bartlett Rd	0	1	Dylan Perry
7	☒ 	178 Old South Rd	0	1	Pinee Aft
8	☒ 	28 Kelley Rd	0	1	Lillian
9	☒ 	6 Tripp Dr.	0	1	Courtney Collins
10	☒ 	16 Polpis	0	1	Ellie Howard
11	☒ 	16 Polpis	0	1	Joy Howard
12	☒ 	6 Bailey Road	0	1	Megan Abbott
13	☒ 	58 Green Meadows Dr	0	1	Kara Evans
14	☒ 	1 Pollinway Pond Rd	0	1	Jane Melville
15	☒ 	54 Hesper Farm Rd	0	1	Elizabeth Leet
16	☒ 	8 Bayberry Ct #4	0	1	Sarah Kirk
17	☒ 	33 Buttrick Circle	0	1	Ken Albertson
18	☒ 	4 Thorstons Way	0	1	Alexis Wurzburg-Smith
19	☒ 	43 Millbrook Rd	0	1	Thera Kaizer
20	☒ 	3 Dennis Beach Rd	0	1	Manta Zadda

Instructions to Registrars

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ☒ against the name of qualified voter to be certified.
For names not certified, use the codes opposite.

N B no such registered voter at that address.

S B unable to identify signature or address as that of

W B wrong district or community.

T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (19) Monetoon
signatures checked thus ☒ are names of voters of the
Town of Nantucket and are qualified to sign this petition.

(at least three Registrars' names must be signed or stamped below)

Carolyn A. Gould
Judith Wodynski
Marta Zadda

Registrars of Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars

5/30/24

1:10 pm

Consider the attached amendment to Chapter 123 pertaining to the administration and strengthened enforcement of Nantucket's Short-Term Rentals General Bylaws

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

I		II	III		IV	
	C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W a r r e d o l	P r e c o l	PRINTED NAME
1	✓	<i>Patsy Weight</i>	10 Cherry St	0	1	Patsy Weight
2	✓	<i>Elin Carey</i>	71 Milestone Rd.	0	1	Elin CAREY
3	✓	<i>Frank Dato</i>	71 Milestone	0	1	Frank Dato
4	✓	<i>Catherine Bouiter</i>	71 Milestone Rd	0	1	Catherine Bouiter
5	✓	<i>Eleanor Goldstein</i>	71 Milestone Rd	0	1	Eleanor Goldstein
6	✓	<i>Joyce Perriest</i>	105 Milestone Rd	0	1	Joyce Perriest
7	✓	<i>David B. Williams</i>	44 Tennessee Ave	0	1	DAVID B. WILLIAMS
8	✓	<i>Beverly Hall</i>	44 Tennessee Ave	0	1	BEVERLY HALL
9	✓	<i>Whitney Burr</i>	10 N. Cambridge	0	1	WHITNEY BURR
10	✓	<i>Yvonne King</i>	5 B Norquanda Drive	0	1	Yvonne King
11	✓	<i>Reginald Levine</i>	1 Prospect St.	0	1	Reginald Levine
12	✓	<i>Mark Anderson</i>	71 Milestone Rd	0	1	MARK ANDERSON
13	✓	<i>Nate Leibowitz</i>	4A Evergreen	0	1	Nate Leibowitz
14	✓	<i>Noah Davidson</i>	11 Nobadcer Way	0	1	Noah Davidson
15	✓	<i>Max Wolf</i>	14 Fair Street	0	1	Max Wolf
16	✓	<i>Audrey A. Wolf</i>	14 Fair Street	0	1	Audrey A "Aly" Wolf
17	✓	<i>Christine Boneman</i>	36 Surrogate	0	1	Christine Boneman
18	✓	<i>Becky Mack</i>	2 Newtown Rd.	0	1	Becky Mack
19	✓	<i>Diana M. Huet</i>	16 Green Meadows	0	1	Diana M. Huet
20	✓	<i>Peter Barnes</i>	8 Derby Lane	0	1	PETER BARNES

Instructions to Registrars

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified. For names not certified, use the codes opposite.

N B no such registered voter at that address.

S B unable to identify signature or address as that of

W B wrong district or community.

T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (20) *Twenty* signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars—names must be signed or stamped below)

Carolyn A. Gould
Judith Wodyski
Jessy A. Holmes
Registrars of Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by
Registrars

May 30, 2024 1:10 pm

Consider the attached amendment to Chapter 123 pertaining to the administration and strengthened enforcement of Nantucket's Short-Term Rentals General Bylaws

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

I		II	III		
C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W	P	PRINTED NAME
			a r r e s t r i c t e d	r e c o r d e d	
1		19 Cato lane	0	1	Casey Lendway
2		4 Roberts Lane	0	1	Pamela Peren
3		12 Harbor View Way	0	1	Judith A. Collatz
4		67 Center Street	0	1	Frances Karttunen
5		19 Cato lane	0	1	Kristin Lendway
6		19 Cato Ln.	0	1	Jerry Lendway
7		23 Atlantic Av	0	1	Justine L. Connors
8		23 ATLANTIC AVE	0	1	PAUL R. CONNORS
9		15 Nanine Dr	0	1	Mary Bergman
10		73 Bartlett Rd	0	1	Margaret Carr
11		4 Eagleswing Way	0	1	ALLEN B. REINHARD
12			0	1	
13			0	1	
14			0	1	
15			0	1	
16			0	1	
17			0	1	
18			0	1	
19			0	1	
20			0	1	

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check this ☒ against the name of qualified voter to be certified.
For names not certified, use the codes opposite.

N B no such registered voter at that address.

S B unable to identify signature or address as that of

W B wrong district or community.

T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (11) Eleven
signatures checked this ☒ are names of voters of the
Town of Nantucket and are qualified to sign this petition.

(at least) three Registrars' names must be signed or stamped below)

Registrars of Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars

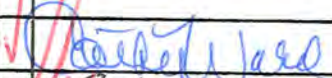
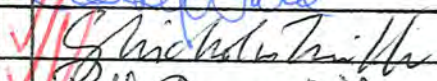
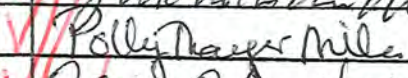
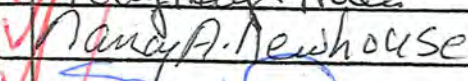
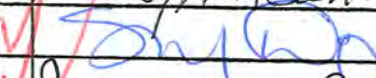
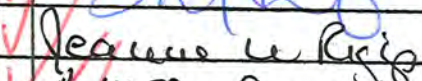
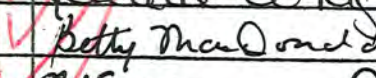
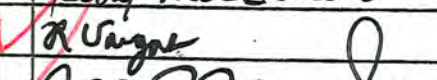
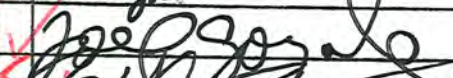
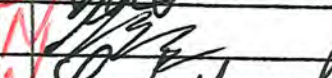
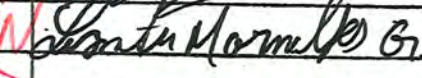
May 30, 2024 1:10pm

Consider the attached amendment to Chapter 123 pertaining to the administration and strengthened enforcement of Nantucket's Short-Term Rentals General Bylaws

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

I		II	III		
C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W a r d o	P r e c e d e n t 1	PRINTED NAME
1		4A Silver St.	0	1	CATHY WARD
2		9 Old Quindret Mill	0	1	ENID NICHOLS MILLER
3		9 Old Quindret Mill Rte	0	1	Polly Thayer Miller
4		15 Liberty St.	0	1	Nancy Newhouse
5		6 Nanna Dr.	0	1	Sunny Dally
6		18 Meadowside Dr	0	1	JEANNETTE W. RIGGS
7		10 Priscilla Lane	0	1	Betty MacDonald
8		1 Orchid Pl	0	1	Richard Vargas
9		6 Maclean L	0	1	Joel Gonzalez
10		118 Somerset Rd	0	1	Robert Harker
11		2 Surfer Drive	0	1	Greg Dyer
12		18 New Lane	0	1	LIZ METH HARKNESS
13			0	1	
14			0	1	
15			0	1	
16			0	1	
17			0	1	
18			0	1	
19			0	1	
20			0	1	

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified. For names not certified, use the codes opposite.

N B no such registered voter at that address.

S B unable to identify signature or address as that of

W B wrong district or community.

T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (9) *Nine* signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars' names must be signed or stamped below)

Carolyn A. Gould
Mary J. Holmes
Registrars of Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To be if the Town will vote to:

DATE and TIME this paper received by Registrars

May 30, 2024 1:10 pm

Consider the attached amendment to Chapter 123 pertaining to the administration and strengthened enforcement of Nantucket's Short-Term Rentals General Bylaws

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

I		II	III			
	C h e c k k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W a r d c	P r e c	PRINTED NAME
1	☒	<i>Elinor Sutton Smith</i>	15 Appleton	0	1	<i>Elinor Sutton Smith</i>
2	☒	<i>Charles Campbell</i>	15 Appleton	0	1	<i>Charles Campbell</i>
3	☒	<i>Rick Atherton</i>	48 Squam Road	0	1	<i>Rick Atherton</i>
4	☒	<i>Cheri Gaudin</i>	10 Gloucester St.	0	1	<i>Cheri Gaudin</i>
5	☐			0	1	
6	☐			0	1	
7	☐			0	1	
8	☐			0	1	
9	☐			0	1	
10	☐			0	1	
11	☐			0	1	
12	☐			0	1	
13	☐			0	1	
14	☐			0	1	
15	☐			0	1	
16	☐			0	1	
17	☐			0	1	
18	☐			0	1	
19	☐			0	1	
20	☐			0	1	

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ☒ against the name of qualified voter to be certified. For names not certified, use the codes opposite.

N B no such registered voter at that address.

S B unable to identify signature or address as that of

W B wrong district or community.

T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (4) *[Signature]* signatures checked thus ☒ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars—names must be signed or stamped below)

[Signature]
[Signature]
[Signature]
Registrars of Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by
Registrars

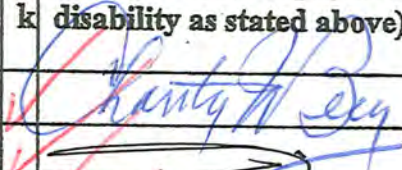
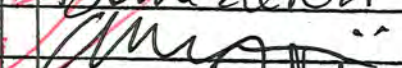
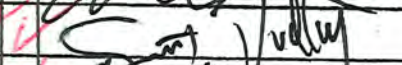
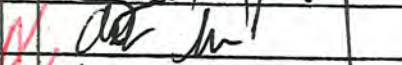
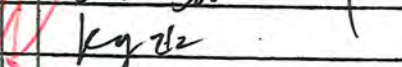
May 30, 2024
1:10 pm

Consider the attached amendment to Chapter 123 pertaining to the administration and strengthened enforcement of Nantucket's Short-Term Rentals General Bylaws

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

I		II	III		
	C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W a r r e d P r e c	PRINTED NAME
1			5 Milestone Crossing	0 1	CHARITY I. BENZ
2			27 LILY ST	0 1	ELIZABETH CAMP
3			12 New Mill St	0 1	John T. Damman
4			2 Lily St	0 1	Dane Elliott
5			27 LILY ST	0 1	ABIGAIL CAMP
6			121 Polaris	0 1	Scott Judley
7			35 Beach Grass Rd	0 1	ASHLEY PARSONS
8			35 Beach Grass Rd	0 1	Kyle Partridge
9				0 1	
10				0 1	
11				0 1	
12				0 1	
13				0 1	
14				0 1	
15				0 1	
16				0 1	
17				0 1	
18				0 1	
19				0 1	
20				0 1	

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ☒ against the name of qualified voter to be certified.
For names not certified, use the codes opposite.

N B no such registered voter at that address.

S B unable to identify signature or address as that of

W B wrong district or community.

T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (6) Signatures
signatures checked thus ☒ are names of voters of the
Town of Nantucket and are qualified to sign this petition.

(at least three Registrars' names must be signed or stamped below)

Registrars of Voters of the Town of Nantucket

May 30, 2024
1:10 pm

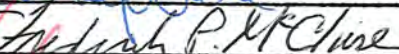
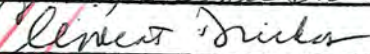
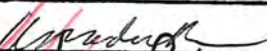
Consider the attached amendment to Chapter 123 pertaining to the administration and strengthened enforcement of Nantucket's Short-Term Rentals General Bylaws

We certify that:
Nine (9) signatures
signatures checked this are
names of voters of the Town
of Nantucket and are qualified
to sign this petition

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

I		II	III		
	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W a r r e d 0 1	P r e c 0 1	PRINTED NAME
1		4A Silver St.	0	1	CATHY WARD
2		97 Hummock Pond Rd.	0	1	FREDERICK MCCLURE
3		6 Pond Road	0	1	Kathryn Sheehan
4		2 Sarlaty Rd.	0	1	Clement Durles
5		40 Center Street, Nantuck	0	1	Berenda Whyte
6		26 Creech Ln.	0	1	Julie Keener
7		15 NANINA DR	0	1	Mary Bergr
8		73 Bartlett Rd.	0	1	Margaret Carr
9		139.5 Hummock Pond Rd	0	1	EMILY MOLDEN
10		77B Skyline Drive	0	1	Anna Day
11			0	1	
12			0	1	
13			0	1	
14			0	1	
15			0	1	Judith Wodynski
16			0	1	
17			0	1	Carol A. Gould
18			0	1	
19			0	1	Robert Holmes
20			0	1	

Instructions to Registrars

You must time-stamp or write in date and time these papers are received

N B no such registered voter at that address.

Grant Sanders
STR Accessory Use Zoning Bylaw

(Zoning Bylaw Amendment Regulating Short-Term Rental Use)

To see if the Town will vote to amend Chapter 139 of the Town Code (Zoning) as follows:

1. Amend § 139-2 (Definitions and Word Usage), by inserting the following new term and definition and inserting it in alphabetical order.

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.

ACCESSORY SHORT-TERM RENTAL

A Short-Term Rental use that complies with this bylaw.

2. Amend § 139-7A (Use Chart) by inserting Accessory Short-Term Rental between Tertiary Dwelling and Apartment Building in the Use column and inserting the designation Y in all columns except CI with a Note: Subject to the requirements of §139-38.

3. Add a new section to Chapter 139 as follows:

§139-38 ACCESSORY SHORT-TERM RENTALS

1. No person or other legal entity shall engage in an Accessory Short-Term Rental use for more than one Dwelling Unit at any one time.
2. If a Lot has two Dwelling Units, both may be rented as an Accessory Short-Term Rental as long as both Dwelling Units are rented to the same person.
3. To qualify as an Accessory Short-Term Rental use, the owner must reside on the same Lot or on another lot that they own on Nantucket, for at least 30 days (which can be non-consecutive) in each calendar year.
4. No owner or operator may enter into more than six (6) rental contracts which commence in July and August.

5. If an owner purchases a Lot or constructs a Dwelling Unit after the effective date of this bylaw, the owner or operator may enter into no more than four (4) rental contracts which commence in July and August.
6. There are no limits on the length or number of rental contracts that commence outside of July and August.
7. If a person who previously operated more than one Accessory Short-Term Rental at any time prior to the effective date of this bylaw, they may continue to do so for a period of five years after the effective date of this bylaw.
8. In order to qualify as an Accessory Short-Term Rental, the Dwelling Unit must be operated in compliance with Chapter 123 of the Town Code and all regulations promulgated thereunder.
9. All other Short-Term Rentals in all zoning districts except CI are prohibited.

Or to take any action relative thereto.

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars
May 30, 2024
12:30 pm

See attached.

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence. If you HAVE moved since June 1, please complete column III.

I		II	III		
	C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W P a r e d c	PRINTED NAME (And Previous Residence if different than column II)
1	✓		14 DENNIS DRIVE	0 1	GRANT SANDERS
2	✓		6 TAMMISTONE RD	0 1	Peter Brace
3	✓		57 Meadow View Dr	0 1	Kaiton Goddard
4	✓		119 Hummock pond rd.	0 1	Oona Cullen
5	✓		11 Brinda Lane	0 1	Robert G. Bates
6	✓		14 Dennis Drive	0 1	Barrie Sanders
7	✓		11 Brinda Ln.	0 1	SHERRY LYNN BATES
8	✓		65A MILESTONE RD	0 1	CHERYL PERELMAN
9	✓		65A MILESTONE RD	0 1	JAMES PERELMAN
10	✓		39 millbrook rd	0 1	John W. Bolger
11	✓		9B Cachalot Ln.	0 1	Suzanne Keating
12	✓		17 Gdf Jw Dr	0 1	Bill Hunk
13	✓		20A old sooth rd	0 1	DANIEL SUTHERLAND
14	✓		15 Folgar Ave	0 1	Nell Van Vorst
15	✓		81 Hummock Pond Rd	0 1	Lindsey Maurer
16	✓		26 1/2 MIRCUMET RD	0 1	SCOTT GOFFREDO
17	✓		5 Ackermuck way	0 1	Andrew G. Lowell
18	✓		5 N. WATER ST.	0 1	MICHAEL KOPKO
19	✓		14 DENNIS DRIVE	0 1	SUNNY SANDERS
20	✓		4 Plumb Ln	0 1	Bob Lang

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.
Check thus ✓ against the name of qualified voter to be certified.
For names not certified, use the codes opposite.

N B no such registered voter at that address.
S B unable to identify signature or address as that of
W B wrong district or community.
T B already signed this petition

CERTIFICATION OF SIGNATURES

We certify that (20) Twenty signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars' names must be signed or stamped below)

Registrars of Voters of the Town of Nantucket

Judith Wodynski

Carolyn A. Gould

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars
May 30, 2024
12:30

See attached.

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

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I		II	III		
C	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W	P	PRINTED NAME (And Previous Residence if different than column II)
			a	r	
			r	e	
			d	c	
			0	1	
1	✓ <i>[Signature]</i>	27 Monomoy Rd	0	1	John K. Schener
2	✓ <i>[Signature]</i>	12 Back St	0	1	James Sulzer
3	✓ <i>[Signature]</i>	12 Back St	0	1	Barbara Elder
4	✓ <i>[Signature]</i>	14 Back St	0	1	Katherine Sulzer
5	✓ <i>[Signature]</i>	32 Madaket Rd	0	1	Brian Kirk
6	✓ <i>[Signature]</i>	13 ABBOT RD	0	1	LOUIS GUARNEA
7	✓ <i>[Signature]</i>	47 Ridge Lane	0	1	Susan Richards
8	✓ <i>[Signature]</i>	10 Fair St	0	1	Melissa Nussbagen
9	✓ <i>[Signature]</i>	1244 ORANGE ST	0	1	SUSAN E. RICHMOND
10	✓ <i>[Signature]</i>	1 Field Ave	0	1	christopher A. Hansen
11	✓ <i>[Signature]</i>	17 York St	0	1	Nigel Cross
12	✓ <i>[Signature]</i>	10 Fair St	0	1	Althea R. Smith
13	✓ <i>[Signature]</i>	1 Longwood Drive	0	1	NANCY TOLIDS
14	✓ <i>[Signature]</i>	101 Sankaty Rd	0	1	Risaka Roosevelt
15	✓ <i>[Signature]</i>	104 Sankaty Rd	0	1	Kerri Roosevelt
16	✓ <i>[Signature]</i>	23 West Chester	0	1	Ann Scott
17	✓ <i>[Signature]</i>	47 Ridge La. Nantucket	0	1	PETER H. RICHARDS
18	✓ <i>[Signature]</i>	26 Old Tom Nevers Rd	0	1	Deirdre Duffy
19	✓ <i>[Signature]</i>	75 Pochick Ave	0	1	Barbara A. White
20	✓ <i>[Signature]</i>	75 Pochick Ave	0	1	Mark White

Instructions to Registrars

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For names not certified, use the codes opposite.

N B no such registered voter at that address.
S B unable to identify signature or address as that of
W B wrong district or community.
T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (20) Twenty signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars' names must be signed or stamped below)

Registrars of Voters of the Town of Nantucket

[Signatures of Registrars: Judith Wodynski, Nancy Z. Holmes, Carolyn A. Gould]

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

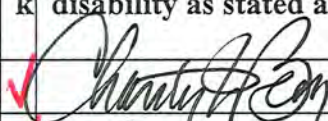
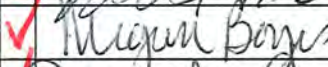
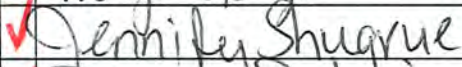
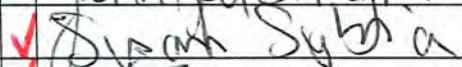
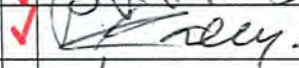
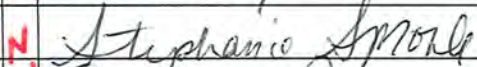
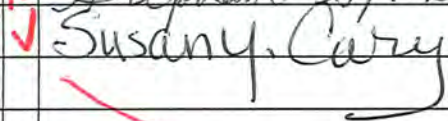
DATE and TIME this paper received by Registrars
May 30, 2024
12:30

See attached.

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence. If you HAVE moved since June 1, please complete column III.

I		II	III			
	C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W a r d	P r e c	PRINTED NAME (And Previous Residence if different than column II)
1	✓		5 MILBURN CROSSING	0	1	CHARITY BENZ
2	✓		39 Somerset Ln	0	1	Michaela Mofsen
3	✓		15 MADARAT	0	1	Dan Driscoll
4	✓		2 Swayze DR.	0	1	Michelle Derr
5	✓		14 Equator Dr.	0	1	Megan Boyes
6	✓		11 Dennis Dr.	0	1	Jenny Shugrue
7	✓		12 Dennis Dr.	0	1	Susan Sylvia
8	✓		298 POLPIS ROAD	0	1	CALEB KARSEN
9	✓		14 Dennis Dr.	0	1	Stephanie Sprowl
10	✓		67 Somerset Rd.	0	1	SUSAN CARY
11				0	1	
12				0	1	
13				0	1	
14				0	1	
15				0	1	
16				0	1	
17				0	1	
18				0	1	
19				0	1	
20				0	1	

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.
Check thus ✓ against the name of qualified voter to be certified.
For names not certified, use the codes opposite.

N B no such registered voter at that address.
S B unable to identify signature or address as that of
W B wrong district or community.
T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (9) Nine
signatures checked thus ✓ are names of voters of the
Town of Nantucket and are qualified to sign this petition.

(at least three Registrars= names must be signed or stamped below)

Judith Wodyske
Patty D. Jones
Carol A. Gould
Registrars of Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars
May 30, 2024
12:30

See attached.

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence. If you HAVE moved since June 1, please complete column III.

I		II	III			
	C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W a r d	P r e c	PRINTED NAME (And Previous Residence if different than column II)
				0	1	
1	✓		10 Bartlett Rd.	0	1	Christopher Sleeper
2	✓		8 NANTUCKET DR	0	1	Jessica Dunning
3	✓		80 B Somerset Lane	0	1	Mayumi Hattori
4	✓		30 B Somerset Ln.	0	1	Clifford Munknes
5	✓		30 B Somerset Ln	0	1	MIRABAI PERFAS
6	✓		4 Jennifer Lane	0	1	Virginia Bollington
7	✓		72 SKYLINE	0	1	SUSAN M WARNER
8	✓		1 1st way	0	1	Claire Martin
9	✓		10 Blue Heron Way	0	1	Matt Hattenreffer
10	✓		21 HELENS DR.	0	1	FREDERICK W. LINDQUIST
11	✓		2 Helen Dr.	0	1	Lori Smith-Lindquist
12	✓		19 Cato Lane	0	1	Casey Lendway
13	✓		32 Hummock Pond Rd	0	1	Kelly Steffen
14	✓		30 B Somerset Lane	0	1	Jeva Aldins
15			65A MILESIDE RD	0	1	JAMES PERELMAN
16				0	1	
17				0	1	
18				0	1	
19				0	1	
20				0	1	

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.
Check thus ✓ against the name of qualified voter to be certified.
For names not certified, use the codes opposite.

N B no such registered voter at that address.
S B unable to identify signature or address as that of
W B wrong district or community.
T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (14) Fourteen
signatures checked thus ✓ are names of voters of the
Town of Nantucket and are qualified to sign this petition.

(at least three Registrars= names must be signed or stamped below)

Registrars of Voters of the Town of Nantucket

12 Brou
S
SPECIAL TOWN MEETING - CITIZEN'S ARTICLE
To see if the Town will vote to:

DATE and TIME this paper received by
Registrars
May 30, 2024
12:30

See attached.

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:
Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence. If you HAVE moved since June 1, please complete column III.

I		II	III			
	C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W	P	PRINTED NAME (And Previous Residence if different than column II)
				a r d	r e c	
				0	1	
1	✓	Eleanor Olsen	117 Main Street	0	1	
2	✓	Wee	50-52 Cliff	0	1	Matthew Fee
3	✓	Rita	792 Orange Street	0	1	Ruby Fee
4	✓	[Signature]	5 Gloucester Street	0	1	Benjamin. Campese
5	✓	Henry Fee	6 Rugged Road	0	1	Henry c Fee
6	✓	Sheila Fee	52 Cliff Road	0	1	SHEILA FEE
7	✓	Thomas H. Montgomery	33 W. Liberty St.	0	1	THOMAS H. MONTGOMERY
8	✓	Richard Turcotte	6 Ash Lane	0	1	Richard Turcotte
9	✓	Emily Molden	139.5 HUMMOCK POND RD	0	1	EMILY MOLDEN
10	✓	Michelle Whelan	13 B MARY ANN DR	0	1	MICHELLE WHELAN
11	✓	A Bromwell	1 Otokomic Rd	0	1	Annie Bromwell
12	✓	Sydney Fee Barsanti	31 Crooked Ln	0	1	Sydney Fee Barsanti
13				0	1	
14				0	1	
15				0	1	
16				0	1	
17				0	1	
18				0	1	
19				0	1	
20				0	1	

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified.
For names not certified, use the codes opposite.

CERTIFICATION OF SIGNATURES

We certify that (12) Twelve
signatures checked thus ✓ are names of voters of the
Town of Nantucket and are qualified to sign this petition.

N B no such registered voter at that address.
S B unable to identify signature or address as that of
W B wrong district or community.
T B already signed this petition.

(at least three Registrars= names must be signed or stamped below)

Judith Wodynski
Tracy A. Holmes
Carolyn A. Gould

Registrars of Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

See attached.

DATE and TIME this paper received by Registrars

May 30, 2024 12:30

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence. If you HAVE moved since June 1, please complete column III.

I		II	III			
	C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W a r r e n d e d	P r e s e n t	PRINTED NAME (And Previous Residence if different than column II)
1	✓		5 felcon dr	0	1	Andre Iverson
2	✓		3 Spinnaker Cir	0	1	Shantaw Blaise
3	✓		3 Spinnaker Cir	0	1	Ky Murphy
4	✓		21 High Brush Path	0	1	Harvey S. Young
5	✓		3 Alexandria Dr.	0	1	Melissa F. Murphy
6	✓		3 Alexandria Dr	0	1	America Murphy
7	✓		60 Pochick Hue	0	1	Bianca M. Brown
8	✓		10 Broad St	0	1	Joseph Conner
9	✓		5 Skyline Dr.	0	1	Baird Pernt
10	✓		46 Tennessee Ave	0	1	Kelly EMERY
11	✓		13A Anna Drive	0	1	Ty Fleischer
12	✓		4 Sturgis Pines Ln	0	1	Brooks Hall
13	✓		13 Parker Ln	0	1	Pam J Blaise
14	✓		13 Parker Ln	0	1	Keith Blaise
15	✓		42 Monmouth Rd	0	1	Gillian Blaise
16	✓		4 PLEASANT	0	1	John To Land
17	✓		1 felcon Dr.	0	1	Tara Iverson
18	✓		3 waitt drive	0	1	Gita Nalan Mali
19	N	Sunil mali	3 waitt drive	0	1	Sunil Mali
20	N		5 Felcon	0	1	David Ivers

Instructions to Registrars

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Check thus ✓ against the name of qualified voter to be certified.
For names not certified, use the codes opposite.

N B no such registered voter at that address.
S B unable to identify signature or address as that of
W B wrong district or community.
T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (18) Eighteen
signatures checked thus ✓ are names of voters of the
Town of Nantucket and are qualified to sign this petition.

(at least three Registrars' names must be signed or stamped below)

Registrars of Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

See attached.

DATE and TIME this paper received by
Registrars
May 30, 2024
12:30

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

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I		II	III	
	C Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W P a r r e d c o 1	PRINTED NAME (And Previous Residence if different than column II)
1	✓ William Saad	5 GROVE LANE	0 1	WILLIAM SAAD
2	✓ Joann Bennett	27 MONOMOY ROAD	0 1	Joann Bennett
3			0 1	
4			0 1	
5			0 1	
6			0 1	
7			0 1	
8			0 1	
9			0 1	
10			0 1	
11			0 1	
12			0 1	
13			0 1	
14			0 1	
15			0 1	
16			0 1	
17			0 1	
18			0 1	
19			0 1	
20			0 1	

Instructions to Registrars

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Check thus ✓ against the name of qualified voter to be certified.
For names not certified, use the codes opposite.

N B no such registered voter at that address.
S B unable to identify signature or address as that of
W B wrong district or community.
T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (2) TWO
signatures checked thus ✓ are names of voters of the
Town of Nantucket and are qualified to sign this petition.

(at least three Registrars' names must be signed or stamped below)
Judith Wodynski
Nancy Z. Holmes
Carolyn A. Gould
Registrars of Voters of the Town of Nantucket

SPECIAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars
May 30, 2024
12:30

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I		II	III	
	C Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	W P a r r e d c	PRINTED NAME (And Previous Residence if different than column II)
21	Suzanne M. Keating	93 Cachalot Ave	0 1	Suzanne M. Keating
1	✓ Michelle Holland	5 Seikinnaw Place	0 1	HUDSON HOLLAND III
2	✓ Michelle Holland	5 Seikinnaw Place	0 1	Michelle Holland
3	✓ Michael A. Wood	31 A Beach Grass Rd	0 1	RICHARD HO-SHUP
4	✓ S. C. C.	5 Gloucester St.	0 1	Susan C. Campese
5	✓ Marian Wilson	125 Somerset Rd.	0 1	Marian Wilson
6	✓ S. Keller	219 Millbrook Rd.	0 1	Suzanne Keller
7	✓ Tobias Glidan	22 Rugged Rd	0 1	Tobias Glidan
8	✓ Anne Topham	18 Hummock Pond Rd	0 1	Anne Topham
9	✓ Robert Turner	11 SEIKINNOW PL.	0 1	ROBERT TURNER
10	✓ Megan Turner	11 Seikinnaw Pl	0 1	MEGAN TURNER
11	✓ Kristie Ferrantella	19B Gray Ave	0 1	Kristie Ferrantella
12	✓ Sandra R. Holland	13 Pleasant St.	0 1	Sandra R. Holland
13	✓ Christopher Young	12 SEIKINNOW PL.	0 1	CHRISTOPHER YOUNG
14	✓ Ben Champoux	8 Upper Thompson	0 1	Ben Champoux
15	✓ Halley Dutra	76 Hummock Pond rd	0 1	Halley Dutra
16	✓ Jesse Dutra	76 Hummock Pond rd.	0 1	Jesse Dutra
17	✓ Carolyn Durand	8 Upper Thompson	0 1	Carolyn Durand
18	✓ Sunny Daily	6 Narina Pr.	0 1	Sunny Daily
19	✓ James Broad	14 YACOWAY WAY	0 1	JAMES BROAD
20	✓ Bridgette Hynes	50 Pleasant St.	0 1	Bridgette Hynes

Instructions to Registrars

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W B wrong district or community.
T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (20) Twenty signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars= names must be signed or stamped below)

Registrars of Voters of the Town of Nantucket

Judith Wodyski
Nancy J. Holmes
Carolyn A. Gould

Town of Nantucket – September 18, 2024 Special Town Meeting
Short-Term Rental Citizen Warrant Articles – Zoning Amendments
Comparison Chart
Dated: June 3, 2024

	Grant Sanders	Charity Benz	Steven Cohen	Town Counsel Comments
Adds definitions for Short-Term Rental (STR) and Accessory Short-Term Rental (ASTR)	Yes	Yes	Yes	
Amends Use Chart	Y	A - Must be accessory to a Principal Use	Y	Benz – The Benz article is different than the other two proposals. Town Counsel (and the Planning Director) recommends that the Use Chart insert a “Y” in all districts except the CI. Because the “Y” requires compliance with the substantive regulations in the new Section 139-38, this approach ads any interpretation problems associated with the accessory use definition (incidental and subordinate to a Principal Use) in the current bylaw. Any changes to the substantive regulations in zoning in the future will still require a two-thirds vote. This is a much cleaner approach and should protect against future legal challenges. Town Counsel’s understanding is that Sanders wants to explore using a different term than ASTR (perhaps Vacation rentals) to avoid potential inconsistencies with the use of the term “accessory.”
Adds footnote: Subject to the Requirements of § 139-38	Yes	Yes	Yes	Any future changes to the substantive zoning regulations will require a two-thirds vote at town meeting.
Adds a new section to Zoning Bylaw: § 139-38 ASTR	Yes	Yes	Yes	Each of the three zoning proposals have different substantive regulations as explained below.
Applicability of ASTR Regulations	Allowed in all districts except the Commercial Industrial (CI) District	Only permitted in Residential Districts	Allowed in all districts except the Commercial Industrial (CI) District	Benz – The Benz article should be clarified to state in Section 2: “except CI” – to be consistent with other two proposals.

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Total number of rental days per year to qualify as an ASTR	Owner must reside on the lot, or another lot in Nantucket, at least 30 days (can be non-consecutive) per calendar year	Lot must be Residential Use (occupied by owner or tenant at least 32 days per calendar year. Limit on ASTR is 28 days a year. More days allowed as Residential Use increases, ie for 28 days of residential use = 1 extra week ASTR	Less than half of the calendar year	Sanders – requiring the “owner” to reside on lot at same time, or on another lot they own on the island, for 30 days will likely be subject to a dormant commerce clause challenge, where similar requirements were found to violate the constitution in other circuits. Town Counsel recommends instead that Section 139-38.3 state: “The owner or a long-term tenant or operator must occupy the Dwelling Unit or another Dwelling Unit on Nantucket.” Benz – allows residential use to be owner- OR tenant- occupied, which is more likely to pass muster under a dormant commerce clause challenge
Limit on number of ASTRs per person	One. But if a person operates more than one on the effective date of this bylaw, they may continue to do so for a period of 5 years.	No limit	No limit/not addressed	Benz – in theory, could have multiple ASTRs per person given that long-term tenants could constitute “residential uses” of several STRs
Requires valid certificate of registration from BOH under c. 123	Yes	Adds new registration requirements under c. 123. Not eligible to register unless certain info is provided at time of registration.	Yes, commencing May 1, 2025	Benz – These provisions are more appropriate for c. 123. Cohen – the reference to “section 123 of the code of Nantucket” should be amended to “chapter 123” for consistency.
Must comply with c. 123 as a condition of ASTR	Yes	Yes	Not addressed	This is an important safeguard which Town Counsel recommends be adopted in any zoning bylaw regulating STRs. In addition to requiring compliance with the substantive zoning regulations (see above), this provision requires

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				compliance with the general bylaw requirements as well.
Limit on number of Dwelling Units that can be ASTR on lot	Two Dwelling Units per lot if rented to the same person	One Dwelling Unit per lot	Not addressed (but is addressed in Cohen’s c. 123 amendment – Two Dwelling Units may be used as STR if lot has more than 2 units)	Sanders – Does this mean that the same person must sign both rental contracts?
Limit on the number of rental contracts	Maximum of 6 during July and August. For Dwelling Units bought or constructed after effective date of bylaw – maximum of 4 during July and August. No limit on number outside of July and August	No more than 8 changes in occupancy per year (same as rental contract)	Not addressed (but is addressed in Cohen’s c. 123 amendment – limit of 9 contracts in July and August)	
Limitations on Length of Stay	No limit on length or number of contracts outside of July and August but a limit in July and August not to exceed 4-6 contracts	Minimum stay of 4 days in calendar year, except in July and August when min. stay is 7 days	Not addressed	
Prohibition on all other STRs	Yes, all other STRs in all zoning districts are prohibited, except in CI	Yes, in residential district	Not addressed	Sanders – Confirm that the intent here is to allow STRs (not ASTRs) in the CI District without any limits. Benz – Same question. Recommend that article address the

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				STR and ASTR use in the CI District. See above.
Other		Exemption: when lot is owner-occupied, there is no limit on ASTR except for minimum stay provision		Benz – exceptions for “owners” who reside on lot at same time may be subject to a dormant commerce clause challenge by favoring in-state interests over out-of-state interests, where out-of-state owners may be precluded from entering the STR market on equal terms, given that similar requirements have been found to violate the constitution in other circuits. Town Counsel recommends that the exemption apply to “”owners, long-term renters, or operator.”

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	Pamela Perun	Matthew Peel	Steven Cohen	Town Counsel Comments
Impact on corporations	Amends definition of corporation to include taxable corporations under IRC, with exceptions for LLCs and S Corps that have natural persons as shareholders. Adds prohibition on ownership by partnership, real estate investment trusts, or similar entities			Chapter 123 already prohibits corporate ownership of STR's (pending approval by the Attorney General). This proposed amendment would change the definition of Corporations and expand the prohibition to include ownership by partnerships and investment trusts. G.L. c. 64G, § 14 allows municipalities to regulate STR's by form of ownership. Approved as to form by Town Counsel.
Preference for primary residences			Limits on rental contracts do not apply if lot is owner's primary residence	The last sentence in the new Section L gives exemptions or preferential treatment for an STR which are the primary residence of one or more Owners. This provision may be subject to a dormant commerce clause challenge by favoring in-state interests over out-of-state interests, where out-of-state owners may be precluded from entering the STR market on equal terms, given that similar requirements have been found to violate the constitution in other circuits.
STR Fee		Registration fee for dwelling units that are a not the primary residence		Under the so-called <i>Emerson College</i> Test, the Supreme Judicial Court requires that when setting a fee, a municipality must be

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		of the owner is increases to \$350.		able to justify it as reasonable based on the actual costs incurred to administer and enforce the licensing scheme, and the fee may not be used to raise revenue. How would the Town justify the larger fee for nonresidents for obtaining the exact same Town service? It does not appear that more documentation, review, and thus time is required for non-residents than residents, so how would the Town's costs differ? Additionally, by creating a barrier to enter the market by charging a higher fee to non-residents, this bylaw could be susceptible to a legal challenge under the dormant Commerce Clause.
Changes to Registration Process	Corporate ownership status to be established by documentation at time of registration and thereafter	Requires operators to provide floor plan showing STR layout at time of registration.	Requires process to begin on May 1, 2025, and requires separate certifications for different dwellings on same lot Requires contact information for owner and intermediary and operator and 2 other persons (as opposed to just the operator) Requires applicant to certify that there	Note: Benz zoning bylaw proposal includes registration requirements in § 139-38.3. These requirements are more properly suited for c. 123. Peel – The STR regulations already require the submission of a description of premises, incl. bedrooms and bathrooms and parking. Cohen – Certification of compliance with all local laws and regulations applicable to residential dwellings is already addressed in the STR regulations.

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			are no outstanding code violations, that STR is compliant with outdoor lighting bylaw for all dwellings constructed after Jan 1, 2025, certifies that any pool or spa is compliance with light standards beginning in 2027.	Otherwise, all of these new registration requirements are approved as to form.
Changes to substantive STR requirements	Not addressed	Not addressed	In July and August, limits to 9 contracts or changes in renters. Each certificate shall provide for the maximum number of occupants in each dwelling. No renter may occupy unit until their identify has been verified and they have acknowledged regulations Prohibits STRs in tertiary dwellings and inclusionary housing	Approved as to form. Note: Benz and Sanders address changes in their occupancy in the zoning bylaw proposals. Either way is fine. Cohen – Number of occupants per bedroom (plus two additional people in unit) is already addressed in the STR regulations promulgated by BOH.
Changes to Enforcement	None	Amends § 123-5 to create a \$5000 fine by noncriminal disposition and	None	Peel – This new provision is not approved as to form. The non-criminal disposition statute, G.L. c.

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		authorizes suspension of STR registration for one year, following a review hearing by the STR Committee		41, § 21D, expressly prohibits a fine that exceeds \$300. Also, § 123-5D already contains a civil penalty remedy of \$5,000 per violation, which has been approved by the Attorney General. Peel – Change to Subsection B includes an enforcement option of suspension of a Certificate of Registration. This is already provided for (including the need for a public hearing) in §123-5C of the existing bylaw.
Further amendments to STR regulations required	Yes – corporate status may be determined from time to time “as required under regulations” established under this chapter	Yes – directs regulations to prohibit on-street parking, limit vehicles, and have BOH develop an online complaint form to allow submission of photos and videos	Yes – BOH to set deadline for annual application requirements	
Inspections		Directs BOH to dedicate one employee to inspect STRs and ensure compliance		Town Counsel is unaware of any bylaw provision that expressly requires the executive branch of government to hire specific employees or otherwise use its funds in any particular manner. The decision how to staff an STR compliance program is under the exclusive purview of the Select Board.
Other			Authorizes leases and subleases that are entered into with a valid certificate of registration to be honored by a	Approved as to form.

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			new operator of an STR during pendency of new operator's application for that property. No person may hold more than 2 certificates of registration, with exemption for STRs in effect since Jan 1, 2000 All advertisements for STRs shall include the certificate of registration.	This is addressed in the other zoning bylaw proposals. Current BOH regulations require all advertisements (online and in person) to include the Certificate of Registration number and all tenants to be provided with a copy of the Certificate.
Parking		Requires regulations to prohibit any on-street parking for STRs and requires BOH to develop online complaint form.		

Objectives of Benz/ Put Nantucket Neighborhoods First STR Zoning Article

1. Permit all property owners to short term rent in the customary Nantucket tradition in compliance with the recent Land Court Decision and to reflect the mandates of Nantucket voters to prevent gutting 50 years of zoning protection in residential neighborhoods;
2. Protect Nantucket residential neighborhoods and the island community against investor-owned STR exploitation;
3. Preserve and promote the enjoyment of neighborhoods currently protected by the zoning bylaw to secure resident quality of life priorities;
4. Prevent the hollowing out of residential neighborhoods through purchase of year-round homes by STR investors, leaving them empty in the off season;
5. Incentivize long term rentals for residents misplaced due to conversion of long term to short term rentals;
6. Manage residential neighborhood churn and gridlock caused by revolving door short-term stays by requiring minimum night contracts and limited changes in occupancy, particularly during July and August;
7. Reduce infrastructure impacts and damage that result in increased real estate taxes; and
8. Reinforce the obligation we all have to protect Nantucket's fragile environment and natural resources that continue to attract visitors to the island who are the underpinning of our economy.

Grant Sanders
STR Accessory Use Zoning Bylaw

Our goals:

- A. protect the peace, unity, and integrity of neighborhoods and reduce neighborhood churn
- B. protect the time-honored tradition of home rentals on Nantucket
- C. discourage investment-only ownership of residential properties for use as STRs

Our bylaws, and which of those goals they are crafted to achieve:

1. No person or other legal entity shall engage in an Accessory Short-Term Rental use for more than one Dwelling Unit at any one time.

Goal: C *discourage investor-only, and*

B *protect the time-honored tradition of home rentals*

2. If a Lot has two Dwelling Units, both may be rented as an Accessory Short-Term Rental as long as both Dwelling Units are rented to the same person.

Goal: A *reduce neighborhood churn*

3. To qualify as an Accessory Short-Term Rental use, the owner must reside on the same Lot or on another lot that they own on Nantucket, for at least 30 days (which can be non-consecutive) in each calendar year.

Goal: C *discourage investor-only, and*

B *protect the time-honored tradition of home rentals*

4. No owner or operator may enter into more than six (6) rental contracts which commence in July and August.

Goal: A *reduce neighborhood churn, and*

C *discourage investor-only*

5. If an owner purchases a Lot or constructs a Dwelling Unit after the effective date of this bylaw, the owner or operator may enter into no more than four (4) rental contracts which commence in July and August.

Goal: C *discourage investor-only*

6. There are no limits on the length or number of rental contracts that commence outside of July and August.

Goal: B *protect the time-honored tradition of home rental*

7. If a person who previously operated more than one Accessory Short-Term Rental at any time prior to the effective date of this bylaw, they may continue to do so for a period of five years after the effective date of this bylaw.

Goal: B *protect the time-honored tradition of home rental (and allow a reasonable amount of time to adjust to the new regulations of one-only STR per person)*

8. In order to qualify as an Accessory Short-Term Rental, the Dwelling Unit must be operated in compliance with Chapter 123 of the Town Code and all regulations promulgated thereunder.

9. All other Short-Term Rentals in all zoning districts except CI are prohibited.

STR Regulatory Goals:

- 1) Preserve the tradition and culture of private home rental as the primary way for visitor accommodations, as opposed to hotels and resorts.
- 2) Provide reasonable protection of property rights and financial decisions of existing owners.
- 3) Preserve neighborhood integrity.
- 4) Limit the impact of STRs on neighborhoods by addressing nuisances.
- 5) Limit the impact of STRs on neighborhoods and the real estate market by limiting expansion.
- 6) Limit the impact of STRs on neighborhoods by limiting investor-focused STRs.
- 7) Create community benefits in exchange for STR licenses.

STR Process Goals:

- 1) End divisiveness, ongoing debate, and uncertainty.
- 2) End neighbor-on-neighbor lawsuits and complaints.
- 3) Make decisions based on facts.
- 4) Use incentives instead of burdens when possible.
- 5) Enact a system that focuses on consensus terms.
- 6) Enact a system that is easy to understand and to comply with.
- 7) Enact a system that is robust and also easy to enforce.
- 8) Enact a system that is not invasive and that respects personal privacy and safety.
- 9) Enact a system that incentivizes its goals instead of work-arounds.
- 10) Enact a system that respects the year-round community and does not incentivize housing insecurity.

STR Zoning Topics:

- 1) Add STRs to the Zoning Code.
 - a. Prohibit STRs as an unlimited use.
 - b. Add STRs as a limited use.
 - c. Allow STRs in all zoning districts, except x.
- 2) Allow legacy rights for existing STRs.
 - a. For all or just some.
 - b. Any sunset.
- 3) Limit the number of STRs per person, by COR or by property.
- 4) Limit number of STRs per lot.
- 5) Limit the number of STR leases on one property at one time.
- 6) Limit the number of STR leases per year.
 - a. Limit in July and August.
 - b. Limit outside July and August.
 - c. Different number of leases or waiver for x.
- 7) Limit total number of days leased.
 - a. Limit in July and August.
 - b. Limit outside July and August.
 - c. Different number of days or waiver for x.
- 8) Require minimum length of STR leases.
 - a. Minimum in July and August.
 - b. Minimum outside July and August.
 - c. Different minimum or waiver for x.
- 9) Require non-STR occupancy.
 - a. Number of days.
 - b. By whom.
 - c. For how long.
- 10) Prohibit STRs in some structures.
 - a. Tertiary Dwellings.
 - b. Inclusionary Housing.
- 11) Require compliance with Chapter 123.
- 12) Require STR properties to make upgrades.
 - a. Comply with Chapter 102 – lighting bylaw.
 - b. Install low lumens lighting for pools.
 - c. Install vegetative or structural screening at lot lines and parking.
 - d. Install sound dampening for mechanical equipment within 10' of a property line.
 - e. Parking requirements.
 - f. Other?
- 13) Effective date.

STR Regulation Topics:

- 1) Add requirement for providing contact information for the rental intermediary.
- 2) Increase requirement for persons designated to respond within 2 hours of a complaint.
- 3) Increase certification of governmental compliance.
 - a. Exempt regulatory failures under Title V - IA upgrades.
- 4) CORs are valid for a calendar year, not a year from issuance.
- 5) Add grace period for new buyers while a COR application is pending with the Town.
- 6) List the max number of occupants and COR number in all advertisements.
- 7) Post rules, contact information, and policies at the STR.
- 8) Confirm renter identity before access.
- 9) Obtain renter acknowledgement of rules before access.
- 10) Change corporate ownership prohibition.
- 11) Discounts on fees for x.
- 12) Adjust enforcement tools or terms.
- 13) Effective date.

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; 5-6-2023 ATM by Art. 37, AG approval date 9-7-2023; 5-6-2023 ATM by Art. 39, AG approval 9-8-2023; 5-6-2023 ATM by Art. 41, AG approval 9-8-2023]

- 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
	Apartment	N	N	N	N	N	N	Y	Y	Y	Y	SP	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
	Tiny house unit	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
	Garage apartment	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 SR-1	SP	Y N R-5L	Y R-10 N R-10L N SR-10	Y	Y	Y	Y	A	Y	A	Y	Y	N	N	N	N	N	N	N
	Workforce rental community	N	N	N	N	N	N	N	SP	SP	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	N	N	N
	Studio	A	A	A	A	A	A	Y	Y	Y	Y	Y	Y	Y	A	A	A	A	A	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
	Shed	A	A	A	A	A	A	N	N	A	A	A	A	A	A	A	A	A/SP	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

NANTUCKET CODE

	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 recreational outdoor water feature																				
	Hot tub/spa	A	N	A	A	A	A	A	A	A	A	N	A	A	SP	A	A	A	SP	A	A
	Small swimming pool	A	N	A	A	A	A	A	A	A	A	N	A	A	SP	A	A	A	SP	A	A
	Large swimming pool	A	N	A	A	A	A	A	A	A	A	N	A	A	SP	A	A	A	SP	A	A
	Home occupations	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Keeping of pets for personal use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Business Commercial	Retail sales	N	N	N	N	N	N	Y	Y	Y	A	A	Y	Y	N	N	N	N	N	Y	A
	Convenience store	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N	SP	A
	Alcohol sales	N	N	N	N	N	N	Y	Y	SP/A	N	N	Y	Y	N	N	N	N	N	A	A
	Bakery	N	N	N	N	N	N	Y	Y	Y	Y	SP	SP/A	SP/A	N	N	N	N	N	Y	A/SP
	Open-air market	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N	Y	Y
	Pharmacy	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N	N	N
	Supermarket	N	N	N	N	N	N	Y	Y	SP	N	N	Y	Y	N	N	N	N	N	N	N
	Restaurants																				
	Small (up to 70 seats)	N	N	N	N	N	N	Y	Y	SP	N	N	Y	Y	N	N	N	N	N	SP	N
	Large (71-200 seats)	N	N	N	N	N	N	SP	SP	N	N	N	Y	Y	N	N	N	N	N	N	N
	Take-out food establishment	N	N	N	N	N	N	Y	Y	SP/A	N	N	SP	SP	N	N	N	N	N	A	N
	Drive-through take-out food	N	N	N	N	N	N	N	N	SP	N	N	SP	SP	N	N	N	N	N	N	N
	Tavern/Bar	N	N	N	N	N	N	Y	Y	SP/A	N	N	SP	SP	N	N	N	N	N	A	A
	Formula businesses																				
	Retail (includes: bakery, convenience store and pharmacy)	N	N	N	N	N	N	N	Y	Y	N	SP	SP/N in FBED	SP	N	N	N	N	N	N	N
	Supermarket	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N	N	N
	Restaurant																				
	Small (up to 70 seats)	N	N	N	N	N	N	N	SP	SP	N	N	SP/N in FBED	N	N	N	N	N	N	N	N
	Large (71-200 seats)	N	N	N	N	N	N	N	SP	N	N	N	SP/N in FBED	N	N	N	N	N	N	N	N
	Take-out food establishment	N	N	N	N	N	N	N	SP	SP	N	N	Y/N in FBED	N	N	N	N	N	N	N	N
	Tavern/Bar	N	N	N	N	N	N	N	SP	SP	N	N	Y/N in FBED	N	N	N	N	N	N	N	N
	Offices	N	N	N	N	N	N	Y	Y	Y	A	Y	Y	Y	N	N	N	N	N	Y	A
	Theatres, auditoriums, or other places of public assembly	N	N	N	N	N	N	Y	SP	SP	N	N	Y	Y	N	N	N	N	N	A	A/SP
	Personal services	SP	SP	SP N R-5L	SP N R-10L	SP	SP	Y	Y	Y	A	N	Y	Y	N	N	N	N	N	Y	SP
	Print shop	N	N	N	N	N	N	Y	Y	Y	Y	Y	SP	SP	N	N	N	N	N	N	N
	Laundromat or dry-cleaning establishment	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	SP	N	N	N	N	N	SP	N
	Bank	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N	N	N
	Automated teller machine	N	N	N	N	N	N	Y/A	Y/A	Y/A	N	N	Y	Y	N	N	N	N	N	A	A
	Arcade	N	N	N	N	N	N	N	SP/A	SP/A	N	N	A	A	N	N	N	N	N	N	N
	Art gallery	N	N	N	N	N	N	Y	Y	Y	N	N	SP	SP	N	N	N	N	N	Y	Y
	Museum	N	N	N	N	N	N	Y	N	SP	N	N	Y	Y	N	N	N	SP	N	SP	N
	Catering	N	N	N	N	N	N	N	Y	Y	Y	SP	SP/A	SP/A	N	N	N	N	N	A	A
	Crematorium	N	N	N	N	N	N	N	N	N	N	Y	A	A	N	N	N	SP	N	N	N
	Funeral home	SP	SP	SP N R-5L	SP N R-10L	N	N	Y	Y	Y	N	Y	Y	Y	N	N	N	N	N	N	N

ZONING

	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
	Health spa	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N	N	N
	Medical clinic	N	N	N	N	N	N	N	SP	SP	N	N	Y	Y	N	N	N	N	N	N	N
	Adult on-site marijuana social consumption operator	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	Marijuana membership club	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	Marijuana establishment, recreational and marijuana treatment center, medical	N	N	N	N	N	N	N	N	SP	N	SP	N	N	N	N	N	N	N	N	N
	Hospital	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	N
	Transient residential facilities																				
	Hotel or inn	N	N	N	N	N	N	SP	SP	SP	N	N	Y	N	N	N	N	N	N	N	N
	Rooming, lodging, or guest house	N	SP¹	N	N	N	N	Y	Y	Y	N	N	Y	N	N	N	N	N	N	SP	N
Time-sharing/Interval dwelling units	N	N	N	N	N	N	Y	Y	Y	N	N	Y	N	N	N	N	N	N	Y	N	
Commercial Industrial	Contractor shop	N	N	N	N	N	N	N	SP	SP	Y	Y	SP	SP	N	N	N	N	N	N	A
	Lumberyard	N	N	N	N	N	N	N	N	SP	SP	Y	N	N	N	N	N	N	N	N	SP
	Bulk merchandise retail	N	N	N	N	N	N	Y	Y	Y	SP	Y	N	N	N	N	N	N	N	SP	SP
	Landscape contractor	N	N	N	N	N	N	N	N	SP	Y	Y	SP	SP	N	N	N	N	N	N	SP
	Light manufacturing	N	N	N	N	N	N	N	N	A	SP/A	Y	SP	SP	N	N	N	N	N	SP/A	SP/A
	Food processing	N	N	N	N	N	N	N	N	SP	SP	Y	SP	SP	N	N	N	N	N	N	SP
	Shed - commercial	N	N	N	N	N	N	A	A	A	A	A	N	N	N	N	N	N	N	A	A
	Storage container	N	N	N	N	N	N	N	N	SP	SP	SP	N	N	N	N	N	N	N	N	N
	Interior or exterior storage or warehousing	N	N	N	N	N	N	N	N	A	SP/A	Y	SP	SP	N	N	N	N	N	A	SP/A
	Motor vehicle sales	N	N	N	N	N	N	N	SP	SP	N	SP	SP	SP	N	N	N	N	N	N	N
	Motor vehicle rental	N	N	N	N	N	N	Y	N	SP	N	SP	SP	SP	N	N	N	N	N	N	N
	Motor vehicle repair or painting	N	N	N	N	N	N	N	SP	SP	SP	Y	SP	SP	N	N	N	N	N	N	N
	Motor vehicle service station	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	N	N	N	N	N	N	N
	Motor vehicle parking lots or structures	N	N	N	N	N	N	Y	Y	Y	SP	SP	Y	Y	N	N	N	N	N	N	N
	Car wash	N	N	N	N	N	N	N	SP	N	N	SP	SP	SP	N	N	N	N	N	N	N
	Taxicab business	N	N	N	N	N	N	N	Y	Y	Y	N	SP	SP	N	N	N	N	N	N	N
	Bicycle rental or sale	N	N	N	N	N	N	Y	N	SP	SP	N	SP	SP	N	N	N	N	N	SP	A
	Maritime service station	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	SP
	Yacht/Sailing clubs and marinas	N	N	N	N	N	N	Y	N	N	N	SP	Y	Y	N	N	N	N	N	N	SP
Industrial	Adult uses	N	N	N	N	N	N	N	N	N	N	SP	N	SP	N	N	N	N	N	N	N
	Asphalt/Batching plant	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
	Licensed junkyard	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	N	N	N	N	N	N
	Transfer station	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	N	N	N	N	N	N
	Petroleum product storage or distribution facility (i.e. tank farm)	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
	Utility production/distribution (does not include WECS)	N	N	N	N	N	N	SP	SP	SP	SP	Y	N	N	N	N	N	N	N	N	N
	Mining	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
	Truck/Bus terminal	N	N	N	N	N	N	N	N	N	SP	Y	N	N	N	N	N	N	N	N	N
Boat-related storage	N	N	N	N	N	N	N	N	SP	Y	Y	Y	Y	N	N	N	N	N	N	SP	

NANTUCKET CODE

	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
Other	Preservation of a lot in its natural condition	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Care and propagation of fish and shellfish	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	All agricultural uses allowed by Ch. 590 of the Acts of 1989, effective 3-8-1990 (including keeping of farm animals, greenhouses, truck gardens, farms, orchards and nurseries)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Cemeteries	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Municipal uses (any)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Tents	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Day-care center	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Kennel	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	Animal hospital	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	Animal shelter	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	Public stable	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	Employer dormitory	N	N	N	N	N	N	N	N	N	N	N	N	N	SP	SP	SP	SP	N	SP	SP
	Neighborhood employee housing	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	N	N	N	N	N	N
	Swimming pool - commercial	N	N	N	N	N	N	N	SP/A	SP/A	A	N	SP/A	SP/A	A	A	A	A	N	A	A
	Recreational facilities	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	Club	N	N	N	SP	SP	SP	Y	Y	Y	Y	N	Y	Y	N	SP	SP	SP	N	SP	SP

NOTES:
¹See the definition of "transient residential facility" in § 139-2A.
²With lots greater than or equal to 7,500 square feet.

From: [Thomas Dixon](#)
To: [Erika Mooney](#)
Subject: Fw: Drafting a Select Board STR Warrant for the Fall Special Town Meeting.
Date: Thursday, June 6, 2024 12:46:01 AM

For Peter Halle/Kahn's request

From: Devan C. Braun <DBraun@k-plaw.com>
Sent: Tuesday, June 4, 2024 4:38 PM
To: Thomas Dixon <tdixon@nantucket-ma.gov>; Malcolm MacNab <mmacnab@nantucket-ma.gov>
Cc: Libby Gibson <LGibson@nantucket-ma.gov>; John W. Giorgio <JGiorgio@k-plaw.com>
Subject: RE: Drafting a Select Board STR Warrant for the Fall Special Town Meeting.

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Tom and Malcom:

John forwarded the below.

Note that challenges to short-term rental regulations under the dormant commerce clause to the United States constitution is constantly evolving and is an issue that Town Counsel is closely analyzing. While we agree that several courts have deemed the imposition of a "primary residence" requirement on those wishing to engage in STRs to be unconstitutional, the implication of more limited residency requirements (such as requiring a 30-day residency requirement, or a host, or a long-term tenant, or someone with connections to the community to be present in order to engage in STR) are less clear.

The following cases provide guidance upon which the Town should rely in proposing any STR ordinance that contains a residency component:

1. Hignell-Stark v. City of New Orleans, 46 F.4th 317 (5th Cir. 2022): ordinance that prohibited any person from obtaining a STR license in a residential neighborhood unless the STR property was "also the owner's primary residence" (shown by homestead exemption) deemed unconstitutional under dormant commerce clause.
2. Rosenblatt v. City of Santa Monica, 940 F.3d 439 (9th Cir. 2019): ordinance upheld under dormant commerce clause where it required "primary resident" to remain in dwelling because resident was not required to be the homeowner, just to live there, like a host/tenant/operator of the STR and because the ordinance "applies equally to owners who reside ... elsewhere in California, but at a property separate from their rental property."
3. Short Term Rental All. of San Diego v. City of San Diego, 2023 WL 3964059, at *7 (S.D. Cal. June 12, 2023): ordinance upheld because it did not target "owners" of STRs and allowed the residency requirement to be fulfilled by a host/long-term renter.
4. S. Lake Tahoe Prop. Owners Grp. v. City of S. Lake Tahoe, 2023 WL 4068397, at *18 (Cal. Ct. App. June 20, 2023): ordinance invalid (but remanded for further findings of whether non-discriminatory alternatives existed) where it allowed only permanent residents who were there more than 50% of the year and claimed a property tax exemption from engaging in STR.

5. MDKC, LLC v. City of Kansas City, 2023 WL 6406403, at *1 (W.D. Mo. Oct. 2, 2023): dismissing challenge to ordinance that distinguished between “resident” (who lives there 270 days/year) and “non-resident” because the long-term resident or registrant of the STR does not need to be the owner of the dwelling.
6. Anding v. City of Austin, 2023 WL 4921530, at *6 (W.D. Tex. Aug. 1, 2023): ordinance with homestead requirement to engage in STR stricken under dormant commerce clause.
7. Selvaggi v. Borough of Point Pleasant Beach, No. CV2200708RKJBD, 2024 WL 303677, at *16 (D.N.J. Jan. 26, 2024): ordinance with exemptions from STR regulation if units are (1) “owned by residents” or (2) “owner-occupied” will proceed through litigation. The court found that the “residency” exception discriminates against out-of-state owners by preventing them from entering the market “on the same terms as residents,” but did not yet address whether the “owner-occupied” exception similarly discriminates. Further determinations will be made as litigation proceeds.

Any questions, let me know. Happy to summarize if the issue arises this evening as well.

Best,
Devan

Devan C. Braun , Esq.



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From: Thomas Dixon <tdixon@nantucket-ma.gov>

Sent: Monday, June 3, 2024 11:02 AM

To: John W. Giorgio <JGiorgio@k-plaw.com>

Subject: Fw: Drafting a Select Board STR Warrant for the Fall Special Town Meeting.

From: Peter Halle <peter@halle-lamm.com>

Sent: Sunday, June 2, 2024 6:32 PM

To: Matt Fee <mfee@nantucket-ma.gov>; Thomas Dixon <tdixon@nantucket-ma.gov>
Cc: Kahn, Peter <PKahn@wc.com>; Erika Mooney <EMooney@nantucket-ma.gov>
Subject: Drafting a Select Board STR Warrant for the Fall Special Town Meeting.

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Dear Select Board Members Fee and Dixon:

We applaud your efforts. Having reviewed the 5 Proposed STR warrants submitted, we wanted to remind you that dormant Commerce Clause issues under the US Constitution can sink an otherwise perfectly good warrant. You should be attentive to this as you seek to draft the perfect warrant. We think that a number of the proposed STR articles discriminate against nonresident tax payers and favor resident tax payers in the Nantucket STR market, a national market operating under the Commerce Clause of the US Constitution. Thus, we hope that your Working Group will not adopt the discriminatory elements of those proposals in drafting yours.

Keep in mind when you are drafting that the Massachusetts AG will review whatever STR Bylaw Town Meeting passes. A main point of AG review will be whether the Bylaw discriminates between Nantucket Resident home owners and nonresident home owners. If it does, it may be found to violate the dormant Commerce Clause found in the US Constitution. See, AG Opinion Re Great Barrington Town Meeting, December 19, 2022, page 7, FN 6 (“We considered whether any of the restrictions in the by-law implicate Commerce Clause Concerns” In this context, ‘discrimination’ simply means differential treatment of in-state and out-of-state economic interests that benefits the former and burdens the latter. . . .Discriminatory laws motivated by simple economic protectionism are subject to a virtually per se rule of invalidity[.]”).

As recently as February of this year, the US District Court in Boston, in a suit brought against the Attorney General and the Commissioner of Agriculture struck down a discriminatory provision in a Massachusetts law on Dormant Commerce Clause grounds, saying: [A law that is discriminatory] “*is virtually per se invalid . . . and will survive only if it advances a legitimate local purpose that cannot be adequately served by reasonable nondiscriminatory alternatives.*” Triumph Foods, LLC, et al., v. Andrea Joy Campbell, AG, et al. Civil Action No. 23-11671-WGY, Slip Opinion, pages 15 -19. (USDC MA, decided 2/5/2024). There are a host of Federal Cases that hold likewise that we have cited before in earlier rounds of the STR Bylaw debates, but we will not repeat them here as your time is limited and valuable.

Specifically, here are the troublesome discriminatory provisions we found in three of the STR proposals submitted for the Special Town Meeting Warrant that you should be aware implicate the Dormant Commerce Clause, and you should avoid such provisions in what you draft for Select Board consideration.

1. Both the Benz/PNNF and Grant Sanders Zoning Bylaw proposals contain *eligibility requirements* to STR that blatantly discriminate against nonresident owners. If an owner cannot meet the eligibility requirements, the owner cannot STR. These requirements discriminatorily favor year-round residents. There should be no such discrimination in Nantucket's STR Bylaw. Rather, the way to make clear that STR's are accessory uses is to limit the amount of time that a property may be rented as an STR. The Benz/PNNF eligibility requirement blocks an owner's eligibility to rent by requiring that the owner engage in a residential use of his/her property by occupying it "at least 32 *consecutive* days per calendar year". That is no barrier for a Resident taxpayer, but a substantial impediment for a nonresident requiring him or her to modify personal use of the property in order to STR. See, Benz/PNNF proposal at Paragraphs 139-38 ACCESSORY USE SHORT TERM RENTALS, sub paragraphs 1.a. and 5.

2. The Grant Sanders eligibility requirement is less stringent, but still discriminatory. See, Section 139-38 ACCESSORY SHORT-TERM RENTALS, subparagraph 3. "... the owner must reside on the same Lot or on another lot that they own on Nantucket, for at least 30 days (which can be non-consecutive) in each calendar year." If they do not do that, they cannot STR.

3. These eligibility requirements are not needed as both proposals limit the amount of time a property may STR. One of them (Benz/PNNF) limits STRs to "28 days (4 weeks) per calendar year **as a permitted Accessory Use to a Principal Use.**" (130-38. Paragraph 1) and contains other limitations on STR usage. Stating the permitted Accessory Use this way clearly sets out the definition of Accessory Use in plain words. That is all that is necessary. The Grant Sanders proposal has a similar definition of Accessory use. "No owner or operator may enter into more than six (6) rental contracts which commence in July and August. (Subparagraph 4), or 4 rental contracts if the property is purchased after the effective date of the Bylaw. Moreover, under the Sanders approach, an owner who wishes to STR at any time of the year other than July and August is by Sanders' definition engaging in a permitted accessory use.

4. All of the other proposals similarly define Accessory Use by the amount of time the property can be an STR. That is all that is required. That time varies from just less than half a year in the most generous proposal to 4 weeks in the least generous. Our point is simple, setting the amount of time a property can be rented and when during the year, saying that renting for that time or less is an "Accessory Use", and applying the same limit **equally** to all owners is the safest, least discriminatory approach to defining and implementing the Accessory Use

concept.

5. A different facial discrimination can be found in Matthew Peel's proposal. He would amend 123-3. B. by providing a registration fee that is higher for nonresidents, \$350, than for residents, \$250. There is no practical or legal justification for such a discrimination offered.

We hope this is helpful. It is provided by the Advisory Committee of Nonvoting Taxpayers, whose statutory duty is to advise the Select Board on matters of concern to nonvoting taxpayers. This is a matter of concern.

Respectfully submitted,

/s/

Peter E. Halle
Chair, ACNVT

/s/

Peter J. Kahn
Vice-Chair, ACNVT

Peter E. Halle

From: [Grant Sanders](#)
To: [Charity Benz](#); [Thomas Dixon](#); [Malcolm MacNab](#); [Erika Mooney](#)
Subject: Re: Your Chart
Date: Thursday, June 6, 2024 4:04:08 PM
Attachments: [SB Process Night Two Revised 1.2.pdf](#)

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Hello, all, here is the chart with the changes Charity requested. Let me know if everything looks good. It's a work in progress, obviously. See you tonight! G.

On Jun 6, 2024, at 3:43 PM, Charity Benz <cibenz@comcast.net> wrote:

Hi, Grant.

I think you have misinterpreted our position on Cohen's list.

First: The characterization of STR is incorrect. It should read Accessory STR.
Second: I did not agree to 1.c. Please change that on your chart. I have repeated many times that we will not agree to anything but an A in columns for Accessory Short Term Rental.

Please change this in the packet and with Erika so that our position is represented correctly.

Grant



www.digsand.com
508-826-1334

	Benz Group	Cohen Group	Sanders Group	Potential Compromise?
1) Add STRs to the Zoning Code. a. Prohibit STRs as an unlimited use. b. Add STRs as a limited use. c. Allow STRs in all zoning districts, except x.	1a yes, 1b yes Accessory STR, 1c no agreement	1a yes, 1b yes, 1c yes	1a yes, 1b yes, 1c yes	Yes to all three pending conditions?
2) Allow legacy rights for existing STRs. a. For all or just some. b. Any sunset.	unclear/No position? Legacy use as an accessory is fine. Might go for 5 years, but not ten	Not in favor of restricting legacies but willing to compromise	yes with 5-year sunset. Potential yes with cap? (Not on the table)	Yes with 5-10-year sunset
3) Limit the number of STRs per person, by COR or by	unclear — liked one better than two	2	1, 2 for primary and secondary	1, 2 for primary + secondary w/ clarity
4) Limit number of STRs per lot. All agree cottage colonies are exempt Note use one one lot versus another.	one	1 per dwelling unit	1, 2 for primary/secondary	1, 2 for primary and secondary
5) Limit the number of STR leases on one property at one time. Cottage colonies exempt	one	1 per dwelling unit	1 or per dwelling unit	1 or per dwelling unit
6) Limit the number of STR leases per year. <i>Unanimous: refer to Changes In Occupancy (CIO)</i> a. Limit in July and August. b. Limit outside July and August. c. Different number of leases or waiver for x.	8 per year	a. July August 6-7 b. No limit in shoulder c. unclear	a. July August 6 b. No limit in shoulder c. unclear	a. July August 6 (S. Maury has affirmed this) b. No limit in shoulder c. keep it simple Alternately: Ask group to agree upon a max number of CIO for the year? 12? 14?
7) Limit total number of days leased. a. Limit in July and August. b. Limit outside July and August. c. Different number of days or waiver for x.	No position	<182 days	No position	Discard for the sake of simplicity
8) Require minimum length of STR leases. a. Minimum in July and August. b. Minimum outside July and August. c. Different minimum or waiver for x.	7 in July, August 4 in shoulder	none	none	None — stick to changes in occupancy in July and August None in shoulder?
9) Require non-STR occupancy. a. Number of days. b. By whom. c. For how long.	Primary (32 + 28 +) greater than Accessory STR (Formula)	(Strongly?) opposed	30 days* *Subject to challenge, Dormant Commerce Clause?	30 days for first 5 years of ownership. (Explore Benz numbers of 32/28 days without getting too complicated?)
10) Prohibit STRs in some structures. a. Tertiary Dwellings. b. Inclusionary Housing.	yes, (Matt Peel had a question about apartments.)	yes	yes	no issue
11) Require compliance with Chapter 123.				yes
12) Require STR properties to make upgrades. a. Comply with Chapter 102 – lighting bylaw. b. Install low lumens lighting for pools. c. Install vegetative or structural screening at lot lines and parking. d. Install sound dampening for mechanical equipment within 10’ of a property line. e. Parking requirements. f. Other?	Opinion pending	In favor	In favor but complex. Keep it simple	Table to next ATM? Amend Cohen c 123 general bylaw article to reflect above changes and put before the voters?
13) Effective date.				Ask town counsel

SELECT BOARD SHORT-TERM RENTAL SUBCOMMITTEE

Minutes of the Meeting of June 3, 2024. The hybrid meeting took place in person in Room A of the Meeting Trailer at 131 Pleasant; and, via remote participation using Zoom. Both members of the Subcommittee were present: Thomas Dixon and Dr. Malcolm MacNab. Town staff present were Operations Administrator Erika Mooney and Town Manager C. Elizabeth Gibson. Also present were Finance Committee Chair Denise Kronau, Planning Board Chair David Iverson, Planning Director Leslie Snell, Interim Health Director John Hedden, and attorneys John Giorgio and Devan Braun of Town Counsel's office.

I. CALL TO ORDER

The meeting was called to order at 6:00 PM. Mr. Dixon gave an introduction of the subcommittee and reviewed specific invitees to the meeting: Grant Sanders, Jim Sulzer, Steven Maury, Steven Cohen, Pamela Perrin, Charity Benz and Matthew Peal. He said these invitees are representatives of specific short-term rental related citizen-sponsored warrant articles for the September 17, 2024 special town meeting. He said public comment will not be taken tonight; this session is intended to familiarize everyone with the specifics of each warrant article. Dr. MacNab concurred and asked that the specifics be adhered to.

II. SELECT BOARD SHORT-TERM RENTAL SUBCOMMITTEE-LED DISCUSSION FOR POTENTIAL CONSOLIDATION OF CITIZEN AND/OR TOWN-SPONSORED SHORT-TERM RENTAL WARRANT ARTICLES

Town Counsel John Giorgio reviewed a chart he prepared that compares each citizen-sponsored zoning warrant article. Mr. Giorgio urged that a consensus be reached with the citizen petitioners, the Select Board and the Planning Board, for zoning articles, in the form of a Select Board and/or Planning Board sponsored article(s). He said alternatively, a motion could be developed to one or more of the articles that would contain a consensus. Mr. Giorgio proceeded to review the citizen articles that are general bylaw amendments, rather than zoning. Mr. Giorgio stated that the more important categories to reach consensus on with the zoning articles are: definitions, use chart and substantive regulations. Mr. Giorgio reviewed pending litigation with respect to short-term rentals. Mr. Dixon invited the citizen petitioners to provide a summary of their zoning articles. Ms. Benz said the primary purpose of her article is to protect residential neighborhoods from unlimited short-term rentals and to encourage long-term rentals. She said that short-term rentals are causing a negative impact on the island. She reviewed the specifics of the article. Mr. Peal, another signatory of Ms. Benz's article, said their article is for the "future" of Nantucket. David Iverson asked if Ms. Benz and Mr. Peal would consider an increase in the number of allowable rentals, from the current proposal of 8 per year. Mr. Peal and Ms. Benz generally indicated they prefer their article as is. Steven Cohen said he believes there are serious consequences and negative impacts that their article would cause. Mr. Cohen explained his article saying the main components are to provide accommodations for visitors other than hotels, which are limited; limiting impact on neighborhoods by increasing restrictions; limiting expansion of properties used exclusively as short-term rentals (STRs). Mr. Cohen added that the STR articles at the 2024 annual town meeting were accompanied by political campaigns that included personal attacks and that was very disappointing. He said the Benz/Peal article does not adequately support year-round housing. He said he agrees that the primary use of Nantucket properties should not be short-term rentals; that certain areas could be limited or restricted from STRs; that a limit on turnovers during the summer could be appropriate, but not during the off-season; "robust" nuisance rules are appropriate. Grant Sanders and Jim Sulzer said their article is to protect the integrity of neighborhoods, reduce neighborhood "churn", protect the "time-honored" tradition of STRs and discourage the use of investor-owned properties as STRs. They reviewed the specifics of the article. Mr. Dixon encouraged people to provide him and Dr. MacNab any suggestions for how to reach consensus on these articles.

Discussion followed on the terms “vacation rental”, and “short-term rental”. Planning Director Leslie Snell said that discussion might be premature without further review as to the chart prepared by Mr. Giorgio. Mr. Cohen said he thinks a first step is to determine the definition and what zones they should be allowed in; or, not allowed in. Some discussion followed. Dr. MacNab concurred with Mr. Cohen with respect to the basic agreement of the definition and the locations where these would be allowed (or not allowed). Ms. Benz spoke on the need for enforcement. Mr. Iverson agreed that a discussion about use and where and how it is allowed is needed prior to any discussion about operation and associated regulations. Mr. Peal said the definition’s title should be determined before anything else. Mr. Cohen said that a base definition is the rental of a house of less than 31 days, and that the name of it can be determined later; meanwhile, what should be determined next is, in what zones these are allowed; or, not allowed. Ms. Benz said she does not want to see STRs in “residential zones”. Mr. Cohen suggested perhaps not in commercial-industrial. The Zoning Use Chart was displayed on the screen, and discussion followed as to each district and whether or not STRs should be allowed in each.

III. ADJOURNMENT

Mr. Dixon moved adjournment at 7:58 PM; seconded by Dr. MacNab. So voted.

Approved the day of 2024.

**SELECT BOARD SHORT-TERM RENTAL SUBCOMMITTEE
JUNE 3, 2024 – 6:00 PM
ROOM A AT MEETING TRAILER, 131 PLEASANT STREET
AND REMOTE PARTICIPATION VIA ZOOM
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- Agenda Posting
- Charity Benz STR Zoning article
- Pamela Perun STR General Bylaw article
- Steven Cohen STR Zoning article
- Steven Cohen STR General Bylaw article
- Matthew Peel STR General Bylaw article
- Grant Sanders STR Zoning article
- Town Counsel STR Zoning Articles comparison chart
- Town Counsel STR General Bylaw Articles comparison chart

SELECT BOARD SHORT-TERM RENTAL SUBCOMMITTEE

Minutes of the Meeting of June 4, 2024. The meeting took place via remote participation using Zoom Webinar. Both members of the Subcommittee were present: Thomas Dixon and Dr. Malcolm MacNab. Town staff present were Operations Administrator Erika Mooney and Town Manager C. Elizabeth Gibson. Also present were Finance Committee Chair Denice Kronau, Nantucket Planning and Economic Development Committee Chair Barry Rector, Planning Director Leslie Snell, Interim Health Director John Hedden, and attorney Devan Braun of Town Counsel's office.

I. CALL TO ORDER

The meeting was called to order at 6:01 PM.

II. SELECT BOARD SHORT-TERM RENTAL SUBCOMMITTEE-LED DISCUSSION FOR POTENTIAL CONSOLIDATION OF CITIZEN AND/OR TOWN-SPONSORED SHORT-TERM RENTAL WARRANT ARTICLES FOR SEPTEMBER 17, 2024 SPECIAL TOWN MEETING

Mr. Dixon suggested starting with goals that have been submitted by the citizen article sponsor groups, as have been submitted and contained in the Committee's agenda packet. Charity Benz reviewed the objectives of her group as submitted. Steven Cohen said the goal of his group is to achieve consensus agreement as he reviewed at the June 3rd meeting, as contained in the document in the Board's packet. Grant Sanders said the overarching goal is to come up with an article that will pass at Town Meeting. James Sulzer, associate of Mr. Sanders, re-reviewed the goals of their group as put forward at the June 3rd meeting. Mr. Dixon thanked the groups for these goals. He said that at the June 3rd meeting, discussion left off on zoning and where the types of short-term rental uses: primary (commercial), limited (vacation-type) and accessory, should or should not be allowed. Mr. Cohen said he hopes the group can discuss what they do agree on, rather than what they do not. He referred to a list of concepts he prepared based on the articles submitted. Mr. Sanders agreed that going through the concept list could be helpful. He added that the focus should be not on the "people" who are involved with short-term rentals (STRs), but rather the type of use. Mr. Sulzer spoke on three types of traditional, "time-honored" uses, that he is not sure would be considered "accessory use": 1) year-round resident who lives in their property and short-term rents it up to 6 times in July and August; 2) year-round resident who owns a separate property and rents it up to 6 times in July and August, but does not live in it longer than it is rented; 3) seasonal owner who STRs but does not live in it longer than it is rented. Mr. Cohen said he has no issues with these uses. Ms. Benz said she could generally agree to these uses and suggested using Mr. Cohen's "STR Zoning Topics" list and go through each item. That discussion proceeded as follows:

Item 1 ("a – c") Add STRs to Zoning Code.

- Ms. Benz said she supports guidelines for limited "accessory" use only and does not want to see any "Y" in any zoning district.
- Mr. Cohen said his list is a topic list only, not detailed. He said his understanding from the June 3rd meeting is that "CI" was the only district where STRs would not be permitted.
- Mr. Sanders concurred with Mr. Cohen and said he does not see a pure "accessory" use as realistic.
- Ms. Benz spoke on the 2024 annual town meeting discussion about STRs.
- Mr. Sanders said the concept is to create something that can be regulated, which is very difficult with an accessory use. He said that while each group can always "fall back" on their submitted articles, he believes a compromise article will be most successful at the Special Town Meeting (STM). With respect to the lettered items of topic "1", each of the three groups indicated agreement with 1a and b. Ms. Benz stated that she would need a lot more discussion on 1c and cannot immediately support it. She agreed that STRs should not be in the CI district. Mr. Sanders and Mr. Sulzer agreed with item 1c.

Item 2 (“a – b”) Allow legacy rights for existing STRs.

- Ms. Benz said it is possible that her group could agree to both lettered items 2a and b.
- Mr. Cohen said he agrees with 2a and is not entirely sure about 2b.
- Mr. Sulzer said the number of contracts for the summer should apply across the board with a sunset provision of 5 years. Some discussion followed.
- Ms. Benz expressed concern about “legacy” properties and how many are owned by a family. Discussion continued on this and on “cottage colonies”.
- Mr. Cohen said having legacy restrictions for some and not others makes him uncomfortable.
- Mr. Dixon suggested coming back to this later and said it sounds like there is some consensus as to a sunset provision.

Item 3 Limit the number of STRs by person, by COR or by property.

- Ms. Benz said her group could consider this.
- Discussion followed as to different scenarios of ownership circumstances, and hardships, as well as lots vs dwellings; and unintended consequences. It was agreed to “park” this matter for now, for further discussion.

Item 4 Limit number of STRs per lot.

- It was generally agreed by all parties that this is an appropriate concept with details to be finalized later.

Item 5 Limit the number of STR leases on one property at one time.

- Dr. MacNab said he has to leave (6:57 PM) but emphasized that this is an extremely complicated issue and ultimately if too complicated it will too hard to enforce. He urged the groups to keep this simple.
- Ms. Benz said she supports this item, generally, with details to be finalized at a later time.
- Mr. Cohen agreed.
- Mr. Sanders agreed.

Item 6 (“a – c”) Limit the number of STR leases per year.

- Ms. Benz agreed with 6 and 6a.
- Mr. Cohen agreed with 6 and 6a.
- Mr. Sanders agreed with 6 and 6a. He said his group prefers 6 turnovers for existing STRs and 4 for “newcomers”.
- Mr. Cohen spoke on different implications of limiting the number of contracts. Discussion continued on this, as well as the word “contract” vs “turnover”.
- Ms. Benz expressed concern about 6c. Discussion followed.
- It was agreed by all three groups that the “shoulder season” turnovers do not need to be limited.
- Discussion followed as to each group’s proposed turnover limitations in July and August. Some discussion followed.

Item 7 (“a – c”) Limit total number of days leased.

- Discussion followed on this. Each group reviewed their proposals.
- Mr. Cohen expressed his opinion that Ms. Benz’s proposals are very complicated.
- Mr. Sanders and Mr. Sulzer agreed.
- Mr. Sanders spoke on the disruption the number of turnovers cause in neighborhoods. It was decided to finalize these items at a later time.

Item 8 (“a – c”) Require minimum length of STR leases.

- Each group reviewed their proposals and asked various questions of each other's proposals. It was agreed to finalize these items at a later time.

Item 9 (“a – c”) Require non-STR occupancy.

- Attorney Devan Braun from Town Counsel's office explained the legality of this issue. Discussion ensued as to enforceability of these types of provisions.
- Mr. Sanders stated that his group wants to ensure that people coming here to live, understand the island.
- Ms. Benz spoke in favor of this concept.
- Mr. Cohen said his group has concerns about the requirements, although the concepts are of value.
- Discussion followed as to the difficulties of enforcement.

Item 10 (“a – b”) Prohibit STRs in some structures.

- Ms. Benz agreed with both 10a, b.
- Mr. Cohen and Mr. Sanders concurred. Some discussion followed.
- Matthew Peal, associate of Ms. Benz spoke on the attainability of property on Nantucket.

Item 11 Require compliance with Chapter 123.

- All groups agreed.

Item 12 (“a – f”) Require STR properties to make upgrades.

- Mr. Sanders said he supports much of the content within Item 12 but does have some concern about adding too much complexity.
- Mr. Cohen agreed.
- It was agreed to hold this for the General Bylaw discussion.

Item 13. Effective date.

- Agreed to hold to next meeting.

III. ADJOURNMENT

The meeting was adjourned at 8:03 PM.

Approved the day of 2024.

**SELECT BOARD SHORT-TERM RENTAL SUBCOMMITTEE
JUNE 4, 2024 – 6:00 PM
ROOM A AT MEETING TRAILER, 131 PLEASANT STREET
AND REMOTE PARTICIPATION VIA ZOOM
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- Agenda Posting
- Charity Benz STR Zoning article
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- Matthew Peel STR General Bylaw article
- Grant Sanders STR Zoning article
- Town Counsel STR Zoning Articles comparison chart
- Town Counsel STR General Bylaw Articles comparison chart
- Charity Benz article objectives
- Grant Sanders article goals
- Steven Cohen concept list
- Chapter 139 - Zoning Use Chart

From: [Grant Sanders](#)
To: [John W. Giorgio](#)
Cc: [Steven Cohen \(Steven@cohenlegal.net\)](#); [Charity Benz](#); [JAMES SULZER](#); [Matthew Peel \(mattpeelsea@gmail.com\)](#); [Stephen Maury](#); [Thomas Dixon](#); [Malcolm MacNab](#); [Erika Mooney](#)
Subject: Proposed wording for section three of the compromise chart
Date: Monday, June 10, 2024 9:54:08 AM
Attachments: [Proposed STR owneroperator wording.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.

Hi, John:

You asked me to take a stab at wording for the proposed compromise bylaw around the "one person one lot" concept.

Attached is my best try. During the conversation we talked about allowing unlimited STRs on a single taxable lot to cover cottage colonies, but Jim Sultzer had reservations. "Unlimited" seems a bit scary.

I also include a few ideas for names to replace "Accessory Short-Term Rental" in the proposed zoning definitions and use chart.

See you tomorrow.

Grant



www.digsand.com
508-826-1334

Proposed wording for item 3 in our compromise chart.

1. No person or other legal entity shall engage in an Short-Term Vacation Rental use as an owner/operator for more than one Dwelling Unit, two dwelling untits in the case of a primary and secondary dwellings, on one taxable lot at any one time.

*Note: The term to replace “Accessory Short Term Rental” to be defined has not been agreed upon.

Other protential terms to replace Accessory Short Term Rental:

Short-Term Vacation Rental
Limited Short-Temr Rental
Vacation Rental
Limited Vacation Rental
Vacation Short-Term Rental
Traditional Short-Term Rental
Traditional Vacation Rental (TVR)

From: [Gregory Olchowski](#)
To: [Brooke Mohr](#); [David M Iverson](#); [Dawn Hill Holdgate](#); [Erika Mooney](#); [Malcolm MacNab](#); [Matt Fee](#); [Stephen Maury](#); [Steven Cohen](#); cibenz@comcast.net; [Denise Kronau](#); grant@caffeinated.com; justjp@gmail.com; mattpeelse@gmail.com; [Thomas Dixon](#)
Subject: Comments from a long term STR owner
Date: Monday, June 10, 2024 1:01:52 PM

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.

To the members of the Nantucket Board of Selectmen and members of the STR Sub-Committee:

I felt compelled to submit comments to you while you are still discussing matters before public comment can be made at a meeting. My comments evolve from years and years of renting out to folks visiting the island.

I have visited Nantucket since 1972 as a renter, since 1991 as an owner. I rent my home when I do not occupy it and have had scores of wonderful guests who have appreciated the availability of my house over the years. I have never had any “problem” renters. I have closely watched the efforts to deal with STR’s the last four years. Please read my stated concerns to you as a participating member of the sub-committee.

As an owner, I have STR’d for now my 33rd year on Nantucket. I take pride in my rental. I work very very hard at it to produce a superior quality rental. I feel there are hundreds of us in similar circumstances who have been unfairly singled out as villains in the STR “industry” as it is now known on ACK. STR is a new term, but an old tradition on ACK.

For the last four years there has also been a biased focus against STR owners as being the principal source of whatever problem one wished to advocate about Nantucket.

Nantucket is a mosaic of competing interests, continuously evolving. I dare say it is an impossible task for any municipal body or for any person or group to unwind Nantucket to result in an “acceptable” solution for all the concerns of the people it affects. The island could soon be faced with trying to survive a proposed governmental solution with unintended consequences to a way of life deeply rooted in Nantucket. The present way of life and island economy have evolved over a considerable period of time, in fact decades. Change for the sake of change to the deeply rooted character of Nantucket has no known clearly defined or positive results.

We have worked so hard to create language to solve issues which, to date, have not been defined with any degree of particularity. New subjective concepts like “churn” and loss of neighborhood character are being used as grounding points of current discussion with no specific data to support any interpretation of those points. It seems like a great debate seeking a solution to an amorphous “problem”, with no end in sight.

I suggest that it be best to simplify your present effort to seek a resulting recommendation and clearly support STR’s in our zoning bylaws and thereby removing any ambiguity as to its lawfulness; actively enforce the existing comprehensive Rules and Regulations; and work diligently to find the alleged link between the frequency changes of occupancy as the principal source of

Nantucket's "problems".

At this point it is mere conjecture that anything is so compelling as to be absolutely necessary to limit the change of occupancies in July and August. Permanent limits may prove to be economically inappropriate to established STR owners. Over the years we have all adjusted rental terms to adjust to a changed economy or circumstances. It would be an unfair imposition on the engine of the Nantucket economy to make the number of occupancies a static figure. Let the marketplace determine the details.

Move forward to diligently gather registration data for at least a couple of years to determine if there really is a problem which needs to be solved. I have no recollection of having seen data which begs for change. Develop data which provides information to objectively assess the effects of limits. Let that derived data be acted upon by the community with better clarity and certainty at that time. Please don't act on a random guess with no factual back up.

Changes of occupancy limits have been most recently bandied about with new numbers successively being proposed with no factual basis other than "less is better". Each and every proposal has generated a smaller number and has increased the probability of a more than significant adverse and probably unintended result if the limits are adopted.

One has to conclude that Nantucket is far too complicated to be simplified in one fell swoop. I urge you to tether the present effort and seek the data that limiting changes of occupancy requires.

Greg Olchowski

From: [Peter Halle](#)
To: [Thomas Dixon](#); [Malcolm MacNab](#); [Erika Mooney](#)
Cc: ["jgiorgio@k-plaw.com"](#); [Dbraun@k-plaw.com](#); [steven@cohenlegal.net](#); [Kahn, Peter](#)
Subject: The Select Board Compromise Warrant Should Avoid Residency Requirements.
Date: Monday, June 10, 2024 2:48:26 PM

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.

Dear Tom:

Thanks for circulating the case list produced by KP Law. As that document states: “. . .the implication of . . . limited residency requirements (such as requiring a 30-day residency requirement . . . in order to engage in STR) are less clear [under the cases in the list].

One of the outstanding questions under consideration by the SB STR Drafting Group is “Parked Item” #9) Whether to require a set period of non-STR occupancy in order to STR? See, June 6 Spreadsheet laying out the positions taken by proponents of the three prospective Warrant Articles.

According to the Spread Sheet, The Cohen Group is strongly opposed to an occupancy requirement.

The two other Groups have occupancy requirements in their proposed Articles.

The legal issue is *whether either or both of the proposed occupancy requirements discriminate in favor of local owners over nonresident owners so as to facially violate the dormant commerce clause?*

PNNF requires that in order to STR, a property owner must show that he/she resides in the dwelling unit for 32 consecutive days each year to qualify to STR.

The Sanders Group requires that in order to STR, a property owner must reside in the dwelling unit for 30 nonconsecutive days each year in order to STR.

At the last meeting, Town Counsel was asked its view on the matter.

The “bottom line”, as I understood it, is that this is an area of developing law, and there is no guarantee that a residency/occupancy requirement will pass Constitutional muster? Words aside, **there is risk – if in substance the requirement places a greater burden on out of State residents than local residents.**

Clearly, both the PNNF and Sanders requirements appear on their face (no matter the words chosen) to pose a greater burden on nonresidents than residents. Is it a sufficient burden to animate dormant commerce clause *per se* analysis?

Instead of answering that question, let me suggest that such requirements are not workable because they are too much of an administrative nightmare for Nantucket, which is already leery about putting too much enforcement burden on a thinly staffed Health Department.

According to James Sulzer, Palm Springs abandoned an almost identical requirement because it found it to be administratively impractical.

Why run the litigative risk these requirements pose if they are impractical in the first place? What is the goal of these requirements? Can't those goals be fulfilled in some less risky way?

As I understand it, the goals are many faceted. To give local residents a leg up (illegal) is one. Another is to forestall the conversion of year round housing to STR use. But, that can be accomplished in a far simpler way. For example, there could be a simple rule that no property that has been owned less than X-years by the current owner can be in the STR pool. The Sanders Article has an additional proposal akin to that limiting the number of permitted turnovers for recently acquired properties. The concept being to make it unattractive to purchase a property with the intention to STR right away.

If Nantucket enacts a risky STR eligibility requirement, the result may be expensive and divisive Federal Court litigation. The United States Court of Appeals for the First Circuit, recently made clear that it follows the

Dormant Commerce Clause. See, [Northeast Patients Group, et al v. United Cannabis Patients and Caregivers of Maine](#), 45 F.4th 542 (1st Cir. 2022). (requirement that Maine dispensaries be owned and controlled by Maine residents struck down under Dormant Commerce Clause).

Devan Braun's June 4 Memo listing 7 dormant commerce clause cases dealing with STRs is helpful in that it shows how various Courts in the US have looked at various STR laws. But, the list is incomplete because it does not include the First Circuit case that is binding law in our area. The underlying dispute in Maine did not involve STR. It involved the ownership and management of marijuana dispensaries. But the Court's reasoning is fully applicable to STR ownership and management.

What is clear from the K-P Law list is that a residency requirement in an STR law has been found to be a per se discrimination under the Commerce Clause on its face. *Hignell-Stark v. City of New Orleans*, 46 F. 4th 317 (5th Cir. 2022). I suppose the question posed by Town Counsel is how much "residency" is too much under the Dormant Commerce Clause? Simply changing the word "residency" to "occupancy" is not enough to avoid the problem.

Two other cases on the list, the Ninth Circuit Santa Monica case, *Rosenblatt v. Santa Monica*, and the *San Diego* case do not shed any light on this question because they deal with local laws very different from Nantucket's. Both concern "hosted stay" laws, not the sort of law Nantucket is considering. A deep dive into the facts of *Rosenblatt v. City of Santa Monica* shows why reference to these cases is unavailing:

Arlene Rosenblatt owned a residential home in Santa Monica. She was a year round resident. It was Rosenblatt's customary habit to STR her home when she and her husband went away annually for vacation. In 2015 Santa Monica explicitly banned STRs, but allowed hosted stays. That change did not do the Rosenblatt family any good as they only short-term rented when they were away and could not themselves be present to host. Thus, in order to keep renting while away on vacation,

the Rosenblatts would have had to engage someone else to be in the home during their absence to host in order to rent. Arlene Rosenblatt objected to that burden and brought suit, including a claim under the dormant commerce clause.

What an unusual situation, a full time resident suing under the dormant commerce clause alleging that Santa Monica was discriminating against nonresident owners with a hosted stay requirement. But, as the Court pointed out, full time residents, like Arlene, were subject to the same hosted stay rules as nonresident owners. Thus, there was no discrimination. The San Diego case is based on similar facts. These cases do not give much guidance for the Nantucket STR situation.

Both the PNNF and Sanders Group residency proposals are materially different from hosted stay requirements. Neither requires a hosted stay. Instead they require that the owners show that they have occupied the premises for 30 to 32 days in order to qualify to STR. Whether the requirement is 32 consecutive days or 30 nonconsecutive, both seem quite arbitrary. What is the basis? Clearly, such a requirement is significantly more burdensome for nonresidents than for residents. Maybe that is the point? There is a clear facial discrimination. What are the less discriminatory options?

The SB Drafting group should also take note that tracking the required occupancy will be an administrative hassle for the Nantucket Board of Health. Not a simple task.

I hope that the Drafting Group will reject these residency/occupancy requirements because they appear on their face to be unfair, and risk legal challenge. They could undo otherwise sound regulations. Just as important, the residency/occupancy requirements are complicated rules that are difficult and impractical to enforce. Keep it simple and administratively easy.

Respectfully submitted.

PEH

Peter E. Halle
Chair, ACNVT

From: [Matt Fee](#)
To: [Erika Mooney](#)
Subject: Fwd: Request for STR Subcommittee Consideration
Date: Monday, June 10, 2024 2:50:34 PM
Attachments: [Nantucket STR Subcommittee Letter June 10, 2024.docx](#)

For STR packet

Begin forwarded message:

From: Mike Fargo <mikefargo99@gmail.com>
Subject: Request for STR Subcommittee Consideration
Date: June 10, 2024 at 2:25:43 PM EDT
To: bmohr@nantucket-ma.gov, mfee@nantucket-ma.gov, mmacnab@nantucket-ma.gov, dhillholdgate@nantucket-ma.gov, tdixon@nantucket-ma.gov, "sulzer@comcast.net" <sulzer@comcast.net>, "CharityBenz@gmail.com" <CharityBenz@gmail.com>, "grant@caffeinated.com" <grant@caffeinated.com>, steven@cohenlegal.com, steven@congdonandcoleman.com

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Members of the STR Subcommittee and Select Board Members:

Please consider my letter which is attached. Thank you, Alvin W. Fargo

Alvin W. Fargo

June 10, 2024

Members of the STR Subcommittee and Select Board Members:

As your Subcommittee meets in an attempt to reach consensus on regulating short-term rentals on Nantucket, I want to bring to your consideration the situation of families like ours who own legacy seasonal cottages and who rely on short-term rental income to maintain them and to afford to keep them in their families. It is my understanding that the Subcommittee values legacy families with a long history and love for the island and desires to protect traditional vacation rentals.

My family has owned our Wauwinet beach cottage for 59 years. My mother and father purchased the cottage in 1965 as a 25th anniversary gift to each other. It is a seasonal beach cottage, not suitable for year-round use. Our cottage is mostly constructed of posts and beams, with only outer boards and shingles, and it can only be occupied from May to October.

My father set up a Fargo Family S corporation with only family members to own our cottage, with my father, my mother, my two sisters and I owning all the shares. As my father had planned, he and my mother passed on their shares annually to my sisters and me, and I have since passed on my shares to my 3 sons. Four generations of our family have loved our summer beach cottage!

From the very beginning, my father used short-term rentals to cover expenses in owning the cottage. Over the years our family has rented to very responsible and mostly repeat tenants to allow us to afford to keep our family home. All of the proceeds we receive from our tenants are reinvested in the maintenance of our cottage and go to our caretaker, local tradesmen and businesses and the payment of insurance and taxes.

The Benz group proposal that you are considering is concerned with investor-owned STRs. I understand that concern, but that is certainly not our situation. Our cottage has only 5 owners - all Fargos. No person or entity has ever had an interest in our family S Corp. except members of our Fargo family.

Concern with residential neighborhood churn has also been emphasized. We have no churn. Our tenants stay longer, and we have relatively few changes in occupancy between tenants. This summer, for instance, all of our tenants are staying two weeks or longer, and we have only two changes in occupancy between tenants in July and August. Our short-term rentals and our tenants do not cause anyone harm or disruption, and I believe that any kind of a limitation on the number of days we can short-term rent is unwarranted and unjust and will be injurious to us.

Likewise, any requirement that we owners must spend some minimum number of days in our seasonal cottage is also unnecessary and unfair. While my parents lived within driving distance of Woods Hole and Hyannis to come to the island, almost all of my family now live in California. Of course, we come to Nantucket each summer, but the amount of time our family can spend in our home each summer varies for many reasons. Please don't require a minimum number of owner days, and, especially, please don't require that all our days must be consecutive.

My family loves Nantucket! My parents, who lived in New Jersey, chose to be buried on Nantucket in a plot on Prospect Hill. Our family's love of Nantucket goes all the way through four generations down to our youngest family member, a sixth grader who lives in California. She has declared that she wants to go to college in Boston so she can be close to Nantucket - "my favorite place in the world!"

Please do not add any limitation on the number of days our family can rent to our responsible tenants. It would break our hearts if we were forced to sell our family home. Thank you.

Sincerely, Alvin W. Fargo
(415) 847-0347

From: [GALEN GARDNER](#)
To: [Thomas Dixon](#); [Malcolm MacNab](#); [Steven Cohen](#); [Stephen Maury](#); [cibenz@comcast.net](#); [justpjp@gmail.com](#); [mattpeelsea@gmail.com](#); [grant@caffeinated.com](#); [Denice Kronau](#); [David M Iverson](#); [Matt Fee](#); [Brooke Mohr](#); [Dawn Hill Holdgate](#); [Erika Mooney](#)
Subject: STR meetings
Date: Tuesday, June 11, 2024 2:01:21 PM

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To all,

I don't think you are all aware of the devastation that you are working on. It is with the bitterest and most devastated heart that I write this. As I write this, my heart now a hard white hot ball of anger/disappointment/sadness that only burns hotter each time I attend/read/think about STR and the insanity of ACK NOW. I think about all of the nasty things I have been called in "going public" with Article 59. I am greedy, I am an idiot, I am misguided, I don't care about Nantucket, and lots of things that are not even reprintable as acceptable language. I represent myself and only myself. I was born and raised here with historic roots to both Gardner and Coffin families. Who lived both in Sconset, Nantucket Town and on the South Shore in Hummock Pond, running Mt. Vernon farm in its entirety and throughout its history. My family has been THE largest contributor to conserved land in the last 30 years. I never thought I would see the day when I would be accused of the ruination of Nantucket. I have served the town very well as a public school teacher, and was awarded for saving the life of a student. I have handled the sale of my families property to the Nantucket Land Bank. I am honest, and hard-working. Just the type of person you claim you "want to see on Nantucket". Which in itself is a bit entitled is it not? Only some of us are acceptable now.

It seems that we are going down the same path of confusion with the latest round of STR meetings. Here is one thing you absolutely must clear up. There are many residents like me who are being told that we will "be safe" from this proposed legislation because we are owner-occupied. These are people that stay out of the debate because they are told they will be safe. Others say that's not the case because Nantucket cannot propose laws that are discriminatory to summer residents. So that means people like me are "not safe". I have talked to lawyers, real estate agents, town leaders, and really, I still have this basic question. That remains unanswered. And it is pretty important to know.

Now, contract counts are being discussed and I find that the parameters you are suggesting are just plain alarming. Three bells are going off in my head. I cannot survive on 6 contracts per year. And you have to trust me on this, because I don't think my financial situation or the financial situation of anyone like me is really any of your business. Lets just say this, my life's path led me to make some financial choices that the rest of you didn't need to deal with and I wouldn't wish it on you. But I KNOW MY POSITION, and I need more than 6 contracts. I have friends who also are local, who STR and they don't want to publicly identify themselves (one for fear of getting sued), and the other has alot going on personally. I myself have been dealing with major surgery and rehab from that, which is stressful in its own right, but adding this debate to the plate doesn't help. I have also suffered more emotionally from this, and I have suffered through alot in this life. It's beyond depressing to think I could lose what I have worked a lifetime to build singlehandedly over my adult life.

I don't like that you have no one like me on your board/committee... how can you really relate? Another question, how will you address AirBnb type STR? I have friends who do that, and they would likely lose their houses if they only got six contracts. I haven't heard one word about how that will work.

At one point, someone was interested in doing 100 days as a rental period. I like Malcolm McNabs plea's for simplicity. So what I would say to you is that you should consider dividing the year in thirds, and allow rentals to take place during a 121 day period for each STR operator. This way the shoulder and summer seasons can remain open. You will have the rental registry to rely on to see that people stick to their 121 days.

When you say you want to eliminate short term rentals over time, what is the forecasted impact of that? Are you then going to allow high rise hotels to take the place of the STR's we now have? If you don't replace STR's with something, you will have to have more billionaires to live here who can afford to deal with whatever worker needs they have. Or wait, will you reinstate STR's after people like me have to sell and leave?

Walk a mile in my shoes, please. This is a very, very serious and has turned out to be divisive in a way that makes me so disheartened. You are playing with peoples lives and livelihoods. It's no joke.

Best,
Galen Gardner

From: [Anastasia OConnor](#)
To: [Erika Mooney](#)
Subject: STR Concerns and Suggestions
Date: Wednesday, June 12, 2024 4:46:01 PM

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I am a seasonal homeowner and my primary residence is in another state (thus cannot vote). I have been renting my Nantucket home since purchased in 2016. I have done STR and LTR (winter renters) with this property.

If restricting the number of days a home can be rented in summer months, OR the amount of stays in the summer, is enacted, there are some side effects you may not have considered:

Either action puts more power into the hands of inns and hotels, which may result in inflated nightly pricing. It will also potentially limit the pool of renters to more affluent ones, those who are more able to afford a one-week or multi-week STR stay than an average family, since shorter stays would not be favored by a homeowner due to limiting turnovers.

Many of my guests come to Nantucket in the summer to attend weddings and often do not want to/cannot afford to stay an entire week. The "leftover" days from a long weekend are often rented to a family that can only afford a shorter stay. If rentals are restricted to a certain number of turnovers, these visitors may not have the change to come to Nantucket.

With shorter stays and their flexibility of arrival (mid-week vs. weekend), visitors can arrive on non-peak travel days. Week-long rentals will result with more congested weekend traffic to and from the Cape (since that is when most homes turn) and service to the island (ferry and plane) will also surge, and are already in a time when getting a car on or off the island is a challenge.

Restricting the length of rentals and the number of turns is not the way to manage the issues that arise with short term rentals. Rather, holding homeowners accountable for their guests' actions, through fines and loss of permitting, and the introduction of an island Code of Conduct are a wiser way to proceed - one that benefits visitors, homeowners, and neighbors.

Thank you for your attention.

Sincerely,

Anastasia O'Connor
585 967-2220

From: [John W. Giorgio](#)
To: [Thomas Dixon](#); [Malcolm MacNab](#)
Cc: [Libby Gibson](#); [Leslie Snell](#); [Erika Mooney](#); [Devan C. Braun](#); [Grant Sanders](#); [Steven Cohen](#); [Charity Benz](#); [Brooke Mohr](#)
Subject: Composite Short-Term rental Zoning Bylaw
Date: Wednesday, June 12, 2024 12:07:07 PM
Attachments: [KP-#924901-v2-NANT - STR Zoning Bylaw - COMPOSITE.DOCX](#)

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Dear Tom and Malcolm;

Attached please find my attempt at a composite zoning bylaw based on the Subcommittee's discussions to date.

Please note that I have incorporated some additional changes that I received from Steven Cohen and Grant Sanders this morning. I have also highlighted what I believe to be areas still under discussion.

I am not recommending that we include a findings section, since one already exists in c. 123. Moreover, I would counsel the Group not to attempt to regulate STR's in the Zoning Bylaw based on ownership, including especially any references to investor ownership, because there is a well established body of caselaw that limits zoning regulations based on ownership rather than uses.

Erika, can I leave it up to you to distribute this to other Group members that I Have not copied this email to as soon as possible.

Thanks.

John

John W. Giorgio, Esq.



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Composite Short-Term Rental Zoning Bylaw

(Zoning Bylaw Amendment Regulating Short-Term Rental Use)

To see if the Town will vote to amend Chapter 139 of the Town Code (Zoning) as follows:

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

COTTAGE COLONY

A group of four or more detached dwellings, legally in existence at the time of adoption of this bylaw, located on a single lot, which is customarily occupied on a seasonal basis.

HOSTED STAY

An overnight stay whereby a short-term renter occupies a portion of a Dwelling Unit where the Owner or Operator is present. An Owner or Operator is considered present when the Owner or Operator is on the premises except during the daytime and/or work hours.

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.

SHORT-TERM VACATION RENTAL

A Short-Term Rental use that complies with §139-38 of the Town Code.

2. Amend § 139-7A (Use Chart) by inserting Short-Term Rental between Tertiary Dwelling and Apartment Building in the Use column and inserting the designation N in all columns.

3. Amend 139-7A (Use Chart) by inserting Short-Term Vacation Rental after Short-Term Rental in the Use column and inserting the designation Y in all columns except for the Commercial Industrial (CI) District which shall have an N designation. Add the Note: Short-Term Vacation Rentals shall be subject to the requirements of §139-38.

4. Add a new section amending Chapter 139 by inserting the following new section of the Zoning Bylaw as follows:

§139-38 SHORT-TERM VACATION RENTAL

1. No person or other legal entity shall engage in a Short-Term Vacation Rental use as an Owner or Operator on a Lot for more than one Dwelling Unit at a time; provided, however, if a Lot has more than one Dwelling Unit, a Primary Dwelling and a Secondary Dwelling may be rented as a Short-Term Vacation Rental at the same time.
2. If an Owner or Operator who previously operated more than one Short-Term Vacation Rental on the same Lot at any time prior to the effective date of this bylaw, may continue to do so for a period of 5 years. Thereafter, the same or any new Owner or Operator shall be subject to the limitations set forth in §139-38(1).
3. No Owner or Operator may rent a Short-Term Vacation Rental that has a change in occupancy of more than [6 to 7] times in July and August, provided however that an Owner who purchases a Dwelling Unit after the effective date of this bylaw may only engage in a Short-Term Vacation Rental of a Dwelling Unit during the first three years of ownership of that Dwelling Unit which has no more than [3-4] changes in occupancy in July and August.
4. After the effective date of this bylaw, any person or other legal entity that acquires a Dwelling Unit through inheritance, divorce, interfamily gift, or through a change in the form of record ownership of the prior record owner by the same underlying persons, may engage in the Short-Term Vacation Rental use of the same Dwelling Unit without being subject to the limitations contained in §139-38(3) as long as the prior record owner engaged in a Short-Term Vacation rental of the same Dwelling Unit for at least three years.

5. There shall be no limit for any Short-Term Rental use on the number of changes in occupancy of any Dwelling Unit outside of July and August.
6. In order to qualify as a Short-Term Vacation Rental use, a Dwelling Unit must be operated at all times in compliance with Chapter 123 of the Town Code and all regulations promulgated thereunder.
7. Cottage Colonies and Hosted Stays shall be exempt from the requirements of §139-38.
8. Short-Term Vacation Rentals shall be prohibited in Tertiary Dwellings, Apartments for which a building permit has been issued prior to the effective date of this bylaw, Time-Sharing or Time-Interval-Ownership Dwelling Units or Dwellings, Affordable Housing, Workforce Homeownership Housing, Workforce Rental Housing, or in a Dwelling Unit that is subject to a deed restriction under the Nantucket Housing Needs Covenant program pursuant to Chapter 301 of the Acts of 2002, as amended.
9. In addition to all other enforcement remedies allowed under §139-25, the Town, acting through the Building Commissioner, may assess a civil penalty not to exceed \$5,000 for any violation of §139-38 in accordance with G.L. c. 64G, § 14(v). Each day a violation continues shall be considered a separate offense.
10. If any provision in §139-38 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.
11. This bylaw shall take effect on June 1, 2025.

Or to take any action relative thereto.

From: [Charity Benz](#)
To: [Steven Cohen](#)
Cc: [Grant Sanders](#); [Thomas Dixon](#); [Malcolm MacNab](#); [Jim Sulzer \(sulzer@comcast.net\)](#); [Stephen Maury](#); [Charity Benz](#); [Matt Peel](#); [Libby Gibson](#); [John D. Hedden](#); [Erika Mooney](#); [Leslie Snell](#); [Denice Kronau](#); [d.m.iverson@comcast.net](#); [Barry G. Rector](#); [John W. Giorgio](#); [Devan C. Braun](#)
Subject: Re: STR Subcommittee update
Date: Wednesday, June 12, 2024 12:18:52 PM

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Steven and all:

I have appended my comments, in red, to the summary of many of the items that have been discussed in our recent meetings, given the goal of trying to make as much progress as possible to narrow the differences in our original articles without sacrificing the principles which led to them.

Before turning to that, the term “Hosted Stay Short Term Rental” will require definition. Here is one that might serve that purpose taken from another community’s zoning ordinance:

“Hosted Stay Short-Term Rental: A hosted short-term rental is defined as a Short-Term Rental where throughout the Short-term Rental period the host lives and sleeps in the dwelling unit or lives and sleeps in another legal dwelling unit on the same lot, which lot is the owner’s principal residence. “ Aa Stephen commented last night, this is a pure definition of “accessory use” that exists in the current zoning bylaw.

Returning to the discussions that have taken place about using the phased increase in summer contracts upon the transfer of property to a new owner in order to assure the new owner’s commitment to Nantucket’s community, we continue to believe firmly that a residency requirement for all applicants for Short Term Rental Certificates of Registration provides additional incentive to all lot owners to cement their involvement in Nantucket’s future. This would further disincentivize purely commercial/investor ownership. The two concepts are linked in their goal to discourage purely investor ownership for the purpose of monetizing Nantucket.

This provision is encapsulated in this item:

Residential Use Requirement: To qualify for a Short-Term Rental Certificate of Registration, one dwelling unit on the lot must be used for residential use for at least 32 days per calendar year. Other than for long-term rentals of 32 or more days, these days may be non-consecutive. Documentation of days of occupancy by the lot owner for personal residential use or a redacted long-term rental contract for the prior year must be submitted with the initial application for a Short-Term Rental Certificate of Registration (COR) and with each annual renewal.

While we continue to note the progress of our discussions to identify and refine elements that the Select Board may wish to adopt, as stated before, our group continues to reserve the right to bring forward our article as an alternative at Special Town Meeting in the event that that outcome conflicts with our basic goal to protect residential neighborhoods against investor driven exploitation.

On Jun 12, 2024, at 9:00 AM, Grant Sanders <grant@digsand.com> wrote:

Some minor edits/notes to consider to Steve's synopsis in **green**. Nice work so far, everyone.

—G.

On Jun 11, 2024, at 11:01 PM, Steven Cohen <steven@cohenlegal.net> wrote:

Tom and Malcolm,

It is great that our group seems to be making a lot of progress on developing reasonable STR regs that could possibly be supported by a large majority of Nantucketers, and hopefully 2/3s of voters at the fall STM. We are not likely to get to 100% agreement, but I think that we can get to pretty darn good, close enough for us to support an Article that will end divisiveness, uncertainty, and lawsuits. If we get there, that is no small feat. I think that we will get there.

I want to point out that in this process, we have seen each party engaging to try to protect our community, with great overlap of our goals and interests. No one is trying to kill STRs, no one is proposing unlimited STRs, and no one is shilling for outside monied interests. The substantial mutual alignment of goals is very heartening.

Based on our discussions to date, I think that a consensus Article could include the purposes and provisions in the summary below. I do not think that we are there yet, but I think that we are close. This summary is for discussion purposes, and I am not suggesting that we are in agreement on it. To keep it shorter, I left off terms that do not have a majority of support because we do not need to state what we are not doing.

Proposed Consensus Purposes:

Preserve neighborhood integrity by addressing:

1. STR related nuisances,
2. STR impacts on the real estate market,
3. STR impacts on neighborhood composition **and degradation of residential quality of life** , and
4. STR impacts related to investor-focused STRs. **Investors don't just have an impact on neighborhoods. They have an outsized impact on our insular economy, home prices, our community cohesiveness, the environment, and accelerated changes to infrastructure, etc. So maybe this should be its own bullet? Moreover, the community has no obligation to protect investor interests at all. Their goal is generating**

income that finds its way off island while simultaneously driving up the cost of real estate local families can no longer afford. That applies both to ownership and year around rental housing.

Preserve the tradition of private home rental as the primary way for Nantucket to provide visitor accommodations, as opposed to proliferating hotels and resorts.

Reasonably protect the property rights and prior financial decisions of property owners.

Reduce both uncertainty in the rental process and community divisiveness (This was from Penny. Not sure if this was brought up in the larger group?)

Proposed Consensus Provisions:

Create two STR uses for zoning, STR Unlimited and STR Limited (or other names).

1. STR Unlimited (**Is just calling this A Short-Term Rental sufficient? I'm wary of creating a new term for what has occurred, and has been defined, before the Vhay ruling.**) is as defined in the statute (with no other rules). This use is prohibited in all zones. **I agree with Grant. Introducing new terms that can create ambiguity and loopholes is dangerous and leads to gamesmanship. That is the problem we are experiencing now in the aftermath of the Land Court Decision. Let's do the best we can to work with definitions that have gone through legal challenge and survived.**
2. STR Limited is as defined by the statute and is also limited by the applicable zoning and bylaw provisions. This use is allowed in all zones, except CI. **We cannot agree to this until there is a definitive article outlining the provisions of 139-38.**

Each person can only short-term rent the dwellings on one legal lot.

1. Owners or operators with more than one STR property prior to X date [July 1, 2024?] have legacy rights to short-term rent those properties **for five three years before they must convert to one STR** in excess of the one property limit, but this right is not transferable. **More discussion needed.**
2. For clarity, multiple dwellings on the same lot can be rented separately or together, including lots with more than two legal dwellings that are not otherwise prohibited from short-term rentals and lots with Cottage Colonies. **[Question: do a primary and secondary dwelling each get 6-7 changes in occupancy, 12-14 total, or do they collectively get 6-7 changes in occupancy? May need to wrestle with this point.] The matter of use of one or two dwellings on a lot remains open and requires further discussion. If the**

ultimate objective is to get down to one owner, one STR, logically they should only be permitted to rent one of the two dwellings at one time on a lot with two dwelling units. Otherwise, properties with a primary and secondary dwelling have an edge over properties with only a primary dwelling. We do not want to encourage an outcome that results in the creation of more and more secondary dwellings. This needs to pass the fairness test.

Changes in occupancy of a dwelling are limited as follows:

1. For properties owned for at least 3 years, no dwelling can have more than X [6 -7] changes in occupancy "**commencing on or after July 1 and ending on or before August 31**". during July and August. **Add, perhaps "commencing in the year of the effective date of this bylaw.**

- i. Persons acquiring a property through inheritance, divorce or interfamily gift, or through a change in the form of record ownership by the same underlying owners, can include the time of ownership of the prior record owner (this tracks several Land Bank fee exceptions, so this information is already on the deed).

3. For properties owned for less than 3 years, no dwelling can have more than X [3 or 4?] changes in occupancy. **Our preference is 6 contracts for "Senior" COR's and 3 for Junior CORs. This will also need the incremental additional contracts for each subsequent renewal. Is it 3 to start and then 1 each year thereafter to reach 6? Or is it 3 the first year, plus 2 the next and then 1 to get 6?**

above limitations on the number of changes in occupancy do not apply to Hosted **Stay** STRs, during which an owner or operator occupies a part of the lot, in the same dwelling or another dwelling, for habitation during the full term of the STR lease. **See definition above.**

STRs are prohibited in:

3. affordable housing restricted dwellings,
4. time shares (subject to Article 60's legacy provision),
5. tertiary dwellings,
6. inclusionary or employee housing allowed or required under an MCD Special Permit,
7. employee dorms and employee neighborhood housing units, and
8. all dwelling units in an Apartment constructed under a building permit issued after the effective date of the Article.

All STRs must be operated in compliance with Chapter 123 of the Town Code and all regulations promulgated thereunder.

Add \$5k fine to zoning.

Set effective date for either early-2025 or mid-2025 to give time for AG review and for implementation, definitely before July 2025.

Provide for ZBA (**BOH, other, Leslie, what is appropriate here?**) to be the Special Permit Granting Authority to waive the provisions

applicable to the STR Limited use on a finding that a literal enforcement of the provision would involve substantial hardship, financial or otherwise, and that the result of the requested relief is not contrary to the purposes of the Bylaw and is not substantially detrimental to the neighborhood. **[It might help to create a point system for the ZBA so that petitioners can self-determine eligibility prior to taking up the ZBA's agenda space. Happy to brainstorm this bit with you offline, Steve and Charity. GS.]This opens up all sorts of manipulative strategies. This needs more thought.**

3.

Include a severability provision to protect the remainder of the Article against challenges to parts of it.

Comment on Cottage Colonies: If it is not provided for elsewhere, this is a provision I considered regarding Cottage Colonies and other exempt properties:

Hosted or Non-hosted Cottage colonies or properties in the same line of family ownership prior to the enactment of zoning in 1972 are exempt from Short-Term Rental Change of Occupancy restrictions provided that documentation supporting rental use prior to 1972 and continuing until enactment of this bylaw are submitted to the Board of Health at the time of application for a Short-Term Rental Certificate of Registration. Each dwelling will require a separate Certificate of Registration and be subject to inspection by the Board of Health.

Given the age of these properties, they should be open to periodic inspection by the BOH to assure the safety of the occupants.

Items to consider for a separate Article, for BOH regs, or for later commencement

Applications must provide contact information for the rental intermediary.

Applications must provide for 2 persons (instead of 1 person) designated to respond within 2 hours of any complaint.

CORs are valid for a calendar year, not a year from issuance, and are not transferable, but new buyers can honor leases signed under a valid COR either under their new COR or while their COR application is pending with the Town.

STR properties are required to upgrade within 3 years of first COR after effective date:

1. Comply with Chapter 102 – lighting bylaw.
2. Install low lumens lighting for pools.
3. Install vegetative or structural screening at lot lines and parking.
4. Install sound dampening for mechanical equipment within x feet of a property line.
5. Parking requirements. **(Need details and this may be better suited as a stand-alone article such as Mr. Peel's) This**

definitely needs to be amplified and enforced.

All advertisements for STRs must list the maximum number of occupants and the COR number.

All STR houses must post rules, contact information, and policies.

All STR Owners must confirm the identity of the renter and obtain an acknowledgement of rules from the renter before granting access.

Getting there!

Grant and Charity

<resizedsandlogo.gif>

www.digsand.com

508-826-1334

From: [Kathy Baird](#)
To: [Thomas Dixon](#); [Malcolm MacNab](#); [Steven Cohen](#); [Stephen Maury](#); cibenz@comcast.net; justpjp@gmail.com; mattpeelsea@gmail.com; grant@caffeinated.com
Cc: [Denice Kronau](#); [David M Iverson](#); [Matt Fee](#); [Brooke Mohr](#); [Dawn Hill Holdgate](#); [Erika Mooney](#)
Subject: Re: (Admittedly Too Many) Thoughts from an STR Operator
Date: Wednesday, June 12, 2024 8:15:49 PM
Attachments: [\[Presentation\] Updated STRWG Data Analytics Update - 2023.06.20.pdf](#)

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Members of the Select Board and STR Subcommittee -

I was unable to ask a question at tonight's Select Board meeting since public comment was not open for this topic but I believe I heard that the intent of the Select Board is to continue the strategy of not permitting public comment at the last of the scheduled STR Subcommittee meetings on Thursday June 13.

If that is the case, please accept the following question that is meant for the Sanders group, of which Matt Haffenreffer is a signatory on their citizens warrant article.

Matt Haffenreffer is the President of ProcessFirst and served as the town-contracted independent data aggregator for the STR Working Group. Initially the data only contained online platform information and data downloaded from the MA STR registry but I believe NAREB data was also integrated for a complete picture of STR operations on the island. In the final presentation (dated June 20, 2023) slide 34 estimated a 5% reduction in STR rentals with a limit of 9 COOs in July and August (including NAREB data). That presentation (attached) also included a 10% decrease in online platform rentals which average shorter lengths for 9 COO and a 13% decrease in that same population for a limit of 8. Using that same data set, what would be the projected decrease in rentals for 6, or 7 COOs based on the total population of STRs, real estate-only and online platform only.

I think it is a reasonable expectation of the voting public to provide any information, paid for by the taxpayers, to the voters and most certainly, the subcommittee, who is trying so hard to make difficult decisions without the benefit of year-over-year information from the STR registry. I would further suggest that this de-duplicated and cleansed (removal of personally identifying information) STR information specific to Nantucket be made available in a spreadsheet format so other questions could possibly also be answered by town bodies as well as the public. Since ProcessFirst remains on contract with the town to support STR registry implementation, this should be able to be provided quickly, within the timeframe needed before the warrant is finalized.

Respectfully yours,

Kathy Baird

On Fri, Jun 7, 2024 at 2:18 PM Kathy Baird <kathy950@gmail.com> wrote:

Members of the STR Subcommittee and Select Board -

Without any interaction yet with the public, feedback and information from the STR operators who will be affected by your decisions, may be of use to the STR subcommittee members. I apologize for the length but this is probably the only shot I have to share this information to all members of the subcommittee. I have attended all the meetings this week but am unable to attend the meetings next week.

1) Connection to Nantucket seems to be a desirable quality of those legacy STR operators to be respected/protected so here is mine. One of the members said they were tired of hearing these stories but they matter to some and are examples of a stated goal of the group: We began visiting the island with a group of friends who had a family member who rented their property to us in 1984. We purchased our vacation home in 1993 and began renting it as an STR in 2015 after a corporate acquisition eliminated my job before I was financially able to retire. Our year round on-island son is our property manager, landscaper and cleaning service. We were all on the beach in Sconset when the whale that is now in the Whaling Museum was still alive. We witnessed the first light of the millenium on that same beach. My sons played summer baseball with island kids and they rode their bikes to the mini-golf and the beach. We have been adjunct members of the Clean Team for many years; I have served as the Vice President of the Tom Nevers Civic Association since 2012 and been on their board since 2005; I have served on the Advisory Committee of Non-Voting Taxpayers (NVT) for 6 years and am about to begin another 3 year term as the Secretary for that organization and was chosen by that group as the sole NVT permitted to speak at town meeting since the STR debate began. I served as the town appointed member of the STRWG. I regularly attend Select Board meetings (in person when I am on island) year round, also the Town Council Study Committee, FINCOM and Planning Board for topics of interest. My husband is a member of the clergy where we serve a small church and our diocese. I also serve on the Standing Committee and am the President of the Diocesan Council in western PA and we regularly provide child care for our grandchildren while both parents work. Therefore we are blessed to maintain multi-generational family homes in both places. My husband has celebrated mass at St. Paul's when Father Max was off-island and I serve as a lay reader there as well, having founded their Laundry Love mission at Holdgates about 7 years ago. So yes, we have strong legacy and active ties to civic engagement on the island. I know this description is overkill, bordering on or fully qualifying as bragging but please don't vote us off the island.

2) Life is very dynamic and circumstances change. We purchased our home as a vacation and retirement home but adverse life circumstances compelled us to rent our home 10 years ago and thankfully it allowed us to keep and maintain it. Everyone has a different story but most have one. Now that we are safely retired from most paid work, we can spend more time on the island and rent less, putting all the proceeds aside for the large costs ahead of us (new septic, roof, furnace) for a 30+ year old home. We no longer need to rent but we enjoy sharing our modest home with families who cannot afford a typical Nantucket rental - people like we were in 1984. Leaving out the COVID years when month long rentals were popular, our average stay is 3 days - a long weekend BUT we only do one of those per week so our 'churn' and use of our home by visitors is less than someone who rents for a full week. This allows the turnover to take place midweek and my son who does all of that, has some flexibility with his 7 day/week work schedule, to fit it in. Our renters do not bring cars since our calendar only opens up once the kids and grandkids have claimed their weeks and by then no ferry reservations are available and our families cannot afford that anyway. They use the WAVE and bring their bikes and walk/bike to the beach. Most of our rentals are now in the shoulder season since our family uses our home for 2 months starting at the end of July. However we visit our home year round and do not shut it down so it does get rented all year - to the crew who installed the solar system at Bartletts, to the crew who the town hired to do road work, to a band contracted to play at a local venue, etc. - where else could they stay at an affordable price in the off-season? The more you learn about how people use their homes as STRs, the more you may realize how essential it is to the island. Placing an annual limit on rentals will not only drain the shoulder season of rentals, it will make those types of local projects impossible to staff when the seasonal workers go home and/or specialty workers are needed.

3) Churn - people coming and going from a family home in the summertime is a fact of life in a tourist destination, but I have much more 'churn' from the arrivals and departures of our 4 adult children and their families and friends who visit, than renters coming and going in July and August. This is typical. Count for 2024 - 6 separate groups of family and friends so far vs. 3 rental families - no additional cars with any of them.

4) My thoughts on some of the proposed levers relate not to our own current personal circumstances but to those STR operational models and the overall STR market impacts as I see them. Our non-profit represents hundreds of people like me, locals and part-time owners and they have shared their stories with me personally.

- Change of Occupancy Limits (COO) are an important lever and ProcessFirst has data that shows the impacts - a 5% drop in STR lodging for a 9 COO

limit and it goes up exponentially from there. If you take the ProcessFirst count of approximately 28K rental nights during July & August and multiply that by the average of 3.5 bedrooms and 2 people per bedroom, that reduces the visitor count by nearly 10,000 (so 5K each summer month). The Visitors Services presentation (attached) presented to the Select Board shows a 3% annual reduction in visitors for the past several years with no restrictions on STRs. The elimination of corporate STRs enacted by Article 60 will have the effect of a further reduction going forward so the cumulative effect of current trends, newly passed restrictions and whatever is passed at STM is what needs to be considered. There are many year rounders and seasonal owners whose mortgage payment depends on fully booking their homes in the summer - many move out and live elsewhere if they are year rounders and they only use their home in the shoulder or off-season since they need the income. All of these families would be devastated by a COO of 6 and the majority of those families might fall into the 'desire to protect' category. They made financial decisions based on the free market. This includes families who were part of the original founders of the island.

- The use of a lower COO for new STRs (e.g. 4) creates a permanent downward spiral in STR availability as existing STRs are curbed by the July/August limit and stop renting or sell and those who buy them must be able to afford them with minimal rentals with no safety valve for new homeowners. At some point there will be too few to support the tourist economy and changing or removing those limits will have to wait until the next town meeting (and require a 2/3 vote to change if in zoning). This also forces the sale of former STR homes (that average 3-4 bedrooms) to wealthier families
- Without any STR registry data to analyze quite yet, it is impossible to be precise and watch the impact over time so experimenting with each policy should be done in a way that can be changed if it turns out to have a different effect (good or bad) than planned.
- Cottages - there are more than cottage colonies on the island that you may want to protect. Many legacy families own uninsulated, unheated legacy cottages around the island - in Wauwinet, on Old North Wharf, Sconset, the South Shore and more who may not have contacted me. These are clearly traditional vacation rentals as that is all they are good for so any requirement to live in the cottage for 'x' days cuts 'x' out of their rental income since they cannot live in them in the off-season. Not alot of these but failing to protect them goes directly against one of the objectives stated in Chapter 123.
- Overall, a 'controlled lowering' of STR availability might be better than a sharp one as it allows local businesses to adjust based on whatever effects there are. It requires patience and tweaking as you go but it is a safer approach when you do not know for sure what will happen. It is also

unwise to assume that regulations can shape the character of rentals to a desirable outcome since it is a market and markets are controlled by supply and demand. If people can no longer or do not want to rent for 'the summer' or longer periods of time, you cannot make them do it. If you take away shorter rental options, you are shutting out middle class families who cannot afford a longer visit. Longer rentals bring cars; shorter ones do not. The STR market on the island is not unrestricted with capacity limits and it therefore has the complete flexibility to ebb and flow, responding to demand and lack of demand without anyone lifting a finger or thinking about it. When COVID hit, there was the capacity to house the extra visitors and when that bubble disappeared, so did the extra rentals. Each restriction placed on the market reduces its flexibility to adapt to unforeseen or even foreseeable changes. Finally, the reduction in availability resulting from restrictions will increase already high rental prices, further reducing demand and shutting out everyone but wealthier people. Maybe that is what some want but maybe not.

- Please research and consider the voice of local businesses that depend on the tourist industry. Many of them were very outspoken
- As an aside, Nantucket Together has a Stranded Traveler & Displaced Resident program operated by volunteers who will open their homes to visitors stranded by bad weather and neighbors who are temporarily displaced from their home due to some type of emergency. Since these would count as short-term rentals with some requesting a nominal rent/cleaning fee, these would also count as changes of occupancy/days rented so would be very much disincentivized. Not a major issue at all but just making you aware.

Finally, I have to ask this question and hope you will entertain an honest discussion in the subcommittee meeting. I hear this stated repeatedly and do not understand.....

Since the off-island investors and the vast majority of STR operators with a financial stake in them, are non-voting taxpayers, who are these voters who would overturn STR regulations placed in a general bylaw? Perhaps the real estate community is a large voting block who might be a threat but most publicly supported Articles 39, 60 (from 2024 ATM not 2023 STM) and the restrictions in proposals of the STRWG. Many real estate agents signed the currently proposed STM citizens warrant articles that propose stricter regulations. Real estate agents are also not the majority of voters. Island business owners are voters as well as those who work for them but hotel/B&B operators may not support STRs. The vast majority of voters do not operate STRs. So why would you fear or want to stop what a majority of those voters decide, whichever way they vote? What is so scary about accepting the will of the people in a majority vote?

If you are still reading this, I sincerely thank you for your time and consideration. I know full well that you have a VERY difficult job and little time in which to do it.

Best,
Kathy Baird

STRWG Data Analytics

Select Board Presentation Prep

June 14th, 2023

Presentation by:
Alex Judge
Sam Modabber
Matt Haffenreffer



Project Context

The Town of Nantucket hired Process First to support the Short Term Rental Working Group (STRWG) with data analysis.

Process First is a consulting firm focused on system problems requiring expertise in operations, software development and data analytics. Over the past few years we have worked with many island organizations on other data and technology problems.

The analysis is designed to provide insight to the Short Term Rental (STR) market - generally seeking to understand the characteristics and quantities of listings and contracts (terms defined on page 7).

The work used 6 main data sets with 3 major integrations to answer questions driven by the STRWG.

This work began with data collection on March 13, 2023.

Our remaining plan is to:

1. Continue to support the working group at meetings and with questions about the current analysis
2. Provide a simplified, accessible version of this report to be distributed as a "leave behind" at the public meeting.
3. Dive deep into a few key questions related that we have heard from the group.

To achieve this, we are requesting an extension of our work for #1 and #2, as well as a proposal for additional work to address #3. With approval from the town, we would commit to supporting the STRWG in meetings and communications through November.



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- **How are they leased?** Page 23
- **How are they owned?** Page 33
- **Informing design of the town registry**.....Page 37
- **Additional Analysis Opportunities**Page 44

About the data





These are the data sources we used

(Publicly and privately available data sets)

Data Sources:

- Town of Nantucket - Assessor's Office
- Town of Nantucket - Clerk's Office
- Town of Nantucket - GIS Office
- MA DOR - Public Registry of Lodging Operators (STR Registry)
- Opencorporates - API Data Access
- AirDNA - Enterprise Data Package

Details and Notes:

- These 6 unique data sources were combined and analyzed to create this report
- The questions we answered were initially defined by the request for proposal. The questions were adjusted to be more comprehensive and align with areas of needed clarity for policy direction.
- A more ideal data set will be available after after the implementation of Nantucket Health Department's registry. It is our suggestion that the STRWG's policy defines the data it wants included in the town registry.



Definitions

Term	Definitions & Notes
Listing	A specific STR. This is used to reference the entry in a platform or database. The term STR and Listing are used interchangeably in this work.
Contract	A contract between a renter and a STR owner for a defined period.
Owner Occupied	References in this document use state data, defined below: • State Residential Exemption - 6 month • Alternate definition: Town of Nantucket Zoning Bylaw - 3 month
STR “Use”	Relates to zoning bylaws, not STR listings or contracts
STR Operations	Relates to general bylaws.
Natural Person	A person that is an individual human being, distinguished from the broader category of a legal person, which may be a private or public organization.
AirDNA	A company that aggregates data from VRBO and AirBNB.



NAREB - Listings and Contract Data

A majority of the registered listings on Nantucket are available through Nantucket Association of Real Estate Brokers (NAREB) member real estate offices. NAREB has hired an organization to compile, anonymize and aggregate data about their member office's listings.

Process First has been in contact with Penny Dey (NAREB President) and Rod Motamedi (Project Lead at The Donahue Institute) throughout this process. We do not yet have access to the final shareable data from their work, but we have been working with Penny and Rod to gain insights to inform our work as they have become available.

In the weeks that follow, we hope to gain more complete data that will provide additional information about the STR market. Whether or not it stands alone, or can be paired with this work, depends on the data structures, definitions and metrics that are used.

The addition of NAREB Data will provide increased levels of clarity and confidence on different aspects of the STR market.

Throughout this presentation, comments with this particular formatting will be used to provide insight as to how the additional NAREB listing data will likely change the completed data set.

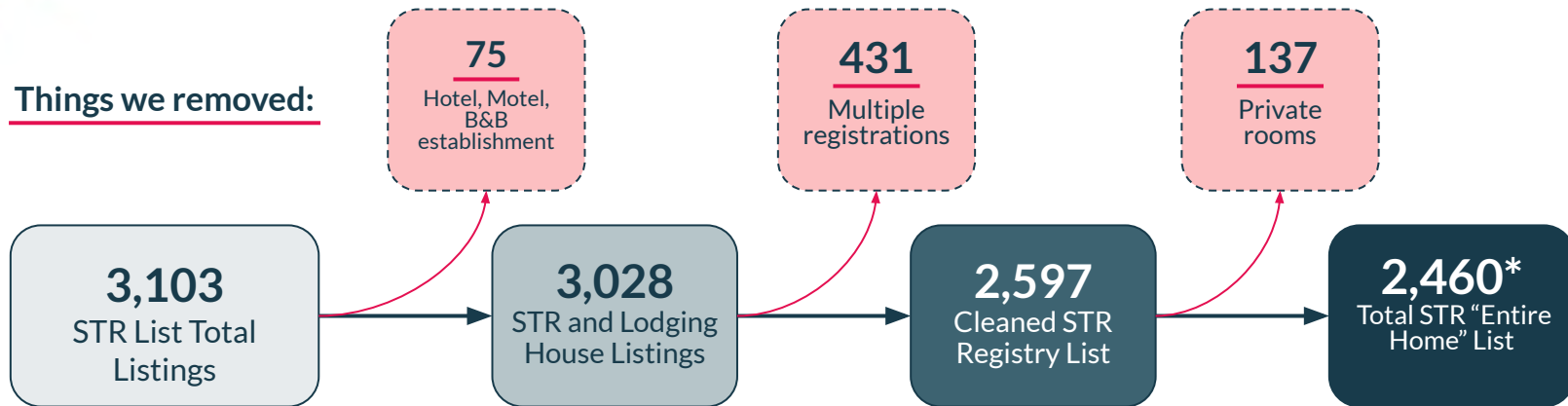
How many are there?

Initial total count based on a cleaned MA DOR Registry of Lodging Operators



Total Listings

Things we removed:



Details and Notes:

- 3,103 is the total number of listings in the DOR Registry at the time we received the data.
- The Registry is "Add Only", so we removed any STRs that appear to be the same listing, registered multiple times.
- Assuming compliance, AirDNA is a subset of STR registry

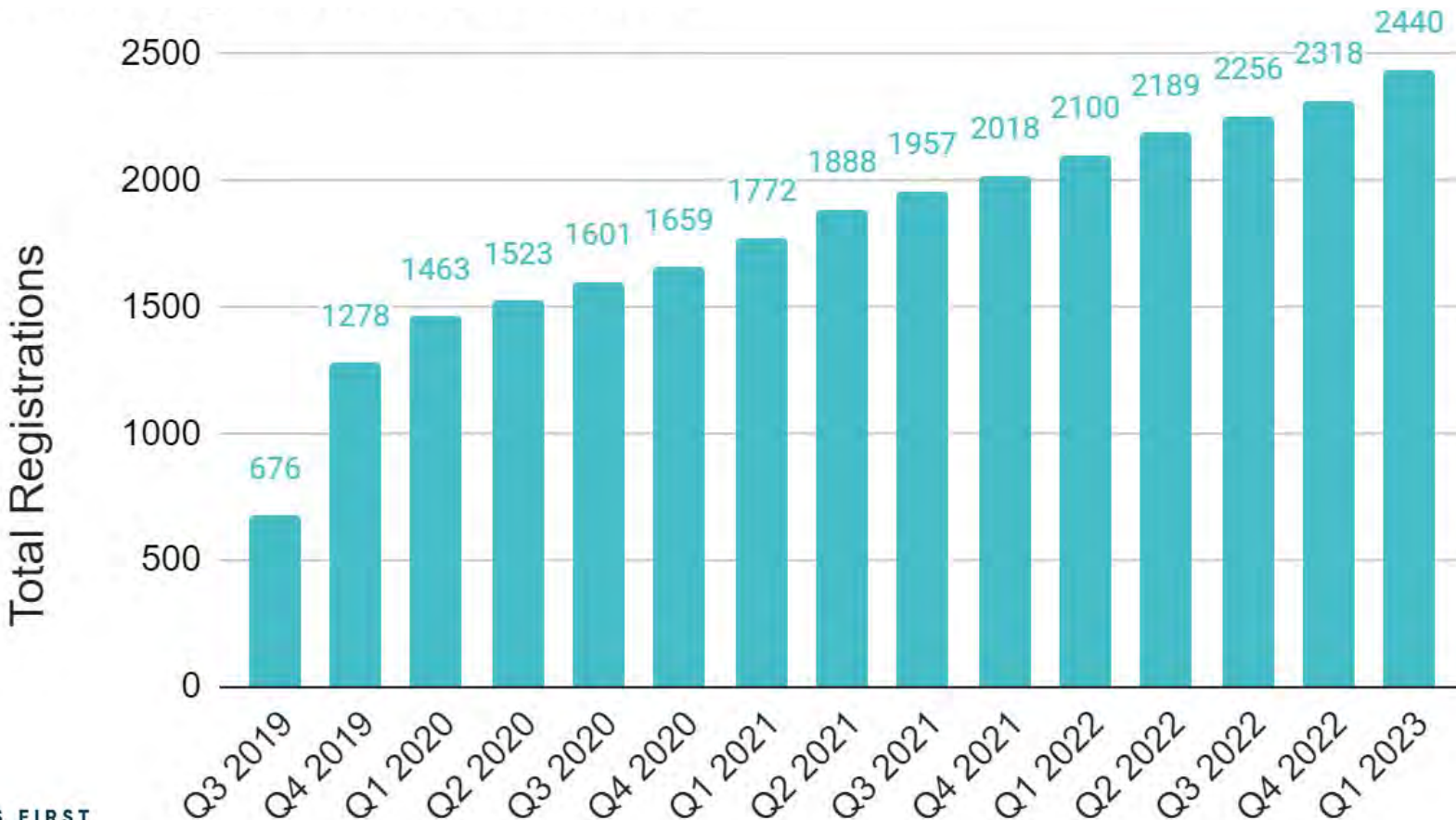
*Limitations of current deduplication:

- STRs w/ same owner no longer being rented (AirDNA & NAREB)
- STRs that have been sold and are no longer being listed



STR Registrations by Quarter

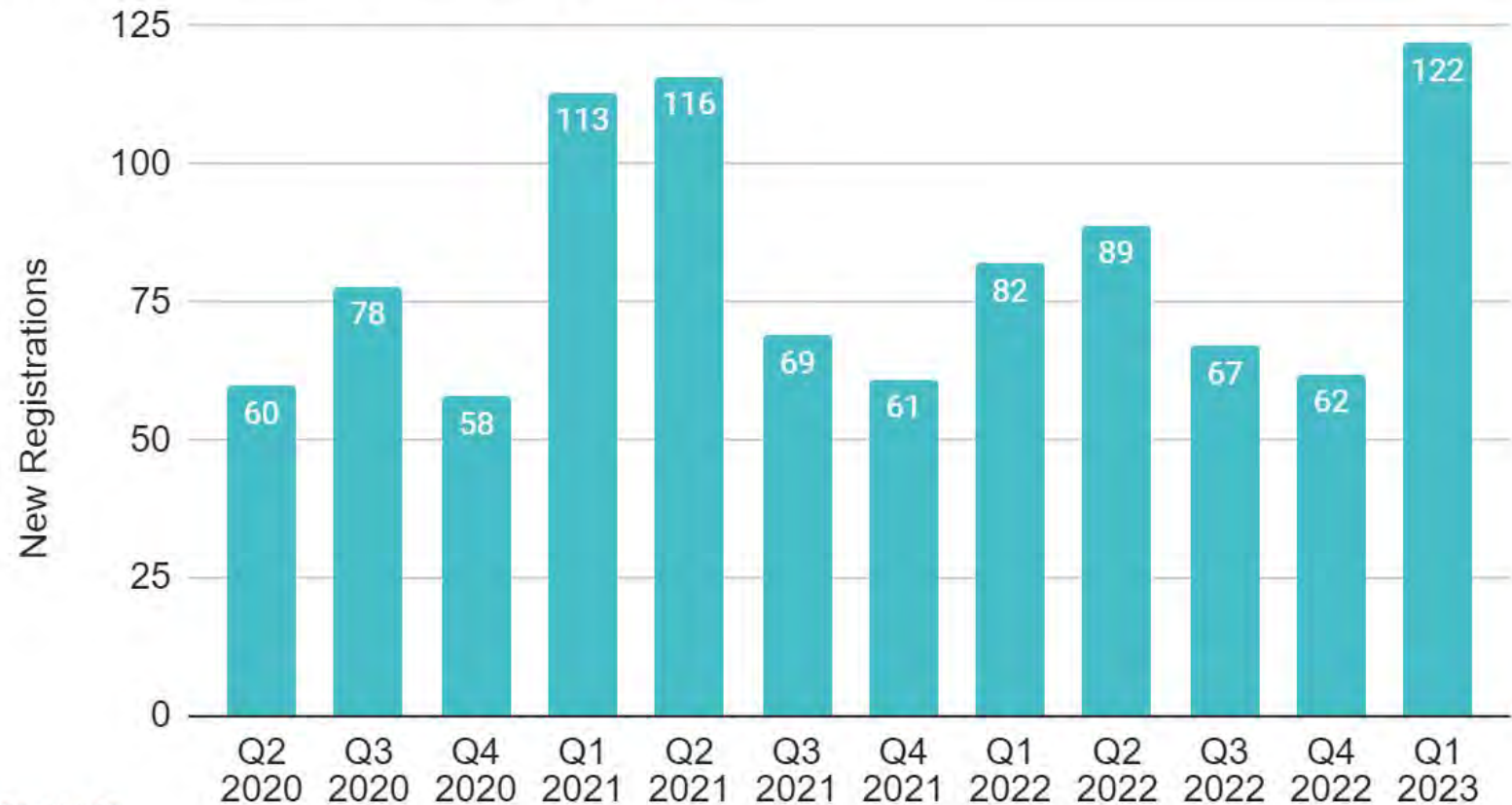
De-Duplicated. No Private Rooms.





New STR Registrations per Quarter

De-Duplicated. No Private Rooms.





Where are they listed

AirDNA and NAREB (2022 Data)

Quantity listed by source:

2,460

Total STR “Entire Home” List

2,053

Listings available through NAREB offices

1,160

Listings available on VRBO and AirBNB

?

Unlisted

Note:

The AirDNA data was delivered de-duplicated by AirDNA.

How many are there?

Bed and Occupancy Analysis using the AirDNA dataset
(AirBNB and VRBO)



How many are there?

Summary Points

- In 2022 there were **1,160** active whole home/apartment rentals on AirDNA.
 - This is 16% lower than before the pandemic.
 - The mean bedroom count is 3.57, and the median is 4.
 - The mean occupancy limit is 7.75, and the median is 8.
- These figures did not change significantly over time (2017-2022)

Details and Notes:

- 2017-2019 data was averaged and used as a pre-pandemic baseline measure vs 2022.
- In this section, we have removed “Private Room” listings.
- Integration with NAREB data would partially overlap with the AirDNA listing count.
- We expect NAREB listings to be on average somewhat larger (bedroom and occupancy) than AirDNA listings.



Count of STRs

Whole Home / Apt, active on AirDNA in 2017-2019 avg and 2022.

STRs on AirDNA	Count
2017-2019 avg	1,379
2022	1,160
Change	-16%

Details and Notes:

Private rooms are listed predominantly on AirBNB. The definition can vary, but simply put, it is a room in a home with limited access to other amenities.

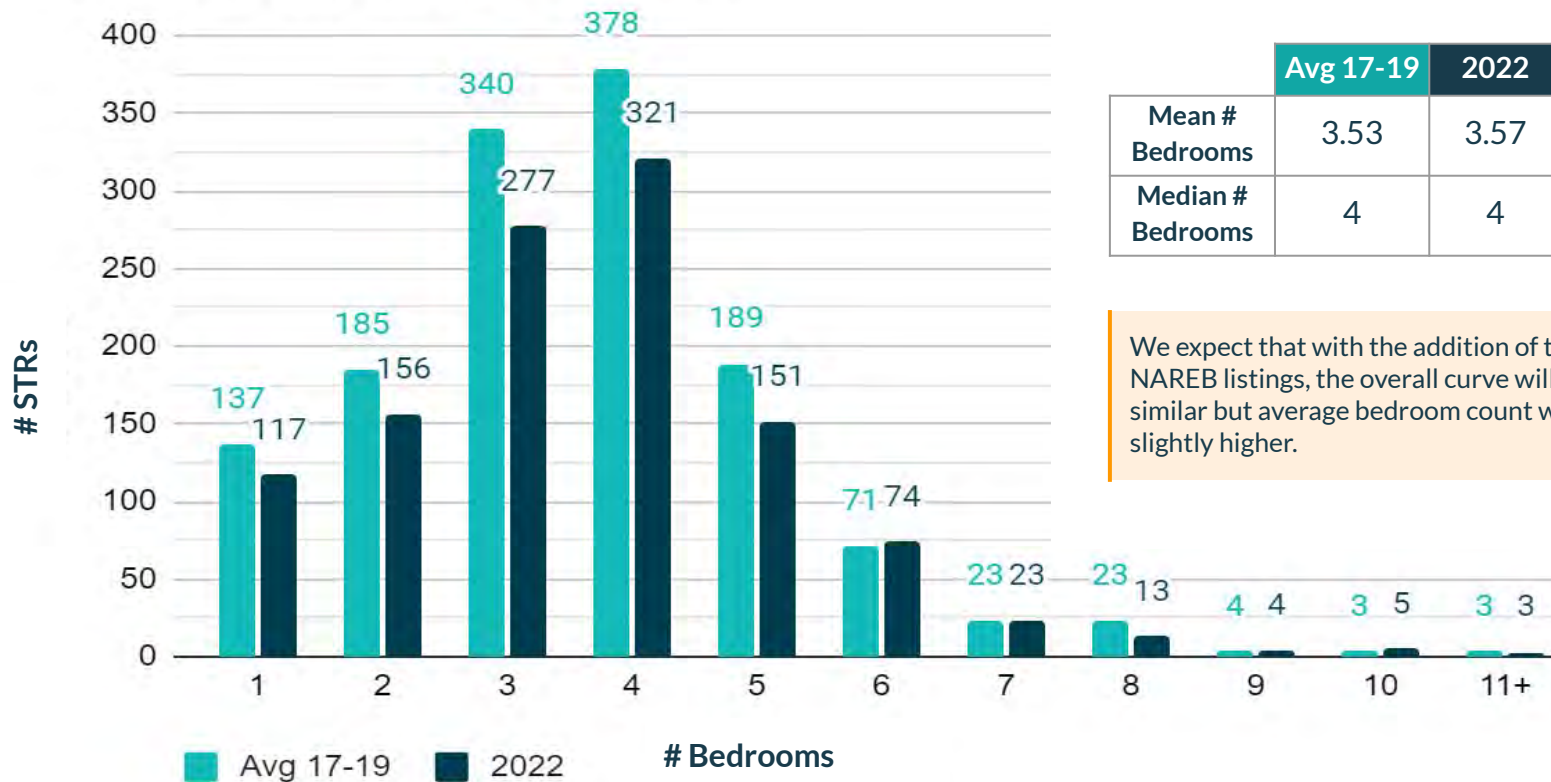
We have removed private rooms from the data to create a clearer picture of the majority of STR's which are whole home.

10% of AirDNA rentals were private rooms in 2022.



Count of STRs by Number of Bedrooms

AirDNA (Whole House/Apt)



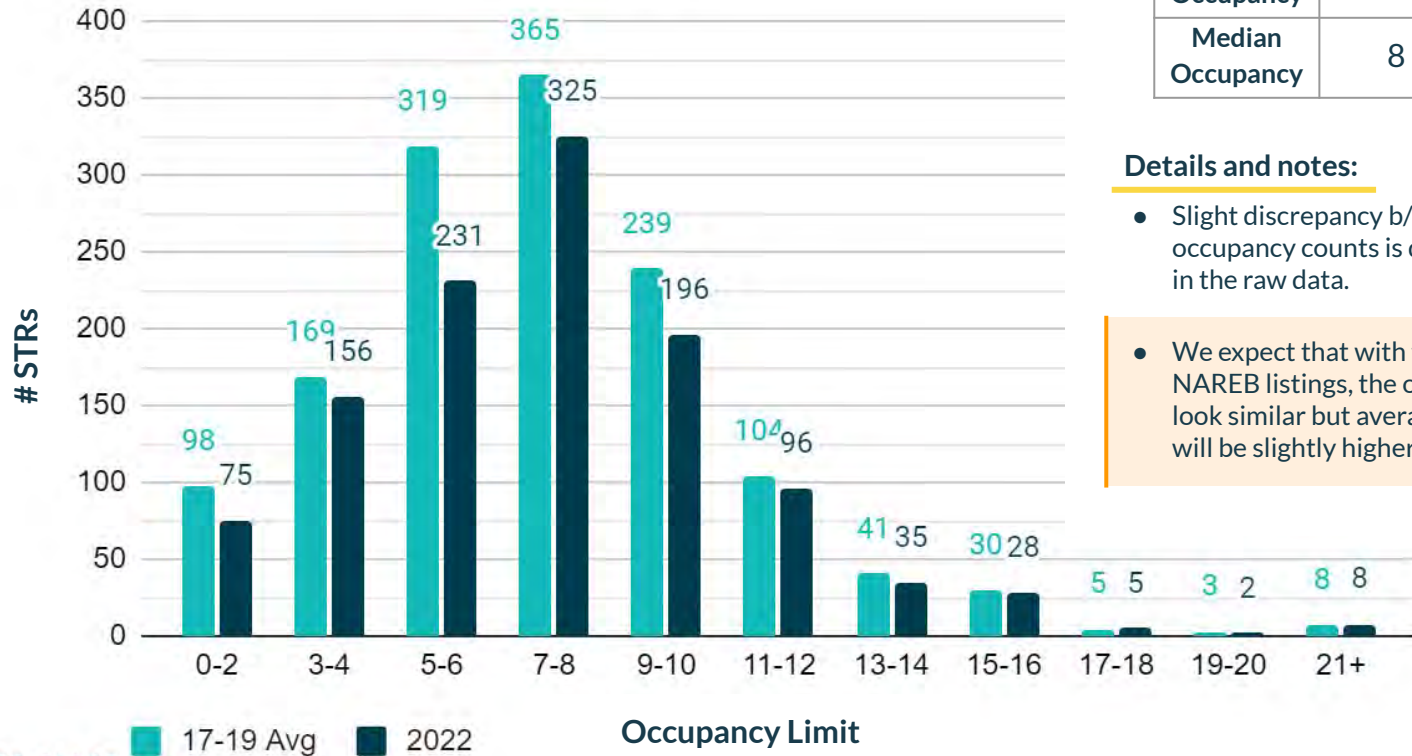
	Avg 17-19	2022
Mean # Bedrooms	3.53	3.57
Median # Bedrooms	4	4

We expect that with the addition of the NAREB listings, the overall curve will look similar but average bedroom count will be slightly higher.



Count of STRs by Occupancy Limit

AirDNA (Whole House/Apt)



	Avg 17-19	2022
Mean Occupancy	7.56	7.75
Median Occupancy	8	8

Details and notes:

- Slight discrepancy b/w bedroom and occupancy counts is due to blank fields in the raw data.
- We expect that with the addition of the NAREB listings, the overall curve will look similar but average occupancy limit will be slightly higher.

Where are they?

Analysis using AirDNA data (AirBNB and VRBO)



Mapping Information

Summary Points

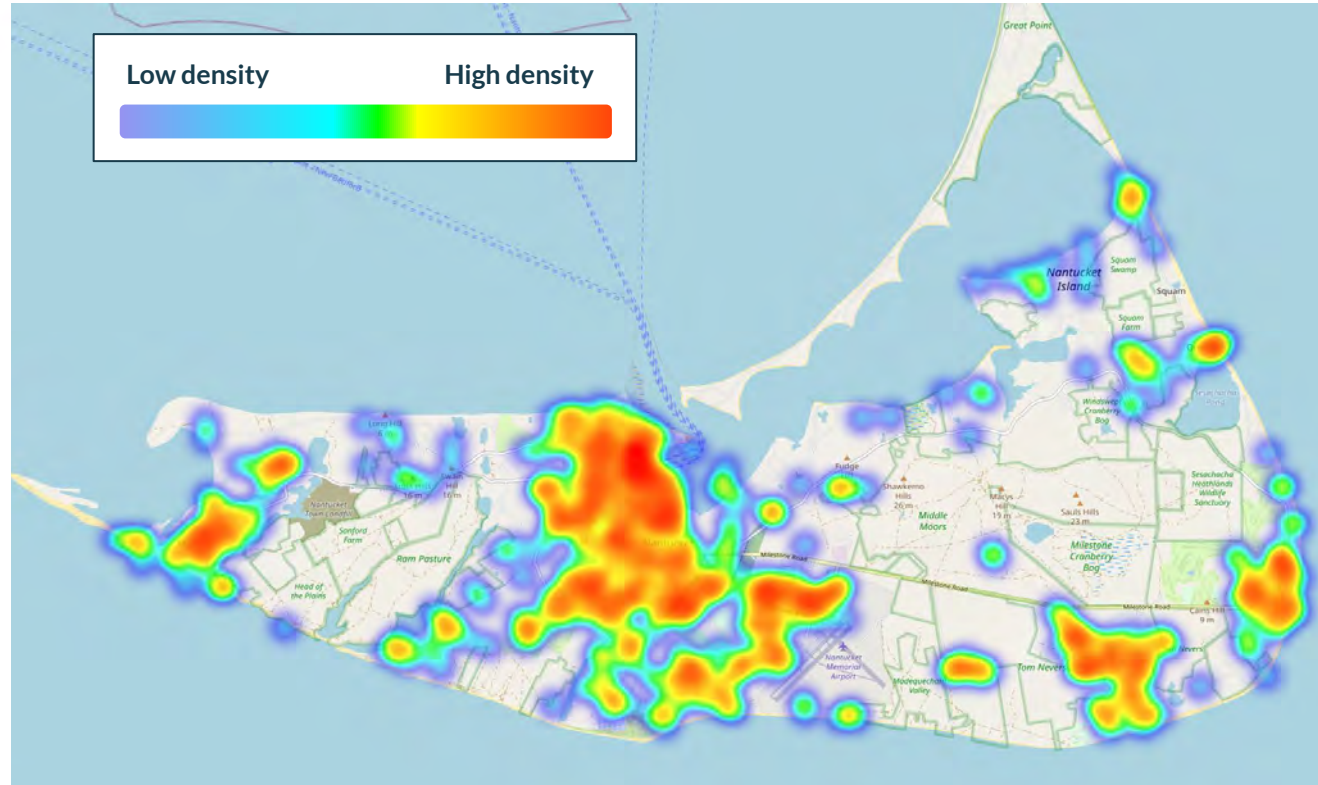
- STRs exist in most places that there are buildings on the island. The density of registered STRs ranges from near zero in certain stretches of beach, to a strong majority percentage of buildings in many areas.

Details and Notes:

- Listing location from the total STR list can not be displayed as it would identify private data.

Where are rentals?

AirDNA (Based on latest active listings)



Details and notes:

- We use this chart to show general location of listings.
- We have not included a density scale. The anonymization radius limits the usefulness of exact measures for the viewer.

How are they leased?

Analysis using AirDNA dataset (AirBNB and VRBO)



Contract Information

(source: AirDNA, Whole Home/Apt Only)

Summary Points

- From the baseline to 2022, there was a **79% increase** in the number of contracts, which is in contrast to the 16% fewer listings on AirDNA.
- These contracts became shorter on average over the time period studied, especially in Peak season with an average length of **5.2 nights** (down from 6.7 over '17-'19).
- Only **14%** of Shoulder and Off Season contracts were 7+ days, compared to **41%** of Peak Season contracts.
- There was a **39% increase** in total nights booked, however most of that growth can be attributed to the off-season (+170%)
- Approximately ~\$100,000,000 worth of STR contracts were executed in 2022 on AirBNB and VRBO.

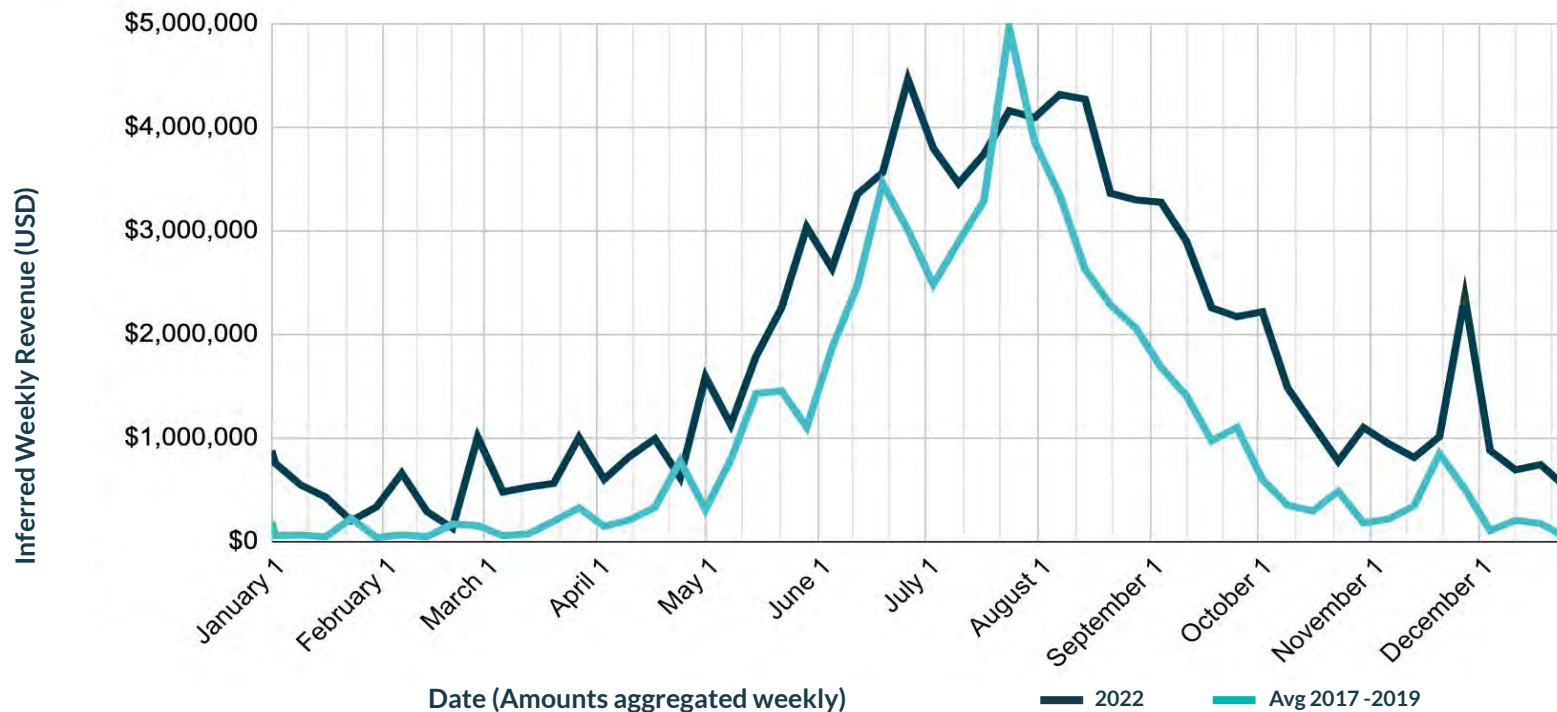
Details and Notes:

- 2017-2019 data was averaged and used as a pre-pandemic baseline measure vs 2022.
- Contracts are attributed to the week the contract originates
- AirDNA infers revenue from listed prices
- Contracts >30 days were removed as they are not considered to be Short Term Rentals.
- Season definitions from STRWG by month:
 - Off Season - November through April
 - Shoulder Season - May, June, September, October
 - Peak Season - July and August



STR Revenue by Week

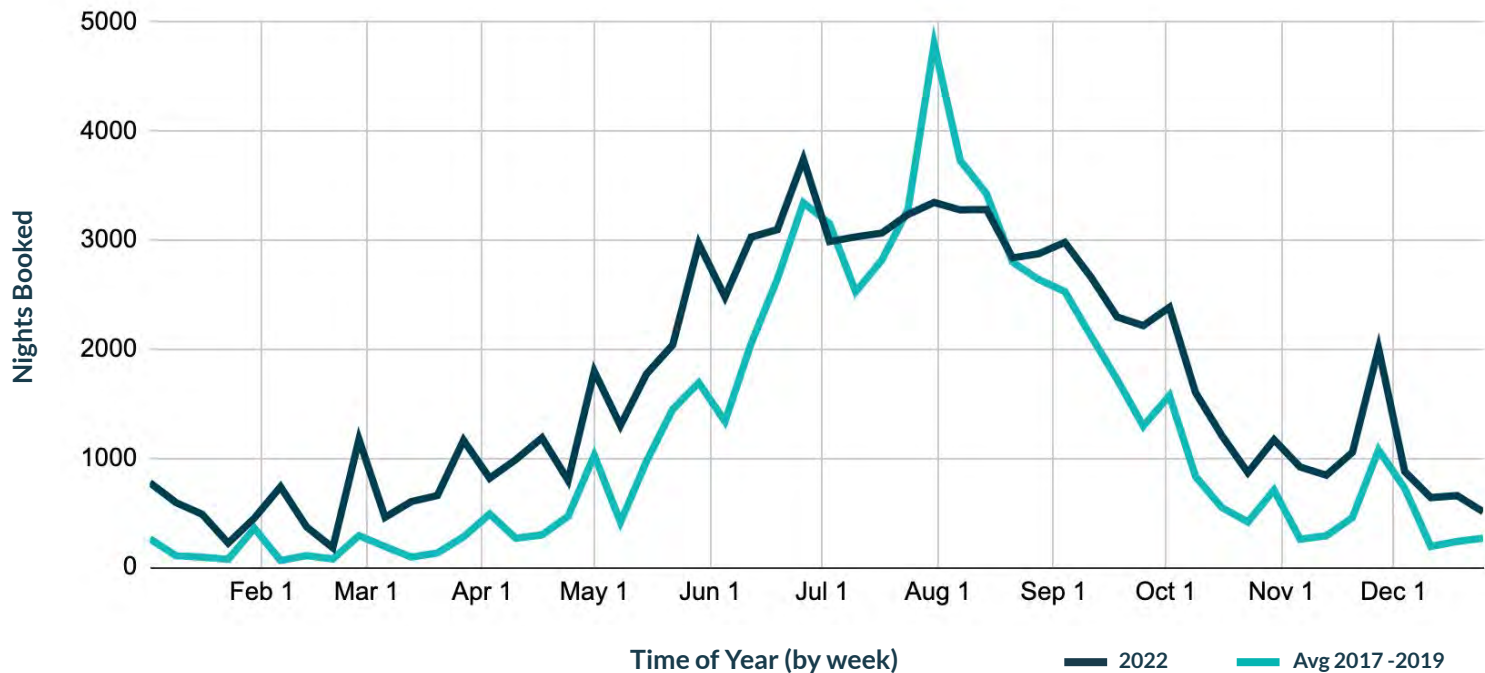
AirDNA (Entire home/apt)



With the addition of NAREB listings, we expect: Peak season will be significantly higher, Shoulder seasons to be moderately higher, and Off season to be relatively the same.

STR Total Nights by Week

AirDNA (Entire home/apt)



With the addition of NAREB listings, we expect: Peak season will be significantly higher, Shoulder seasons to be moderately higher, and Off season to be relatively the same.



Mean Contract Length (Nights)

AirDNA (Entire home/apt)

Entire Home/apt	Off season (Nov - Apr)	Shoulder season (May - June & Sep - Oct)	Peak season (Jul - Aug)
2017-2019 avg	4.5	4.4	6.7
2022	3.7	3.7	5.2
Change	-0.8	-0.7	-1.5

Details and Notes:

- Average contract length has dropped across the board, but especially in peak season for entire homes/apartments (-1.5 days).
- With the addition of NAREB listings, we expect Peak season will be closer to 7 days given that vast majority of their contracts are 7 nights or more. We also expect shoulder seasons to be slightly higher.



% of Contracts = 7 Nights or More

AirDNA (Entire home/apt)

Entire Home/apt	Off season (Nov - Apr)	Shoulder season (May - June & Sep - Oct)	Peak season (Jul - Aug)
2017-2019 avg	16%	20%	46%
2022	14%	14%	41%
Change	-2%	-6%	-5%

Details and Notes:

- Percentage of contracts over 7 days dropped across the board, most notably in shoulder season and peak season for entire homes/apartments (-7%).
- Note that change is calculated as follows: [17/19 avg] - [2022] = Change
 - As opposed to % difference.
- With the addition of NAREB listings, we expect Peak season will be significantly higher given that the vast majority of their contracts are 7 nights or more. We also expect shoulder seasons to be slightly higher.



Number of Contracts per Year

AirDNA (Entire home/apt)

Contracts for Entire Home/apt	All Year (Jan - Dec)	Off season (Nov - Apr)		Shoulder season (May - June & Sep - Oct)		Peak season (Jul - Aug)	
	Total	Total	Per Month	Total	Per Month	Total	Per Month
2017-2019 avg	12,012	1,708	285	6,092	1,523	4,212	2,106
2022	21,492	5,660	943	10,317	2,579	5,515	2,758
Change	+79%	+231%		+69%		+31%	

Details and Notes:

- Number of contracts dramatically increased (+79%), most notably during the off season (+231%).
- With the addition of NAREB listings, we expect Peak season will have a significantly higher number of contracts and a moderately higher number in the Shoulder season.



Number of Nights Booked per Year

AirDNA (Entire home/apt)

Contracts for Entire Home/apt	All Year (Jan - Dec)	Off season (Nov - Apr)		Shoulder season (May - June & Sep - Oct)		Peak season (Jul - Aug)	
	Total	Total	Per Month	Total	Per Month	Total	Per Month
2017-2019 avg	63,006	7,739	1,290	26,934	6,734	28,333	14,167
2022	87,518	20,884	3,481	38,033	9,508	28,601	14,301
Change	+39%	+170%		+41%		+1%	

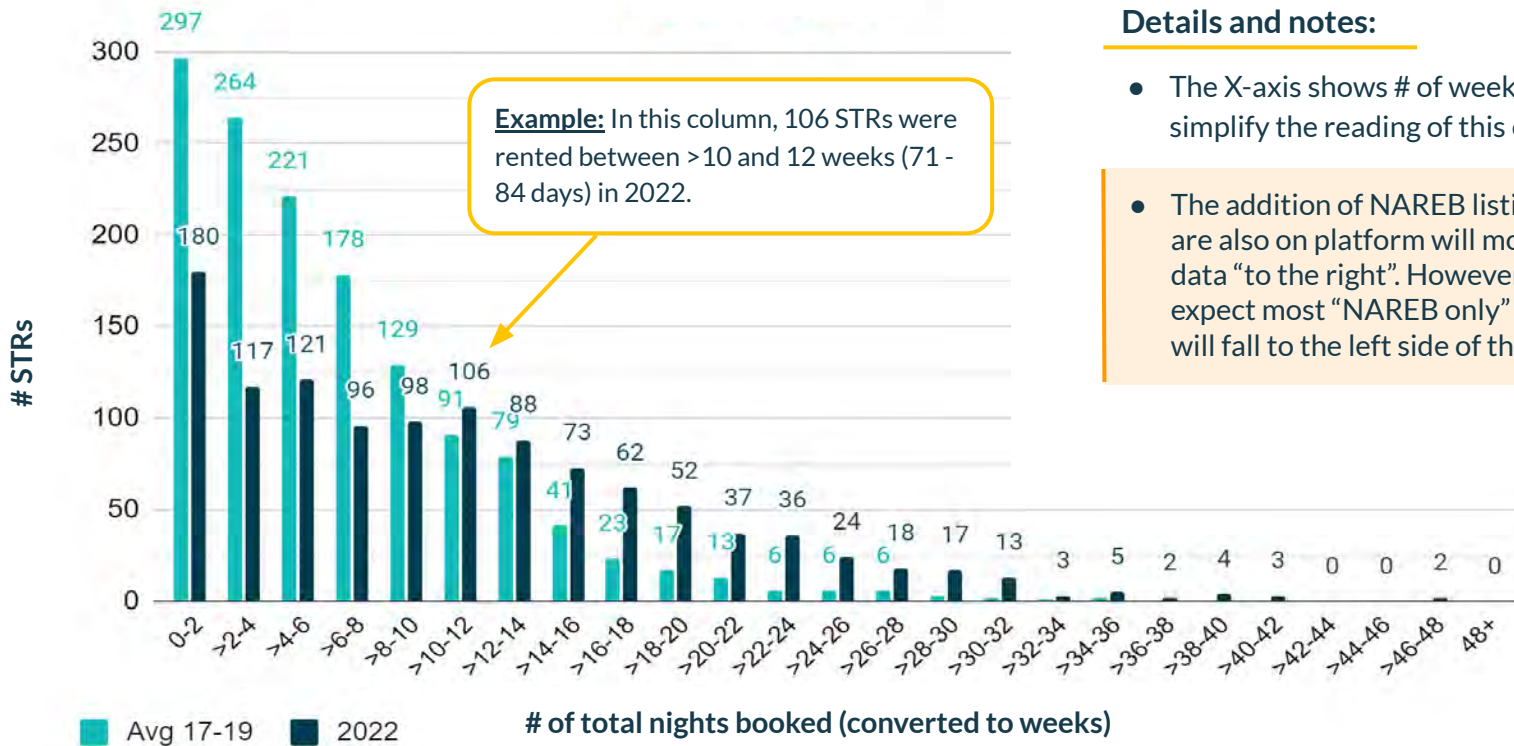
Details and Notes:

- There was a 39% increase in total nights booked, however most of that growth can be attributed to the off-season (+170%).
- With the addition of NAREB listings, we expect Peak season will have a significantly higher number of nights booked and a moderately higher number in the Shoulder season.



Count of STRs based on total nights booked

AirDNA (Entire home/apt)



Details and notes:

- The X-axis shows # of weeks, to simplify the reading of this chart.
- The addition of NAREB listings that are also on platform will move the data "to the right". However, we expect most "NAREB only" listings will fall to the left side of the graph.





Weekly lease data

AirDNA (Entire home/apt)

[Link to Spreadsheet](#)

Details and notes:

- Darker colors indicate a higher value.
 - Each column has its own color scale.
- The linked tables are view only.
- These are provided for those who prefer to see weekly numbers.
- If you would like to edit the sheet, you will need to create your own copy or export to excel.

How are they owned?

Analysis using the MA DOR Registry of Lodging Operators



Ownership

Summary Points

- At Least 20% of STRs (540) are owned by someone who owns multiple STRs.
- Of those 540 STRs, at least 455 are not owner occupied.

Details and Notes:

- This number is likely higher due to individual names that did not match after cleaning, and entities that shielded names.
- However, after significant effort to understand how to determine how many people own X# of homes, which aligns with a policy inquiry, we do not feel that this is the place to extrapolate beyond what we were able to concretely determine.



Limiting Peak Summer Contracts

Lost Rental Unit Nights by Limitation

Summary Points

Using AirDNA Data Only

- Limiting Rentals to 9 Contracts would remove 10% of peak summer rental nights
- Limiting Rentals to 8 Contracts would remove 13% of peak summer rental nights

Using AirDNA and NAREB Data

- Limiting Rentals to 9 Contracts would remove 5% of peak summer rental nights

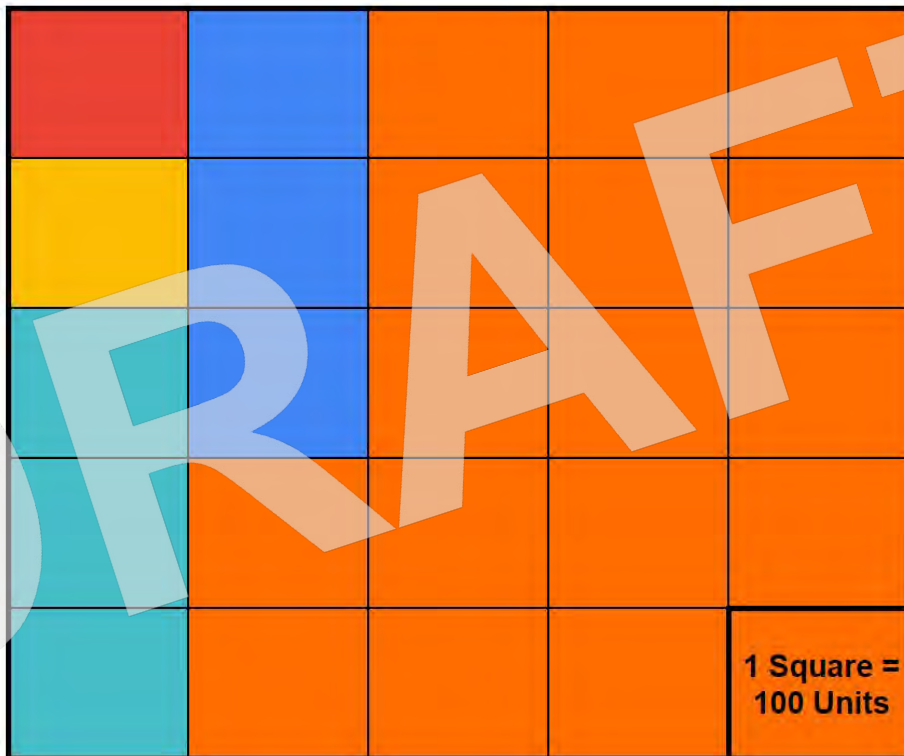
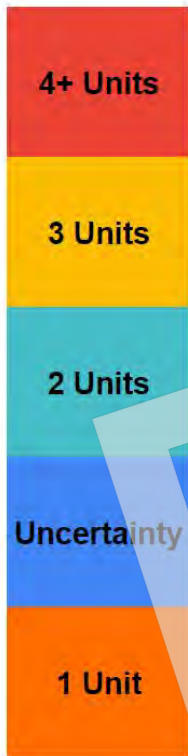
Details and Notes:

- This assumes that the newly “removed rented nights” do not find their way to other listings, or result in longer contracts.
- Because NAREB listings are nearly all above 1 week, they do not limit contracts, as 9 x 1 week listings would not be limiting.
- This was calculated based on where contracts start, ie if they start on June 29th, it is not a July contract.



Ownership by Qty owned per person

Total Amount of Listings that are owned by someone who owns X#



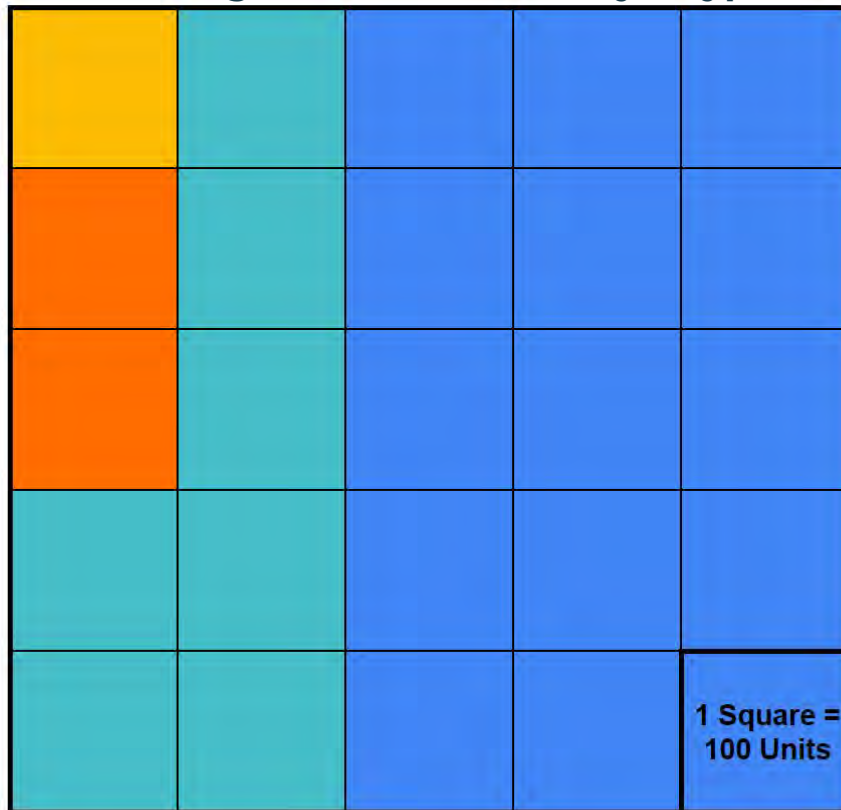
Details and Notes:

- This grid uses 25 squares (5 x 5) representing 100 listings per square to roughly show 2,500 listings.
- The red square in the top left shows that approximately 100 listings are owned by someone who owns 4+ units
- Blue = uncertainty. IE 10% which we use to estimate the amount that show as 1 Unit, but are likely greater than 1 due to challenges of pairing listings.



Ownership by Type of Ownership

Total Amount of Listings that are owned by X type of entity



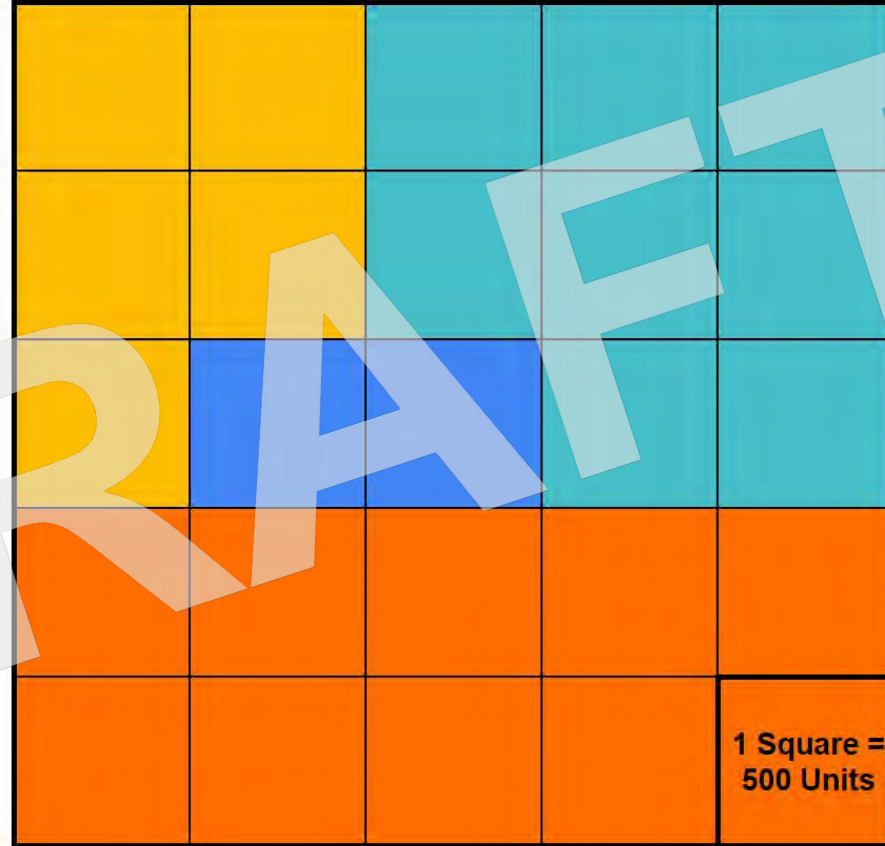
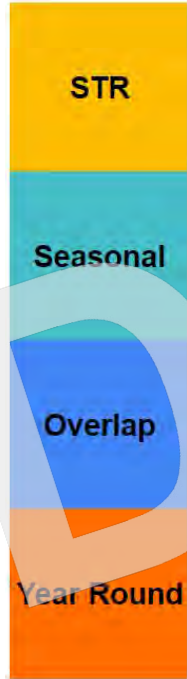
Details and Notes:

- This grid uses 25 squares (5 x 5) representing 100 listings per square to roughly show 2,500 listings.
- NP = Natural Persons
- The 7 Teal squares represent the approximately 700 LLC listings.
- Number of natural persons is based on registry data where there was a name in the customer name or account name, and some of these may have ownership entity types that are not NP.



Building Breakdown by Use

Total Amount of Assessor Listings by use



Details and Notes:

- This grid uses 25 squares (5 x 5) representing 500 assessor listings per square to roughly show 12,500 listings.
- EG The 5 Yellow squares represent the approximately 2500 STR listings.
- Overlap is used to show where we have non dwelling units or don't know exactly the breakdown of Seasonal and Year round housing that is reflected in the STR market.



PROCESS FIRST

		Total Arms Length Home Sales
251	100%	
112	45%	< 2 Million (All teal)
62	25%	2M + NNA
50	20%	2M + NA
22	9%	2M + STR + NNA
5	2%	2M + STR + NA
27	11%	2M + STR (all boxed)

38



Non-Nantucket Address

1 Sq =
15 Sales



STR Peak Summer Capacity

Overview of STR Status Changes and Transfer Classifications

Status changes following property transfers at "Arms Length"

- **Sold: Lapsed** - A property (which had an STR Registration prior to sale) sold and was not re-registered.
- **Sold: New** - A property (which had NO STR Registration) sold and then was registered for the first time.
- **Sold: ReNewed** - A property (which had an STR Registration prior to sale) sold and then was registered for a 2nd+ time.

Status changes following property transfers NOT at "Arms Length"

- **Reorg: New** - A property (which had NO STR Registration prior to reorganization) underwent a non-arms length transaction and then was reg
 - Reorganizations can include inheritance, moving properties into or out of trusts, llc etc, or other technical changes to ownership that do not include a market value exchange. We generalize these into transfers that would impact the ability to rent 9 contracts peak.

Status changes not following a property transfers

- **No Transfer: Newly Registered** - A property (which had NO STR Registration) was registered without any prior transfer (within historic



STR Peak Summer Capacity

Contract Capacity based on STR Status Change following Transfers

STR Category	Sold: Lapsed	Sold: New	Sold: ReNewed	Reorg: New	No Transfer: Newly Registered
2019	4	133	1	100	1158
2020	46	62	16	28	271
2021	71	97	68	29	180
2022	28	73	41	41	140
20-'22 Avg	48	77	42	33	197
Per Listing Change	-9	4	-5	9	9
Net Contracts / Year	-435	309	-208	294	1773
Total	-334			2067	
	Change in contracts following sale			Change in contracts due to non-sale registrations	

+299

Additional STR Registrations per Year

1733

Change in Peak Contracts per Year from Transfers and Registrations

-855

Change in Peak Contracts per year with 9 Contract

~8,600

Total Peak Season Contracts in 2022



Peak Summer Population in STR

Draft Estimate

Summary Points

- ~ 10% of peak summer population is in STRs

Details and Notes:

- Based on hotel and str information deduced through lodging taxes
- Based on Peak Population data of ~42,000



STR's and Sales

Draft Estimate

Summary Points

- 23% of all sales in 2021 and 2022 were followed by an STR license
- Working on tracing back into history to determine the opposite pairing of events

Details and Notes:

- Based on simple address matching



STR Homes Sold

Draft Estimate

Summary Points

- 261 Sales at Arm's Length, with Building, under **2 Million** in 2021 and 2022
 - 122 went to Nantucket Addresses
 - 8 STRs
 - 139 Went to Non-Nantucket Address
 - 41 STRs
- 397 Sales at Arm's Length, with Building, under **3 Million** in 2021 and 2022
 - 152 went to Nantucket Addresses
 - 10 STRs
 - 245 Went to Non-Nantucket Address
 - 83 STRs

Details and Notes:

- Based on simple address matching
- Nantucket Mailing Address Used as Proxy for Year Round



Community Impact Fee Questions

MA DOR Registry of Lodging Operators (STRs Only)

% of Listings	Owner Occ. Question 1: Is this short-term rental property in an owner occupied 2 or 3 family dwelling?	Owner Occ. Question 2: Is this short-term rental property 1 of 2 or more in the same city or town and NOT owner occupied?	Result Interpretation
5.2%	TRUE	FALSE	Owner occupied 2 or 3 family dwelling. Multi family or multi building lot.
15.1%	FALSE	TRUE	Owner has 2 or more STR in the town. Not owner occupied.
79.8%	FALSE	FALSE	Other

Details and Notes:

- Results are from STR only, with no Lodging Houses (they do not include the Owner Occupancy Questions).
- “TRUE/TRUE” is not an allowed response
- Third case encompasses other properties (e.g., single family):
 - Owner has 1 STR, but this is not an owner occupied multi-family.
 - Owner has multiple STRs and this is an owner occupied single family.



Ownership by Category

STR Combined Listing Data (STRs only)

Summary Points

- Determining ownership was one of the more challenging tasks we looked at.
- This was largely due to the lack of clarity behind LLCs.
- We have opted to not share specific numbers at this time, as the lack of clarity led us to prioritize the other more quantifiable analysis.

Details and Notes:

- The exact numbers are unclear and imperfect to interpret due to multiple owners, LLCs, trusts and partnerships protecting identities, and imperfect name matching.

Informing design of the town registry

Data collection, management, and reporting considerations



Informing data collection

Areas of data collection (1 of 3)

- **Listing Types**
 - Consider how to remove uncertainty of MA DOR's "Lodging House"
 - Determine if you are registering "Private Rooms"
 - E.g. Savannah, Georgia considers Private Rooms to be a "Bed and Breakfast Homestay"
- **Ownership**
 - If natural person is a desired requirement for a listing, ensure that collection allows for accurate reporting of legal structure AND the natural person(s)
 - Consider how you will manage the list of natural persons to pair variations of the same name and simplify data cleaning.
 - Consider how homes owned by multiple people would be counted against limits.
- **Owner Occupied**
 - Owner occupancy defined by Town Zoning Bylaw is 3 months. If this metric is important, make the definition clear, and understand if this is self-attested or validated from another data source. Someone will have to manage those or cross check them when registrations are submitted.



Informing data collection

Areas of data collection (2 of 3)

- **Reporting dates**
 - Consider the differences between Vacation year vs Tax Year vs Town Fiscal Year
 - When does the data get reported and can it be easily interpreted across the two different calendars
- **Performance Data**
 - Without integration or process design, it may become burdensome for individuals to report on revenue, contracts, etc. Determine which metrics are going to be used, in what format, and focus on those.
 - Consider that future policy may want to include economic impacts of STRs. This would require different data points depending on what you want to calculate
 - E.g. if the goal is to ensure that changes to policy account for a certain visitor count, consider knowing the number of contracts, bed count, and timing.



Informing data collection

Areas of data collection (3 of 3)

- **Buildings, lots, units, listings**
 - Ensure that any person filling out the registry form has clear fields to designate the info with regard to building, lot, unit, listings. These are often the same, but many cases on Nantucket are complicated combinations.
 - Ensure data collected accounts for multiple units/dwellings within a building
 - Ensure data collected accounts for multiple buildings on same lot
 - Ensure that data is collected in a way that it can be “joined” with other datasets for analysis (PLUS, GIS, Assessor, Registrar, etc) and that it can be validated. Consider embedding a validation tool on the registration page.
- **Listing Characteristics**
 - Platform based listings and Assessor data do not always match 1:1. If this data is important, consider what is considered to be the source of truth and either make that clear, or constrain that variability by using Assessor data managed by the town.



Informing data collection

Compliance and Reporting

Compliance and Data Accuracy

- Make it easy for users to enter accurate information without confusion
- Remove “old” registrations
- Consider how to define and determine “active”
- Define STR to avoid confusion with other lodging categories
- Compare data entries with “source of truth” data sources

Reporting

- Consider disclosing what data will be publicly reported to avoid complexities of managing mixed data privacy requirements



Informing data collection

Metrics and Analysis

Metrics

- STRs as a % of available lodging accommodations
- STRs as an active % of lodging accommodations
- Year round dwellings that have been converted to commercial STRs
- Incidents that negatively impact neighborhoods

Analysis that are important to the STRWG include:

- STRs impact on economic activity and island visitors
- Understanding corporate investment into STRs
- Commercialization of year round neighborhoods
- Sale of year round homes followed by construction for full time STRs



Informing data collection

Integration with Listing Offices and Platforms

Consider if contract data can be collected and shared by offices or platforms

- Integrating contract data from private office and platforms would allow for better data and fewer interactions
- To improve usefulness of data:
 - Have centralized and standardized contract data collection requirements
 - Determine data points that inform key metrics to inform future policy.
 - Minimize data collection requirements
- Considerations to this path:
 - Challenges to integration between platforms and private offices.
 - Determination of reasonable extent of data sharing
 - Willingness and ability to comply with data sharing



Opportunities for additional analysis

Background on how we would proceed

The proposed analysis are a combinations of opportunities we saw while working on the data, or things we heard directly from the group. Some of these were not pursued up until now due to time constraints, limitations of the connected data sets at the time of the request, or lack of certainty of the initial results.

We would like to propose that if any of the following are critical to inform the STRWG or the public, we can define the effort it would take to complete these analysis and proceed with appropriate contracts in place. We have listed them as we believe desired by the group, with the expectation that most of the proposed questions can be answered, and a few remain uncertain depending on the assumptions we place on the data.



Where are they?

Further exploration of where homes are by location and type of neighborhood

How does the STR housing stock compare to the overall housing stock?

- What percent of buildings are STRs by location

Are they in year round neighborhoods?

- Identify where residents live (account for residential density and dwelling density)
- Compare where STRs are in relation to above
- Determine if STRs in residential neighborhoods are owner occupied



How have they changed?

Measure the development of STRs and the neighborhoods they are in

Changes over time

- Look at the count of STRs by location over time
- Look at STRs in Year round neighborhoods that
 - Registered
 - Sold then registered
 - Sold, constructed then registered

Comparisons of STR vs non-STR

- Compare building characteristics of STRs with non-STR
- Compare pre and post construction characteristics of STRs
- Compare STR vs non-STR for pre and post construction characteristics



Who owns them?

With more time we can have more confidence in measures of ownership

Type of ownership

- Breakdown of ownership type accounting for assessor and registry data
 - Determining Corporations is feasible, as well as LLCs.
 - Getting beyond the initial LLC level to a clear understanding of what is behind the LLC is unlikely. If there is a “level 1” question you would like to know, we can do that.

Number of Ownership

- Define terms and assumptions to have clear measures of multiple ownership
- Define number people who own X# of STRs.



PROCESS FIRST

From: [John W. Giorgio](#)
To: [Erika Mooney](#); [Thomas Dixon](#); [Malcolm MacNab](#); [Denice Kronau](#); [Dave Iverson \(d.m.iverson@comcast.net\)](#); [Barry G. Rector](#); [Leslie Snell](#); [John D. Hedden](#); [Devan C. Braun](#)
Cc: [Devan C. Braun](#); [Libby Gibson](#); [Steven Cohen \(Steven@cohenlegal.net\)](#); [Stephen Maury](#); [Charity Benz \(cibenz@comcast.net\)](#); [Matthew Peel \(mattpeelsea@gmail.com\)](#); [Grant Sanders](#); [Jim Sulzer \(sulzer@comcast.net\)](#); [justpjp@gmail.com](#)
Subject: RE: Agenda packet uploaded for tonight's STR subcommittee meeting
Date: Thursday, June 13, 2024 11:03:59 AM
Attachments: [KP-#925446-v1-NANT Composite General Bylaw Amending c. 123 .DOCX](#)

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.

Erika;

I have one more item for the agenda packet. It is a copy of c. 123 of the Code which includes all of the amendments approved through the 2024 Annual Town Meeting. I recommend that when the Subcommittee turns to amendment to c. 123, that we used the attached document as a starting point. Please note that I have identified at the top of the first page a list of the lead petitioners who are proposing amendments to c. 123 at the special town meeting. Just as I did with the zoning bylaw, I intend to produce a composite version of new amendments to c. 123 agreed upon by the Subcommittee.

John

John W. Giorgio, Esq.



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From: Erika Mooney <EMooney@nantucket-ma.gov>
Sent: Thursday, June 13, 2024 10:42 AM
To: Thomas Dixon <tdixon@nantucket-ma.gov>; Malcolm MacNab <mmacnab@nantucket-ma.gov>; Denice Kronau <dkronau@nantucket-ma.gov>; Dave Iverson (d.m.iverson@comcast.net) <d.m.iverson@comcast.net>; Barry G. Rector <barry.rector@verizon.net>; Leslie Snell <LSnell@nantucket-ma.gov>; John D. Hedden <jdhedden@nantucket-ma.gov>
Cc: John W. Giorgio <JGiorgio@k-plaw.com>; Devan C. Braun <DBraun@k-plaw.com>; Libby Gibson <LGibson@nantucket-ma.gov>; Steven Cohen (Steven@cohenlegal.net) <Steven@cohenlegal.net>; Stephen Maury <stephen@maury.net>; Charity Benz (cibenz@comcast.net) <cibenz@comcast.net>; Matthew Peel (mattpeelsea@gmail.com) <mattpeelsea@gmail.com>; Grant Sanders <grant@digsand.com>; Jim Sulzer (sulzer@comcast.net) <sulzer@comcast.net>; justpjp@gmail.com
Subject: Agenda packet uploaded for tonight's STR subcommittee meeting

Same packet as Tuesday, plus:

- Email from Galen Gardner - 6/11/2024

- Email from Anastasia O'Connor - 6/12/2024
- Email from Town Counsel with draft composite warrant article - 6/12/2024
- Email thread of Steven Cohen, Grant Sanders, Charity Benz - 6/12/2024
- Email from Kathy Baird with presentation - 6/12/2024

Please remember that the packet is bookmarked for ease of finding emails and documents. The packet can be found at <https://www.nantucket-ma.gov/AgendaCenter/ViewFile/Agenda/06132024-13926>. And reminder that tonight's meeting is hybrid at the Meeting Trailer.

Erika

Erika D. Mooney
Operations Administrator
Town of Nantucket
16 Broad Street, Room 113
Nantucket, MA 02554
508-228-7266

This electronic message and any attached files contain information from the Town of Nantucket that may be privileged and/or confidential. The information is intended for the recipient named above, and use by any other person is not authorized. If you are not the intended recipient, any disclosure, distribution, copying, or use of this information is strictly prohibited. If you have received this message in error, please notify the sender by e-mail immediately. Also, please be advised that the Secretary of State's office has determined that most e-mails sent to and from municipal officials are considered to be public records and consequently may be subject to public disclosure.

This document is a clean version of c. 123 as amended at the 2024 ATM under Article 60. There are three citizen warrant articles to amend c. 123 at the STM in September by Steven Cohen, Matt Peel, and Pamela Perun.

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.

§ 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.

§ 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 natural persons or 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 on the open market. In addition, Time-Share or Time Interval Ownership Dwelling Units shall be exempt from Sections H, I, J, and K, provided that the owner obtains a Certificate of Registration and provides sufficient evidence that the Unit was rented to one or more third parties for at least one period of less than 30 days prior to January 1, 2024.
- K. Any person or other legal entity, except Corporations, but including 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.

From: [Grant Sanders](#)
To: [Erika Mooney](#)
Cc: [Thomas Dixon](#); [Malcolm MacNab](#); [JAMES SULZER](#); [John Giorgio \(JGiorgio@k-plaw.com\)](#)
Subject: Last-minute addition to the agenda?
Date: Thursday, June 13, 2024 11:20:48 AM

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.

Erika, I'm wondering if we can add the following to the packet for tonight or add it to the agenda? It's a response to Charioty's email that reuests we revisit owner occupancy.

This is a revision of the wording on Charity's article but it also includes a year-round housing provision and I'm hoping it can be a good middle ground for the group to discuss and also steer clear of Dorman Commerce Clause issues?

(Sorry to make extrta work for you!)

PNNF Exemption: All Short-Term vacation Rentals where the Lot is Owner Occupied for a minimum of 8 months, or a portion of the property is leased for 12 months to a year-round resident, shall be permitted as of right and exempt from the limitations set forth in this provision.

Grant



www.digsand.com
508-826-1334

From: [Mike Herlihy](#)
To: [Thomas Dixon](#); [Malcolm MacNab](#); [Steven Cohen](#); [Stephen Maury](#); cibenz@comcast.net; justpjp@gmail.com; sulzer@comcast.net; mattpeelsea@gmail.com; grant@caffeinated.com; [Denise Kronau](#); [David M Iverson](#); [Brooke Mohr](#); [Erika Mooney](#)
Cc: [Mike Herlihy](#); [Penny Herlihy](#)
Subject: Re: Parking Lot items 4 and 5: #'s of concurrent contracts per lot/property
Date: Thursday, June 13, 2024 12:07:04 PM

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.

Our experience reinforces the discussion in the June 6th meeting regarding the separate rental of two dwellings on a single property avoiding large party gatherings.

We have a traditional Nantucket Rental with two dwellings on a single three acre lot, co-owned by my wife and me. We use them for two weeks, gathering the entire family annually in mid season and frequently for ourselves and our children's families in the saddle seasons. We are in our late '70's and intend to pass this on to our 3 children, who have been coming with us to Quidnet for almost 50 years. The remaining time we rent each dwelling separately, typically for one and occasionally two week stays generating up to 13 contracts in season for the two dwellings.

Our policy is to avoid renting both units to a single group unless they are an extended multigenerational family like our own. At this point we only have one such regular 1 week rental. So we need to keep the ability for two separate dwelling rentals to meet our financial needs to maintain the property. This results in up to 13 contracts for the two dwellings in season. With expenses and maintenance we break even. Restricting our situation to renting one dwelling at a time would create a loss of 30%.

We hope this example is helpful in your discussions tonite as you return to discussing the remaining items in the parking lot.

Our thanks to all of you working in the SB STR subcommittee. This is not easy work but it is important to all of us as our Nantucket Community evolves. We are impressed by the collaboration you have developed in your discussions. We will need this spirit as a community to face many challenging issues ahead.

As a side note, one of our children and his family lives now full time in a mid island residential neighborhood close to the high school.

Respectfully,

Penny and Mike Herlihy

Mike Herlihy
Mikeherlihy@mac.com
617-653-5829

From: [Caroline Baltzer](#)
To: [Thomas Dixon](#); [Malcolm MacNab](#); [Steven Cohen](#); [Stephen Maury](#); [Charity Benz](#); [justpip@gmail.com](#); [Grant Sanders](#); [Matt Peel](#); [denice.kronau@gmail.com](#); [David Iverson](#); [Matt Fee](#); [Brooke Mohr](#); [Dawn Holdgate](#); [Erika Mooney](#)
Subject: Public Comment to the SB and the SB Sub-committee on STR for 6/13/24
Date: Thursday, June 13, 2024 1:11:36 PM
Attachments: [Public Comment to the SB on STR.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.

Thank you for your consideration of my comments for 6/13/24.

Respectfully submitted,

Caroline R. Baltzer, Ph.D.
Clinical Psychologist
617-438-7501

Dear SB Sub-Committee Members and Stakeholders,

Thank you for inviting written public comment / feedback per your commentary last night at the SB meeting. Many people are alarmed that public comment has been eliminated in this process. I understood from comments made on the SB last night that this decision is a “strategy” that is being employed to get to compromise in time to meet the STM deadlines.

However, given that the majority of the Articles’ authors are against allowing our current new regulations to be properly implemented before putting forward significant restrictions on summer vacation rentals on Nantucket, I feel strongly that this does not reflect a proper democratic process and will not bode well for another Town Meeting vote. It also does not promote trust in our current government form if our SB sponsors an article that focused on compromise over data, and used a stacked deck with a preponderance of those against STR, and no opportunity for public comment.

I would like to stress that the bigger problem for our community has been the effects that this issue has

had on 4 years of our open town meeting process than a collection of problem properties has been.

I know brevity is best, so please allow me to share now my observations as a social scientist, and a voter who's family has rented our properties since the 1960s.

I have attended live all the sub-committee meetings. I see the following issues in the formation of your Select Board sponsored Article which I would like to state as my public commentary:

1. The Goal

Is the Goal Compromise or Solutions to a regular island-wide pattern of problems with vacation rentals?

2. Request to please use the data the Town's STRWG already paid for.

The main goal of this workgroup as stated is to find compromise amongst their Articles so that the SB can sponsor that compromise. However, this approach is different than the first carefully balanced and longer tenured STRWG which tried to focus on matching statistics with the defined problems with

Nantucket's STRs. Is the reason for this that the first Citizen's Article created time pressure?

Sunsetting

No one who loves their home on Nantucket wants to count the number of nights their head is on their pillow, nor do they and their children want to have to count down the number of sunseting nights before they might lose the ability to keep their family home. Please see fit to forego this psychologically toxic term, concept, and zoning provision. It's is the same scourge as having potential or pending lawsuits worrying us all. The statistics do not show that we must "thin out" residents by sunseting legacy heirs. We do not want to cultivate Nantucket's own brand of the 'Hunger Games.' Each time that term is mentioned so casually, I feel it causes our citizens to feel a threat, and I am certain that the members of the Select Board would not want to promote that. I for one will not stand behind this concept — as it would be the same negative effect for our community as the neighbor v. neighbor lawsuits.

Appearance of Bias

I am concerned about the appearance of unchecked bias I have seen as the citizens discuss their

articles. Most of the members have spoken of personal encounters with problem properties, or as one author said in the meeting on 6/11/24, “The StRS next to me” when comparing the problems to the non-problem types. The public is left to infer that different types of neighborhoods with smaller set-backs are likely the issue here, and this effect is exacerbated in the difference between predominantly summer communities like Brant Point and Sconset vs the houses in Town which have always sat cheek by jowl. What I am wondering is, are these authors each upset because they probably live next door to problem properties, and likely all in closer quarters? Have they been negatively affected by our zoning set backs? If so, I am concerned that these personal experiences produce bias since those folks not living next to a problem aren’t writing articles asking for change. I noticed in other examples given on 6/11/24, like the Current story from Figawi Weekend, no one verified if it was an STR or not. This I believe was due to bias.

Summer Churn

I am very concerned that bias is at play in the concept of “churn”. I have taken pains to research this new term, “churn” on Nantucket. Churn is caused in all seasonal communities by definition. It

is a term that was coined by the STRWG's representative from Acknow and it is borrowed from a nefarious stock *investment* activity "churning the portfolio". I believe the term was chosen purposefully. I brought this biased concept to the attention of the town's STRWG moderator, but it was taken into the lexicon on Nantucket nevertheless. The main problem with it is that it does not accurately describe what the situation is on Nantucket. This concept is more accurately referenced as a 'surge of summer visitors', which we have welcomed and promoted as a Town government since the 1880s, and which is still in our Master Plan, and promoted by our Chamber of Commerce. It is comprised of the increase in people who arrive in the summer and their varied summer activities, and includes both residents and their visitors and family, as well as visitors who pay for hotel and rental accommodations which has been done by everyone in the summer on a seasonal resort island like Nantucket, therefore it's not actually a descriptive concept as applied to STRs. I urge you all to speak of "summer churn" not "STR churn". In 1901 Nantucketers wrote gratefully about it. [This concept proves true this week in my own neighborhood: today, a typical day, the 4 houses on the block where renters are living are the quietest. I

am the only year-rounders on my street, and I have the most hub-bub with 3 generations here, friends stopping in and June repairs going on. Other Summer resident properties nearby with their comings and goings of their friends and guests and maintenance helpers are also more active like me. I do not have any complaints myself but this is an observable fact. Here, the renters often don't have cars and are quieter. This has commonly been the case in my 59 years here in my principally summer neighborhood.

Let's remember the Grapes were not actually a problem property as detailed by Judge Vhay

Do some residents' needs for total quietude next door supercede their neighbors' property rights? If so, we go too far, and we will damage our island's tourism trade and damage the comfort of many others who will live with that incivility as was stated by a voter at Town Meeting when she said "I do not want to live next door to a renter." There are just as many people who do not want to live next to someone who has moved in knowing of our customs, ways, and means on this island, yet who will threaten to sue for pursuing them.

I respectfully submit a more accurately described “Problem” & a more tailored solution for Nantucket

You can't legislate against rudeness and obtuseness but you can have noise and light bylaws and STR regulations which we do. You can't legislate against class but the folks on the workgroup speak like they want to. They are upset that the “new” type of folks who come here now are rude and disrespectful.

What we should be doing instead is addressing the specific problems each of these individuals is having in another appropriate way. Like actually enforcing noise problems at the TON, or putting together a kind of STR brigade to help out, to interface with the problem guests and problem hosts. Like an island-wide Homeowners' Association, or perhaps The NCL would consider sponsoring a subcommittee to assist with this. I'd volunteer to be on this brigade. I see the complainers need some assistance, so seriously, let's help them out.

The Deep Custom of Nantucket

Nantucket may very well have been the ‘inventor’ of vacation cottage rentals, aka STRs, a topic which I have researched with a collection of vintage tourism industry pamphlets some that are 125 years old. Renting-of-cottages was an already very well-

established practice which proprietors offered between June 1st and October 1st at the turn of the last century (1900), with rates and activity concentrated in the months of July & Aug and in the areas around the shores and in Town. This is a fact. So “churn” (often assigned specifically to platform facilitated rentals) is not a proper concept, but the success of Nantucket’s perennial tourism economy is the factor at hand. That is fact.

Therefore from a zoning perspective, would a better solution be to carve out year-round areas that the island feels should be protected from Summer usage / visitors / renters? If so, then let’s do that rather than dampen Nantucket’s deep economic engine as applied to areas all across the island, otherwise it is not fitting to our unique island’s history and current practice and does far more harm than good. And if the islanders who live in those neighborhoods don’t want that, then let them discuss this with their neighbors and perhaps their civic associations.

All neighborhoods should be important in our calculus

For each of the Article authors who say they don’t want to live next to an empty house in winter, I can

say that on Brant Point I am often the only light on in the whole entire neighborhood during winter months, but then I knew that this would be the case when I chose to move here full time. And the correlate of this in a seasonal neighborhood is that when our summer neighbors are here, we are all coming and going so no one knows who exactly is next door then either! This is the way of a summer colony and is best rectified by tipping my hat to everyone just as my grandfather taught me to do. We can all find the niceness in our neighbors no matter who they are.

Thank you very much for your time and consideration of my public comment made in written form to the Select Board and its Sub-Committee.
Respectfully,

Caroline Baltzer

—The 1906 photo below was in my great-great grandmother's scrapbook and it's her "STR" on Hulbert Ave which she rented after she lost 2 husbands to TB (Proprietor was a "Miss Baxter"):

Nantuxet J. H. B's residence
July 25 '06



Miss Bayliss, Nantuxet

From: [Robert J. Vidoni](#)
To: [Thomas Dixon](#); [Malcolm MacNab](#); [Steven Cohen](#); [Stephen Maury](#); cibenz@comcast.net; justpjp@gmail.com; sulzer@comcast.net; mattpeelsea@gmail.com; grant@caffeinated.com; [Denice Kronau](#); [David M Iverson](#); [Brooke Mohr](#); [Erika Mooney](#)
Subject: For your consideration
Date: Thursday, June 13, 2024 2:40:25 PM

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Dear Members of the Subcommittee,

First, I would like to thank each of you for the dedication and commitment you have made during this process. It really seems like the spirit of cooperation has risen! It is gratifying!

I am hopeful that you will be able to present an article that has the best possible chance of passing at the STM this fall, end the divisiveness, and allow the community to move on and return to the civility that made Nantucket so special to us. The negativity has become harder and harder to take and feels like it is poisoning our Nantucket life.

I would like to comment on the number of changes in occupancy during July and August being limited to commencing in July and ending in August and its possible unintended negative consequences. Also, weeks unavailable to rent because of the limit does not guarantee that the house will be empty. We certainly would offer it to our family or to theirs and our close friends without a penny of rent. Why would we not share our piece of heaven?

I believe I heard during one of the meetings that this policy might incentivize owners to accept longer contracts because they make more money renting shorter term. This is not how it works for us.

For the last 25 years we have had a 7-day minimum from Memorial Day to around mid-October. We used to get two-week rentals routinely, even a rare 3-week in high season and once in 25 years, a month. In the last 2 years we have lowered the minimum stay starting the last 2 weeks of August and the spring and fall shoulder season. We generally rent to families with children and grandchildren during July and August. Now that school is starting earlier in August, those folks no longer can come during last 2 weeks of August.

We initially lowered to a 4-night minimum with some luck. Still, with available nights, we lowered to 3 nights. Now we get some 3-, 4- or 5-night rentals (4 or 5) It is more and more difficult for some people to take time off, gather family together or afford more than these shorter stays. Although those nights might be \$100 more per night, that does not make up for the dead days that fall below the 3-night minimum around those reservations. We do not make more money renting short term overall. Cleanings cost the same as a full week, generally \$450. More changer over, more expense. It is comforting to have longer rentals. We would never turn down a longer-term rental. In fact, we offer a 5% discount for 7 nights or more. This year, starting around the 10th of September we do have a return 10-day rental followed by a week and someone taking 3 weeks as it is more affordable in October and they only bring their dog, no kids. These are all returning guests. So, our shoulder season is not all short-term contracts. Thus far this season we are down about 30%. I do believe the market is returning to lower than 2019 pre-covid levels.

We do support reasonable regulation, the elimination of new investor only operators and the reduction in the rate of new STR's if helps to reduce the pressure on the island during July and August and reign in irresponsible owners who rent. We are mindful that that reductions above a certain percentage (I do not know what that number is) could seriously impact local business owners, some of whom are our friends.

Thank you once again for your efforts.

Sincerely,

Bob Vidoni
8 Salti Way

PERUN 6/13 STATEMENT TO THE STR WORK GROUP

I do not own or operate a STR and as far as I know neither has anyone else in my family in the 90 years we have been here. I'll say more about that later.

One thing everyone seems to agree on is that we do not want commercial, investment-driven, short-term rentals. By "investment-driven," I don't mean a property owned by someone with ties to Nantucket that is rented. I mean one that is just a property that happens to be on Nantucket in a portfolio owned and operated by a business whose sole objective is to earn income for its investors.

We adopted Article 60 last month to prohibit that type of investment-driven business. But when I reread the article we passed, I found some major flaws through a glitch in the drafting. My article makes Article 60 work as we intended.

I am a retired tax and pension lawyer. I have done a fair amount of work with investment managers and businesses. They want access to where the money is – the trillions of dollars stored in tax-advantaged retirement plans. So they have to work with pension lawyers because our laws are very protective of those dollars.

To be as protective of Nantucket FROM investment dollars, we need to define some terms better.

First, Article 60 only prohibited a "corporation" from operating an STR. And, to the eyes of a tax lawyer, the definition is rather strange. U.S. corporations are excluded but not corporations from China for example? And enforcement requires knowing the incorporation laws of all other states. Do we really want to spend our legal dollars this way?

Second, it didn't prohibit investment partnerships which is the type of business structure typically used by private equity, hedge funds and similar less-regulated entities. And it didn't prohibit real estate investment trusts, commonly called REITs, which are mutual funds that invest in and operate real estate properties.

As a general rule, for tax reasons, real estate investment dollars will more typically flow into partnerships and REITs than a corporation. In a corporation, both the business and the investors pay taxes on their earnings. But in a partnership or REIT, the businesses don't pay taxes on their earnings, only the investors do. So you will generally find partnerships and REITs as the more common form of business structure for real estate investments unless they are on a very large scale.

To fix Article 60, we need a better definition of corporation and good definitions for partnerships and REITs. So I went looking for some and guess where I found them? On Broad Street in the Land Bank. Its rules have definitions that are sophisticated, extensive, professional, and relevant to STR regulation. I was impressed.

My article adopts the Land Bank's definition of corporation and protects the carve-out we adopted for family and estate planning trusts. The definition of a partnership comes directly from the Land Bank regs while the definition of a REIT comes from my personal favorite – the Internal Revenue Code.

I hope this article is passed because these are good definitions. They have been used by the Land Bank and the Internal Revenue Code successfully for decades. We understand what they mean.

In the article you may be drafting many concepts will need to be defined. It will be critical to have good definitions, especially regarding legacy properties and property purchases and sales. If not done right, lawyers will be busy looking for ambiguities and loopholes and trying to adjust property

ownership to look like it fits within the new law even if it really doesn't. That's just what lawyers are paid to do. Or you may find that the law you thought was just fine is full of Trojan horses.

I strongly suggest that any article you write adopt existing Land Bank regulations wherever possible. For example, they define who is a purchaser, what is a real property interest, who is a seller, what is the time of a transfer of a property interest, and so on. We shouldn't bake this cake from scratch. Nantucket needs to speak with one voice in its real estate laws so that lawyers can't arbitrage one definition against another in litigation.

Just one further point as a non-STR owner. STR owners have been far more vocal than we have on this issue. I have several very long emails in my inbox from them. I get it that they are trying to protect their income stream. But let's not decide whose interests come first on that basis or on someone's personal story. Let's not draft laws where profits trump the property rights of non-STR owners. We non-STR owners are the silent majority here, and you will need us to get to yes.

Public Statement of Nantucket Neighborhoods First

As the voice of the voters supporting Nantucket Neighborhoods First, I feel obliged at this point to advise the Select Board that we and our supporters have become dismayed with both the process of this workgroup to date and the first tangible outcome, John Giorgio's draft article. While we realize that it is a draft, the process was supposed to result in a compromise STR article. This, like what we are trying to accomplish, appears like a very rushed work product.

We gathered far more than the necessary signatures for our Accessory Use article, and, at the request of the Select Board, we agreed to enter the work group process in good faith. We have spent hours in preparation and discussion, and yesterday Mr. Giorgio sent a draft article which did not include any of our critical provisions. In fact, none have even been mentioned, much less considered. Even before the meetings began, we expected this could be the case and had little hope of a successful outcome. Nevertheless, we decided to participate.

Our priority has been and remains to protect residential neighborhoods from investor exploitation and preserve their quality of life. NO one wants an STR next door, but this process, perhaps due to speed, has failed to take these concerns into account and seems more focused on protecting investors and their financial decisions and futures.

Now that we are nearing the end of our allotted time, we feel it is important to set forth the minimum requirements of our group of voters. These include;

1-an owner residency requirement as set forth in our article. We have some flexibility regarding the number of STR days in that provision, but it allows a minimum of 28 days to STR in return for 32 days of residential occupancy for every lot.

2-the article must be an honest Accessory Use article and there must be an "A" in the Use Chart, something we have maintained from the outset.

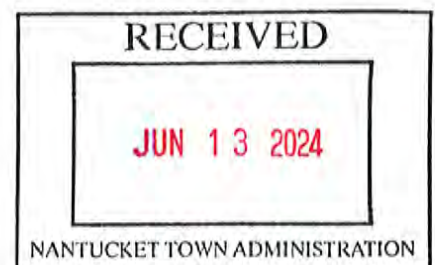
3- the article must use accessory and principal use and other well-defined terms in Mass. Zoning law. At the outset, those terms were included in articles, but have now disappeared altogether.

We understand that other people at this table may have other priorities than ours, but we represent voters and others who live on and visit Nantucket who are deeply concerned about preserving their neighborhoods and the quality of life of the community at large.

We will continue with this process for now, but we want everyone involved to know where we and our supporters stand on both this process and the very important STR issue for Nantucket.

Nantucket Neighborhoods First

Chanty Ray
June 13, 2024



From: [John W. Giorgio](#)
To: [Charity Benz](#); [Grant Sanders](#); [Steven Cohen](#)
Cc: [Libby Gibson](#); [Thomas Dixon](#); [Malcolm MacNab](#); [Erika Mooney](#); [Leslie Snell](#)
Subject: Revisions to Composite STR Zoning Bylaw
Date: Friday, June 14, 2024 11:13:04 AM
Attachments: [KP-#924901-v3-NANT - STR Zoning Bylaw - COMPOSITE.DOCX](#)

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Dear All;

Attached please find a red lined version of the composite STR zoning bylaw wherein I have made two revisions based on our discussion last night.

John

John W. Giorgio, Esq.



101 Arch Street, 12th Floor
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Composite Short-Term Rental Zoning Bylaw

(Zoning Bylaw Amendment Regulating Short-Term Rental Use)

To see if the Town will vote to amend Chapter 139 of the Town Code (Zoning) as follows:

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

COTTAGE COLONY

A group of four or more detached dwellings, legally in existence at the time of adoption of this bylaw, located on a single lot, which is customarily occupied on a seasonal basis.

HOSTED STAY

An overnight stay whereby a short-term renter occupies all or a portion of a Dwelling Unit located on a Lot where the Owner or Operator is present. An Owner or Operator is considered present when the Owner or Operator is on the Lot~~premises~~ except during the daytime and/or work hours.

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.

SHORT-TERM VACATION RENTAL

A Short-Term Rental use that complies with §139-38 of the Town Code.

2. Amend § 139-7A (Use Chart) by inserting Short-Term Rental between Tertiary Dwelling and Apartment Building in the Use column and inserting the designation N in all columns.

3. Amend 139-7A (Use Chart) by inserting Short-Term Vacation Rental after Short-Term Rental in the Use column and inserting the designation Y in all columns except for the Commercial Industrial (CI) District which shall have an N designation. Add the Note: Short-Term Vacation Rentals shall be subject to the requirements of §139-38.

4. Add a new section amending Chapter 139 by inserting the following new section of the Zoning Bylaw as follows:

§139-38 SHORT-TERM VACATION RENTAL

1. No person or other legal entity shall engage in a Short-Term Vacation Rental use as an Owner or Operator on ~~more than one a Lot; for more than one Dwelling Unit at a time~~; provided, however, if a Lot has more than one Dwelling Unit, a Primary Dwelling and a Secondary Dwelling may be rented as a Short-Term Vacation Rental ~~separately at the same time~~.
2. If an Owner or Operator who previously operated more than one Short-Term Vacation Rental **on the same Lot** at any time prior to the effective date of this bylaw, may continue to do so for a period of 5 years. Thereafter, the same or any new Owner or Operator shall be subject to the limitations set forth in §139-38(1).
3. No Owner or Operator may rent a Short-Term Vacation Rental that has a change in occupancy of more than **[6 to 7]** times in July and August, provided however that an Owner who purchases a Dwelling Unit after the effective date of this bylaw may only engage in a Short-Term Vacation Rental of a Dwelling Unit during the first three years of ownership of that Dwelling Unit which has no more than **[3-4]** changes in occupancy in July and August.
4. **After the effective date of this bylaw, any person or other legal entity that acquires a Dwelling Unit through inheritance, divorce, interfamily gift, or through a change in the form of record ownership of the prior record owner by the same underlying persons, may engage in the Short-Term Vacation Rental use of the same Dwelling Unit without being subject to the limitations contained in §139-38(3) as long as the prior record owner engaged in a Short-Term Vacation rental of the same Dwelling Unit for at least three years.**

5. There shall be no limit for any Short-Term Rental use on the number of changes in occupancy of any Dwelling Unit outside of July and August.
6. In order to qualify as a Short-Term Vacation Rental use, a Dwelling Unit must be operated at all times in compliance with Chapter 123 of the Town Code and all regulations promulgated thereunder.
7. Cottage Colonies and Hosted Stays shall be exempt from the requirements of §139-38.
8. Short-Term Vacation Rentals shall be prohibited in Tertiary Dwellings, Apartments for which a building permit has been issued prior to the effective date of this bylaw, Time-Sharing or Time-Interval-Ownership Dwelling Units or Dwellings, Affordable Housing, Workforce Homeownership Housing, Workforce Rental Housing, or in a Dwelling Unit that is subject to a deed restriction under the Nantucket Housing Needs Covenant program pursuant to Chapter 301 of the Acts of 2002, as amended.
9. In addition to all other enforcement remedies allowed under §139-25, the Town, acting through the Building Commissioner, may assess a civil penalty not to exceed \$5,000 for any violation of §139-38 in accordance with G.L. c. 64G, § 14(v). Each day a violation continues shall be considered a separate offense.
10. If any provision in §139-38 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.
11. This bylaw shall take effect on June 1, 2025.

Or to take any action relative thereto.

From: [Steven Cohen](#)
To: [John W. Giorgio](#)
Cc: [Libby Gibson](#); [Erika Mooney](#); [Leslie Snell](#); [Stephen Maury](#); [Penny Dey](#); [Arthur I. Reade Jr. \(air@readelaw.com\)](#)
Subject: Revisions to Composite STR Zoning Bylaw
Date: Friday, June 14, 2024 11:53:48 PM
Attachments: [Article for STR Zoning in KPL form 2, with SLC edits 061424.docx](#)

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John,

As I have said, as a former Federal regulatory attorney and as a current land use practitioner, I know from personal experience that your role here as Town Counsel is very difficult, doing this live and on the fly, applying developing law and dealing with so many different voices (especially certain unnamed real estate attorneys who talk too much). I want to express my appreciation for the great job that you and KP Law do for the Town, especially in these complex matters.

Attached is a redline of the proposed zoning bylaw, for your consideration as a drafter, and for consideration of the group as policy. A few of my edits are policy changes relative to the concerns that I am hearing, but most are intended to provide clarity on the developing areas of potential agreement from a practitioner's perspective.

I am not copying the SB subcommittee group to allow Erika to do so in a manner that complies with the OML.

Separately, below are my remaining suggestions for changes to the general bylaw. However, for the sake of simplicity, I agree that many of these are small and that we may want to put these in a different Article, in BOH regs, or hold them for ATM 2025. That said, I do think that the first one is needed process fix that should be done now to avoid some predictable chaos, and I like the second one as a strong community benefit.

1. CORs are valid for a calendar year, not a year from issuance, and are not transferable, but new buyers can honor leases signed under a valid COR either under their new COR or while their COR application is pending with the Town.
2. STR properties are required to upgrade within 3 years of first COR after affective date:
 - a. Comply with Chapter 102 – lighting bylaw.
 - b. Install low lumens lighting for pools.
 - c. Install vegetative or structural screening at lot lines and parking.
 - d. Install sound dampening for mechanical equipment near a property line.
 - e. Parking requirements.

3. Applications must provide contact information for the rental intermediary.
4. Applications must provide for 2 persons designated to respond within 2 hours of any complaint.
5. All advertisements for STRs must list the maximum number of occupants and the COR number.
6. All STR houses must post rules, contact information, and policies.
7. All STR Owners must confirm the identity of the renter and obtain an acknowledgement of rules before granting access.

Best,
Steven

STEVEN L. COHEN, ESQ.

PARTNER | COHEN & COHEN LAW PC

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From: John W. Giorgio <JGiorgio@k-plaw.com>

Sent: Friday, June 14, 2024 11:13 AM

To: Charity Benz <cibenz@comcast.net>; Grant Sanders <grant@digsand.com>; Steven Cohen <steven@cohenlegal.net>

Cc: Libby Gibson <LGibson@nantucket-ma.gov>; Tom Dixon <tdixon@nantucket-ma.gov>; Malcolm MacNab <mamacnab@nantucket-ma.gov>; Erika Mooney <EMooney@nantucket-ma.gov>; Leslie Snell <LSnell@nantucket-ma.gov>

Subject: Revisions to Composite STR Zoning Bylaw

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

CHANGE IN OCCUPANCY

The start of a lease term or occupancy period of a Dwelling Unit or Units as a Short-Term Vacation Rental by a new tenant, whether transitioning from another Short-Term Vacation Rental tenant or from any use by the Owner.

COTTAGE COLONY

A group of four or more detached dwellings in common ownership, legally in existence at the time of adoption of this bylaw, located on a single ~~lot~~Lot, which is customarily occupied on a seasonal basis and previously used for short-term rental purposes.

DESIGNATED OWNER

A natural person who is an Owner of a property engage in or to be engaged in Short-Term Vacation Rental use that is designated as such to the Town of Nantucket for purposes of tracking and limiting the number of Lots used as a Short-Term Vacation Rentals by any one person.

HOSTED STAY

An overnight stay whereby a short-term renter occupies all or a portion of a Dwelling Unit located on a Lot where the Owner or Operator is present. An Owner or Operator is considered present when the Owner or Operator is on the Lot except during the daytime and/or work hours.

A Short-Term Vacation Rental during which an Owner, an Operator, or a non-Operator tenant with a lease of 12 months or longer for a portion of the rented lot occupies for habitation any portion of a dwelling on the rented lot during the entire period of the Short-Term Vacation Rental. A Short-Term Vacation Rental during which an Owner or Operator occupies an abutting or nearby Lot for habitation during the Short-Term Vacation Rental may also be determined to qualify as a Hosted Stay upon a finding in advance by the Zoning Administrator that the proximity of the Lots reasonably satisfies the purpose of this provision, which is to factor in the benefit of an actively present responsible person living on or near the Lot relative to addressing neighborhood nuisances and similar impacts of Short-Term Vacation Rentals.

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, Limited Liability Company, 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.

SHORT-TERM VACATION RENTAL

A Short-Term Rental use that complies with §139-38 of the Town Code.

2. Amend § 139-7A (Use Chart) by inserting Short-Term Rental between Tertiary Dwelling and Apartment Building in the Use column and inserting the designation N in all columns.

3. Amend 139-7A (Use Chart) by inserting Short-Term Vacation Rental after Short-Term Rental in the Use column and inserting the designation Y in all columns except for the Commercial Industrial (CI) District which shall have an N designation. Add the Note: Short-Term Vacation Rentals shall be subject to the requirements of §139-38.

4. Add a new section amending Chapter 139 by inserting the following new section of the Zoning Bylaw as follows:

§139-38 SHORT-TERM VACATION RENTAL

Purpose.

The purpose of this section is to allow for Short-Term Rentals that encourage the following goals:

- 1) Preserve neighborhood integrity by addressing
 - a. Short-Term Rental related nuisances,
 - b. Short-Term Rental impacts on the real estate market,
 - c. Short-Term Rental impacts on neighborhood composition, and

- d. Short-Term Rental impacts related to investor-focused properties.
- 2) Preserve the custom and tradition of private home rental as the primary source of visitor accommodations in the Town of Nantucket, as opposed to proliferating hotels and resorts.
 - 3) Reasonably protect the property rights and prior financial decisions of persons who are or who become Owners of property in the Town of Nantucket.

Provisions.

1. No person ~~or other legal entity~~ shall engage in a Short-Term Vacation Rental use as ~~an the Designated Owner or Operator~~ on more than one ~~Lot~~; provided, however, ~~- if a Lot has more than one legal Dwelling Unit in which Short-Term Vacation Rentals are not prohibited herein, a Primary Dwelling and a Secondary such~~ Dwellings may be rented as ~~a Short-Term Vacation Rental~~s together or separately. If a single Lot is legally divided into multiple portions with separate dwelling units with separate Owners (such as Apartments, Apartment Buildings, Condominiums, Cooperatives, and the like), nothing herein shall prohibit multiple persons from being the Designated Owner on the same Lot, relative to their portion of that Lot.
2. If an Designated Owner ~~or Operator who~~ previously operated ~~more than one Short-Term Vacation Rental~~s on ~~the same~~ more than one Lot in the Town of Nantucket, at any time prior to the effective date of this bylaw, as evidenced by the payment of the Room Occupancy Tax, they may continue to do so as the Designated Owner for more than one Lot, limited to those specific Lots for a period of 5 years. Thereafter, the same or any new Owner or Operator shall be subject to the limitations set forth in §139-38(1).
3. No ~~Owner or Operator may rent a Dwelling Unit may be used as a~~ Short-Term Vacation Rental that has a change in occupancy of more than ~~[6 to 7]~~ 8 times in July and August, provided however that an Owner ~~-who purchases/acquires ownership of -a property Dwelling Unit~~ after the effective date of this bylaw may only engage in a Short-Term Vacation Rental of no more than 4 changes in occupancy in July and August for each of the Dwelling Units on that Lot during the first ~~three~~ four calendar years of ownership of that Dwelling Unit ~~property which has no more than [3-4] changes in occupancy in July and August.~~
4. After the effective date of this bylaw, any person or other legal entity that acquires a property Dwelling Unit through inheritance, divorce, interfamily gift, or through a change in the form of record ownership of the prior record owner by the same underlying person or persons, or any combination thereof, may engage in the Short-Term Vacation Rental use of the same Dwelling Unit ~~property~~ without being subject to the limitations contained in §139-38(3) ~~as long as the prior record owner engaged in a Short-Term Vacation rental of the same Dwelling Unit for at least three years.~~

5. There shall be no limit under this bylaw for any Short-Term Vacation Rental use on the number of changes in occupancy of any Dwelling Unit outside of July and August, nor any minimum or maximum stay requirements or maximum total days of rental.
6. In order to qualify as a Short-Term Vacation Rental use, a Dwelling Unit must be operated at all times in compliance with Chapter 123 of the Town Code and all regulations promulgated thereunder.
7. Short-Term Vacation Rentals at Cottage Colonies and-or that are Hosted Stays shall be exempt from the requirements of §139-38, except as provided herein.
8. Short-Term Vacation Rentals shall be prohibited in Tertiary Dwellings, Apartments for which a building permit to construct the new Dwelling Unit(s) has been issued prior-after to the effective date of this bylaw, Time-Sharing or Time-Interval-Ownership Dwelling Units or Dwellings (except those qualifying for exemption under §123-3.J), -Affordable Housing, Workforce Homeownership Housing, Workforce Rental Housing, or in a Dwelling Unit that is subject to a deed restriction under the Nantucket Housing Needs Covenant program pursuant to Chapter 301 of the Acts of 2002, as amended. The exemption from the requirements of §139-38 for Hosted Stays shall not apply to this provision.
9. In addition to all other enforcement remedies allowed under §139-25, the Town, acting through the Building Commissioner, -may assess a civil penalty not to exceed \$5,000 for any violation of §139-38 in- accordance with G.L. c. 64G, § 14(v). Each day a violation continues shall be considered a separate offense.
10. If any provision in §139-38 -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.
11. The Board of Appeals may by Special Permit waive the provisions of this Section on a finding that a literal enforcement would involve substantial hardship, financial or otherwise, and that the result of the requested relief is not contrary to the purposes of the Bylaw and is also not substantially detrimental to the neighborhood.

~~11.12.~~ 12. This bylaw shall take effect on June 1, 2025.

Or to take any action relative thereto.

From: [Grant Sanders](#)
To: [John W. Giorgio](#)
Cc: [Thomas Dixon](#); [Malcolm MacNab](#); [Erika Mooney](#)
Subject: Re: Revisions to Composite STR Zoning Bylaw
Date: Monday, June 17, 2024 10:25:45 AM

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.

Hi, John:

Hoping we can get a revision into the packet. Item two under section 139-38 still says:

1. If an Owner or Operator who previously operated more than one Short-Term Vacation Rental **on the same Lot** at any time prior to the effective date of this bylaw, may continue to do so for a period of 5 years. Thereafter, the same or any new Owner or Operator shall be subject to the limitations set forth in §139-38(1).

But, as we discussed last Thursday, it's not about owning more than one on the same lot. It's about owning more than one island-wide. So maybe it should say:

1. An Owner or Operator who previously operated more than one Short-Term Vacation Rental prior to the effective date of this bylaw may continue to do so for a period of 5 years. Thereafter, the same or any new Owner or Operator shall be subject to the limitations set forth in §139-38(1).

Grant Sanders

On Jun 14, 2024, at 11:12 AM, John W. Giorgio <JGiorgio@k-plaw.com> wrote:

Dear All;

Attached please find a red lined version of the composite STR zoning bylaw wherein I have made two revisions based on our discussion last night.

John

John W. Giorgio, Esq.

101 Arch Street, 12th Floor
Boston, MA 02110
617-654-1705
JGiorgio@k-plaw.com
www.k-plaw.com

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<KP-#924901-v3-NANT_-_STR_Zoning_Bylaw_-_COMPOSITE.DOCX>

Grant



www.digsand.com
508-826-1334

From: [John W. Giorgio](#)
To: [Grant Sanders](#)
Cc: [Thomas Dixon](#); [Malcolm MacNab](#); [Erika Mooney](#)
Subject: RE: Revisions to Composite STR Zoning Bylaw
Date: Monday, June 17, 2024 2:42:19 PM
Attachments: [KP-#924901-v3-NANT - STR Zoning Bylaw - COMPOSITE.DOCX](#)

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Grant

I would prefer to start with my latest revisions, which I am attaching to this email.

Please let me know if my revision to paragraph one meets your intent. In terms of Paragraph 2, I did not make any changes since I do not believe we made it that far last Thursday. I believe you are suggesting that the words "on the same Lot" be deleted. Is that correct? If so, I am fine with you suggested change to Paragraph 2.

John

John W. Giorgio, Esq.

KP LAW

101 Arch Street, 12th Floor
Boston, MA 02110
617-654-1705
JGiorgio@k-plaw.com
www.k-plaw.com

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From: Grant Sanders <grant@digsand.com>
Sent: Monday, June 17, 2024 10:25 AM
To: John W. Giorgio <JGiorgio@k-plaw.com>
Cc: Tom Dixon <tdixon@nantucket-ma.gov>; Malcolm MacNab <mmacnab@nantucket-ma.gov>; Erika Mooney <EMooney@nantucket-ma.gov>
Subject: Re: Revisions to Composite STR Zoning Bylaw

Hi, John:

Hoping we can get a revision into the packet. Item two under section 139-38 still says:

1. If an Owner or Operator who previously operated more than one Short-Term Vacation Rental **on the same Lot** at any time prior to the effective date of this bylaw, may continue to do so for a period of 5 years. Thereafter, the same or any new Owner or Operator shall be subject to the limitations set forth in §139-38(1).

But, as we discussed last Thursday, it's not about owning more than one on the same lot. It's about owning more than one island-wide. So maybe it should say:

1. An Owner or Operator who previously operated more than one Short-Term Vacation Rental prior to the effective date of this bylaw may continue to do so for a period of 5 years. Thereafter, the same or any new Owner or Operator shall be subject to the limitations set forth in §139-38(1).

Grant Sanders

On Jun 14, 2024, at 11:12 AM, John W. Giorgio <JGiorgio@k-plaw.com> wrote:

Dear All;

Attached please find a red lined version of the composite STR zoning bylaw wherein I have made two revisions based on our discussion last night.

John

John W. Giorgio, Esq.

101 Arch Street, 12th Floor

Boston, MA 02110

617-654-1705

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<KP-#924901-v3-NANT_-_STR_Zoning_Bylaw_-_COMPOSITE.DOCX>

Grant



www.digsand.com

508-826-1334

Composite Short-Term Rental Zoning Bylaw

(Zoning Bylaw Amendment Regulating Short-Term Rental Use)

To see if the Town will vote to amend Chapter 139 of the Town Code (Zoning) as follows:

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

COTTAGE COLONY

A group of four or more detached dwellings, legally in existence at the time of adoption of this bylaw, located on a single lot, which is customarily occupied on a seasonal basis.

HOSTED STAY

An overnight stay whereby a short-term renter occupies all or a portion of a Dwelling Unit located on a Lot where the Owner or Operator is present. An Owner or Operator is considered present when the Owner or Operator is on the Lot~~premises~~ except during the daytime and/or work hours.

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.

SHORT-TERM VACATION RENTAL

A Short-Term Rental use that complies with §139-38 of the Town Code.

2. Amend § 139-7A (Use Chart) by inserting Short-Term Rental between Tertiary Dwelling and Apartment Building in the Use column and inserting the designation N in all columns.

3. Amend 139-7A (Use Chart) by inserting Short-Term Vacation Rental after Short-Term Rental in the Use column and inserting the designation Y in all columns except for the Commercial Industrial (CI) District which shall have an N designation. Add the Note: Short-Term Vacation Rentals shall be subject to the requirements of §139-38.

4. Add a new section amending Chapter 139 by inserting the following new section of the Zoning Bylaw as follows:

§139-38 SHORT-TERM VACATION RENTAL

1. No person or other legal entity shall engage in a Short-Term Vacation Rental use as an Owner or Operator on more than one a Lot; for more than one Dwelling Unit at a time; provided, however, if a Lot has more than one Dwelling Unit, a Primary Dwelling and a Secondary Dwelling may be rented as a Short-Term Vacation Rental separately at the same time.
2. If an Owner or Operator who previously operated more than one Short-Term Vacation Rental on the same Lot at any time prior to the effective date of this bylaw, may continue to do so for a period of 5 years. Thereafter, the same or any new Owner or Operator shall be subject to the limitations set forth in §139-38(1).
3. No Owner or Operator may rent a Short-Term Vacation Rental that has a change in occupancy of more than [6 to 7] times in July and August, provided however that an Owner who purchases a Dwelling Unit after the effective date of this bylaw may only engage in a Short-Term Vacation Rental of a Dwelling Unit during the first three years of ownership of that Dwelling Unit which has no more than [3-4] changes in occupancy in July and August.
4. After the effective date of this bylaw, any person or other legal entity that acquires a Dwelling Unit through inheritance, divorce, interfamily gift, or through a change in the form of record ownership of the prior record owner by the same underlying persons, may engage in the Short-Term Vacation Rental use of the same Dwelling Unit without being subject to the limitations contained in §139-38(3) as long as the prior record owner engaged in a Short-Term Vacation rental of the same Dwelling Unit for at least three years.

5. There shall be no limit for any Short-Term Rental use on the number of changes in occupancy of any Dwelling Unit outside of July and August.
6. In order to qualify as a Short-Term Vacation Rental use, a Dwelling Unit must be operated at all times in compliance with Chapter 123 of the Town Code and all regulations promulgated thereunder.
7. Cottage Colonies and Hosted Stays shall be exempt from the requirements of §139-38.
8. Short-Term Vacation Rentals shall be prohibited in Tertiary Dwellings, Apartments for which a building permit has been issued prior to the effective date of this bylaw, Time-Sharing or Time-Interval-Ownership Dwelling Units or Dwellings, Affordable Housing, Workforce Homeownership Housing, Workforce Rental Housing, or in a Dwelling Unit that is subject to a deed restriction under the Nantucket Housing Needs Covenant program pursuant to Chapter 301 of the Acts of 2002, as amended.
9. In addition to all other enforcement remedies allowed under §139-25, the Town, acting through the Building Commissioner, may assess a civil penalty not to exceed \$5,000 for any violation of §139-38 in accordance with G.L. c. 64G, § 14(v). Each day a violation continues shall be considered a separate offense.
10. If any provision in §139-38 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.
11. This bylaw shall take effect on June 1, 2025.

Or to take any action relative thereto.

From: edwardkmills@gmail.com
To: [Erika Mooney](#)
Cc: edwardkmills@gmail.com; "[Kimberly Mills](#)"
Subject: Summer Rentals aka STRs
Date: Monday, June 17, 2024 9:16:11 PM

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.

Dear Erica Mooney,

I understand you are person who is receiving input on the proposed "STR" rules and regulations being contemplated by the town of Nantucket.

My family on both the maternal and paternal sides have been property owners on Nantucket for the better part of 100 years.

On both sides of my family their first stays on the island, way back when, were as summer renters (what we now call STRs). After a number of years as summer renters, they then purchased property on the island and our tradition of enjoying and contributing to Nantucket began.

Over these many decades since we have in turn made our homes on the island available to extended family, to friends, to friends of friends, and to properly introduced other visitors as "summer rentals". Many of those summer renters came back to our homes year after year, some for decades, and the baton of summer renting passed through the generations. I'm the third generation to manage our summer rentals on the island and my children will be taking the mantle from me soon.

This activity is not a business for us. Summer rentals are simply a way for us to share our homes with others that love the island as we do and to offset the high cost of owning and maintaining a home on Nantucket.

The thought that our group of seasonal owners and visitors was or is now considered to be an unwanted addition to the community, or is one that needs to be "controlled" by reductive and divisive community rules and regulations quite frankly baffles me, but here we are.

I write to you to add my voice in support of the following concepts as they apply to the STR debate:

- No one should be put in the position to have to sell their home because newly imposed restrictive regulations either change the economic landscape by which they made decisions to own a home on Nantucket, or simply just don't allow them to recover the cost of owning and maintaining their home through something as benign as a summer rental, or any form of rental for that matter. What does it matter if the persons

occupying a home are the owners, their guests, their descendants, their friends or even non-related parties. No matter their classification as long as the occupants are living in a home (i.e. being sheltered, sleeping, cooking and eating, bathing, relaxing, enjoying a pastime etc.) for a day, a week, a month, for a year, or on and off as they may please then those “occupants” are all appropriate inhabitants of the home. Trying to color them as different in some way than other home inhabitants is simply ridiculous.

- We have always required stays at homes in the summer to be for a week, minimum. Anything less was just too much of a hassle for everyone involved and made it feel like we were running a hotel ... and that was not our goal. There were a few exceptions to this but not many and when that happened our house would just stay empty until the next person arrived (whether renter or family member). This is what we do, and therefore to help with “churn” we support the idea of having a maximum number of turnovers allowed in July and August and think 8 is a good number. Setting a minimum number of days stay isn’t necessary as the maximum number of turnovers will logically encourage longer stays, but allow for unique situations where a shorter stay is warranted.
- We are not in support of the “sunsetting” ideas being considered. We are not in support of rules and regulations where home ownership, whether as a primary or seasonal home, and its residential use can somehow be forced into some kind of progressively restrictive set of rules that then force property owners to make decisions that may lead to them having to separate from their home legally and rightfully purchased.
- Finally, we encourage the rules and regulations as may be imposed to be as SIMPLE as possible. The more complex they are the less likely they are to be approved and the harder they will be to enforce.

Respectfully,

Ed Mills and family

From: salisburybd@aol.com
To: [Erika Mooney](#)
Subject: Select Board STR Subcommittee: Comment for June 20, 2024 meeting
Date: Tuesday, June 18, 2024 6:41:21 AM

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.

Please include this submission in the revised packet for tonight's public comment session, or let me know that will not be possible. Thank you.

To the Select Board STR Subcommittee, Town Counsel and Interested Persons:

In 139-38(3) as proposed, the current draft's shift to an unqualified "change in occupancy" could prohibit an owner/operator from enjoying their home during those weeks of July and August where it is not rented. I am confident you do not intend for a transfer of occupancy back to an owner/operator in between rentals to be considered a change in occupancy that counts toward any cap. To avoid that unintended consequence, especially considering the sanctity of a zoning bylaw, please add words to clarify that it is paid occupancy that would be subject to the caps, rather than all changes or transfers of occupancy. The additional word or words added to clarify and distinguish the two is the approach taken under the Commonwealth's STR legislation (which uses the word rent).

David Salisbury
18 Brant Point Road

[Sent from the all new AOL app for iOS](#)

From: [Liz Anderson Steinke](#)
To: [Thomas Dixon](#); mmcnab@nantucket-ma.gov; [Denice Kronau](#); [David Iverson](#); grant@caffeinated.com; cibenz@comcast.net; [Stephen Maury](#); steven@cohenlegal.net; sulzer@comcast.net; [Brooke Mohr](#); [Matt Fee](#); [Dawn Hill Holdgate](#); [Erika Mooney](#)
Subject: STR debate: Don't make me sell our family home of nearly 40 years
Date: Tuesday, June 18, 2024 2:54:49 PM

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.

To the parties discussing regulations on short-term rentals on Nantucket:

I watch with concern the discussions, debates and conflicting proposals seeking to regulate short-term rentals on Nantucket.

I view it from a particular lens -- second generation Nantucket property owners who are striving to hold on to a property my parents bought, invested in and cherished at 97 Orange Street.

When my parents bought the house in 1986, my dad was a late-career executive still employed during the week on the mainland. My mom had two young teens at home and saw Nantucket - - where we had vacationed every June since I was born -- as a place where she could live seasonally, have a robust social and community life and give us a childhood that included free time at the beach and steady summer jobs in the tourist economy as teens -- all of which it did. As we grew and my dad retired, they invested more and more into improving the property, adding a detached garage and a full foundation under the main house, extending out the back entrance, and renovating the yard. They cherish old homes and lovingly restored this one, originally built sometime before 1750. Ultimately, they moved full-time to Nantucket -- becoming part of the community, from their active book group to volunteering at many festivals and serving in the altar guild at St. Paul's church.

My mom, Barbara Anderson, remained a full-time island resident after my father's death, and continued to care for and cherish the property until her unexpected death in June 2018.

At that point, the house was thrust into the care of my sister and myself. We both live in Connecticut and had grade-school aged children of our own (now young teens), with husbands who commute to NYC and part-time jobs of our own. While we each love Nantucket and try to spend as much time there as possible, we were not -- and are not -- in a stage of our life where one or both of us could spend the entire summer there. Beyond that, maintaining the house comes with sizeable annual expenses in the neighborhood of \$40,000 to \$60,000 a year that we are not able to support from our personal household budgets.

We quickly concluded we were going to have to rent our beloved 97 Orange some of that time to avoid having to sell this property my parents cared for so much, and that our own families also cherish. After some renovations and freshening up, we began renting it by the week the summer after my mom's death, and continue to do so today. We use it ourselves for roughly 4 weeks in the peak summer season and various weekends in the shoulder season; we do not come in the winter.

Hanging on to the house -- with its ongoing costly maintenance needs and various issues -- has been its own true labor of love.

We are responsible landlords, as it's our family property. It's well-appointed, with our own personal furniture, and we will only rent to families and groups of older adults. We ask them to treat it with the same respect they would their own home, and stress this with our realtors. The neighbors know how to contact us should there be any issues at all, which I am pleased to say have been rare (a missed trash pickup last year being one of the worst complaints, which isn't that terrible). We are the kind of landlords the island should want to see continue in the summer vacation tradition.

Should the STR regulations pass with certain restrictions, however, it could put a real damper on our chances of holding on to this family home for years to come.

Some of the potential restrictions that alarm me are:

1. Limiting short term rentals to only two weeks or more and/or capping the number of total rentals in peak months. Our experience has been that while we would love more two-week rentals, and have had some, the island price point of \$10,000 or more a week for a property our size -- plus the steep short term rental taxes -- makes these hard to come by. Most of our rentals are for a single week. Any ordinance that forces renters into two-week periods only serves to make the island more exclusive and does nothing, in my opinion, to restrict short-term rentals in terms of occupied days. (Note that we do not rent for less than 7 days in almost all cases.)

2. Requiring owners to be at the property a certain percentage of the year. Unless vacant time is counted, I am not confident we could meet many of the benchmarks being discussed. I'd love to spend more time on Nantucket -- I'm just not in a position to come more often right now.

3. Limits that tie the number of weeks we can rent to the number of days we can stay at the property personally. As mentioned, we try to come for up to 28 days as owners between July and August and maybe total another 8-12 days in the off season between family trips and maintenance visits. But we also try to rent for between 56 and 70 days from June to September to cover expenses. Truth be told, this hasn't yet fully covered our expenses, but we're doing our best. Any dent made by the regulations in this schedule means a dent in our potential income - and another hit we'll take as we try to keep the finances of the house afloat.

I am deeply concerned about the lack of affordable housing on Nantucket, and the failure of the legislature to pass an affordable housing trust fund. However, changing our ability to rent our home to help cover expenses will not turn our large, downtown residence into affordable housing -- it will simply force us to sell and put it into the hands of yet another multimillionaire using it for a seasonal vacation spot. That would be a sad day for my family but also, I think, for the types of longtime summer residents who love Nantucket and want to continue to call it their part-time home.

Please do not forget the folks like me and my sister -- the stewards of this family home -- as you weigh what might be billed as simple compromises. Anything that puts us closer to having to put the house on the market would be a sad day, indeed.

Best,
Liz Steinke

From: [Hank Holliday](#)
To: [Erika Mooney](#)
Subject: Letter Attached for The Select Board and STR Committee
Date: Tuesday, June 18, 2024 4:09:38 PM
Attachments: [Holliday letter to work group.docx](#)

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Ms. Mooney

Please distribute the attached letter to members of The Select Board and STR Committee.

Thank you

Hank Holliday

65 Walsh St

Dear Members of the Select Board Sub-committee on Short-Term Rentals,

As a neighbor of Caroline Baltzer, I recently read her letter to your committee with dismay. I don't know where to start so I'll address some of her so called concerns in order.

First, she urges the committee to use data in their analysis such as the data that the town already paid for through the Short-Term Rental Work Group (STRWG). Strangely, she doesn't refer to any specific data. However, perhaps Ms. Baltzer missed this but the most significant data from the STRWG is the growth in short-term rentals. In particular, STR registrations on the island have grown from 676 in 2019 to 2440 in 2023. This is a difference of 1,764 in four years which is a 261% increase. For your reference, please see slide 10 from their presentation to public officials [here](#).

Next, she claims that there is a bias among people who want to regulate STRs due to their encounters with problem properties. First, this is demonstrably false and, ironically, as a social scientist and someone who stresses data, she doesn't provide any data to support this theory. But, she claims that the STRs in her neighborhood are not problematic. Again, this is unfortunately and demonstrably false since I live in the same neighborhood. In fact, various tenants in all three STRs abutting my home all received visits from me personally regarding noise and late night parties last summer including the owner of 68 Hulbert Avenue. Incidentally, he was extremely cooperative and promised to speak to each of his 2024 tenants about noise and appropriate neighborly behavior.

That said, regulating STRs isn't a debate about noise and nuisance complaints. These are only symptoms of the larger problem which I've addressed before. It is about preserving the rights of residents to rent their properties on an accessory use basis in the Nantucket tradition. That said, this will also preserve our quality of life and the fabric of our community in the process.

Lastly, Ms. Baltzar continually talks about the research she conducted regarding "a collection of vintage tourism industry pamphlets some that are 125 years old." She states: "Renting-of-cottages was an already very well established practice which proprietors offered between June 1st and October 1st at the turn of the last century (1900), with rates and activity concentrated in the months of July & Aug and in the areas around the shores and in Town."

Putting aside the fact that comparing STRs from 125 years ago to those of today is comparing apples and oranges, Ms. Baltzer may not realize that the STRs she described would have likely qualified as an accessory use. So, maybe ok there is hope for compromise after all.

Respectfully,
Hank Holliday

From: [Sally Obletz](#)
To: [Erika Mooney](#)
Subject: STR
Date: Tuesday, June 18, 2024 4:19:54 PM

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Erika,

I have a few comments, questions and concerns about the STR "debate".

1. I heard a few comments about Condos .. are there concerns about STR on condos?
2. We bought a small place as a starter and if limits placed on new owners of only 3 turnovers, we will not be able to upsize..this would also impact people who may want to downsize.
3. if these STR regulations are put in place, this will drive housing values down. I understand that home values can go up and down, but that is often market related... this decrease in home values will be a direct result of proposed STR restrictions and will impact EVERY homeowner on the Island.
4. Since there seemed to be a lot of concern about big corporations owning STRs -- and that has since been taken care of and rentals are down this year, perhaps hit the "pause" button and see how it goes this summer. Take in steps rather than all at once approach.
5. Can you clarify what is meant by sunsetting
6. It seems to me that none is talking about the overall economic impact these restrictions will have on the Island... everything from housekeeping to taxes will go up to cover loss of income Nantucket will become too expensive for many people to visit
7. and not for nothing, I would love to have multi week rentals, but I don't often get them. So if any of you on the committee know how i can get them so I keep to the proposed 6 turnovers but with more weeks rented, please let me know!

I wish everyone would take a deep breath and understand that tourism is the Island's livelihood and putting a chokehold on STRs will have a negative impact on the Island. So many businesses depend on and survive on the July- August business and you are looking at cutting 2-3 weeks of business.

Thank you

Carol Foster

From: [Mike Herlihy](#)
To: [Thomas Dixon](#); [Malcolm MacNab](#); [Steven Cohen](#); [Stephen Maury](#); cibenz@comcast.net; justpjp@gmail.com; sulzer@comcast.net; mattpeelsea@gmail.com; grant@caffeinated.com; [Denice Kronau](#); [David M Iverson](#); [Brooke Mohr](#); [Erika Mooney](#)
Subject: Using "Nantucket".in the wording of the new use in the Zoning By-Law under consideration
Date: Tuesday, June 18, 2024 7:01:43 PM

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Tom and Malcolm et al.

This will summarize my public comment earlier tonight.

I particularly like the idea of having a separate zoning use designation for rentals [less than 32 days.?] The inclusion of the word Nantucket is particularly appealing. Perhaps **‘Nantucket Community Vacation Rentals’ [NCVR’s]** would be a good fit.

Separating the Nantucket formula for successful evolution of our traditional rental culture in zoning accomplishes several things.

- It separates in zoning any confusion over primary and accessory use definitions - legislatively and conversationally
- It clearly denotes our intention of evolving our long-standing community embrace of traditional home rentals while underscoring making commercial exploitation of our community most unwelcome.
- It is yet another ‘first’ in a long line of innovations prompted by the long evolution of our particular community - home rentals for vacationers, restriction of hotels, preserving our coastlines and open spaces, Land Bank, HDC, the new Housing Trust, Ack Now Rental Relief Initiative, Covenant Homes, seasonal extensions from Daffodil to Stroll, ... The success of these innovations should help restore the community’s trust and confidence in our ability to deal fairly and effectively with significant community concerns. [badly bruised by the 4 year STR dialogue]
- It keeps things simple with the use details spelled out in. Section ?? 38 ?? And the operation spelled out in the bylaw.
- It offers significant communication opportunity to separate Nantucket from the national debate over STR’s.
Imagine the headline. **“Nantucket prohibits STR’s; choosing instead to evolve its tradition of Nantucket community members renting their homes to visitors and workers.”**
- Hopefully it will offer some healing of the dialogue within the community.

Should you be successful in developing a combined article, I would be interested in helping with the communication effort which will be needed both to encourage adoption at the September 16th STM and guiding compliance with the evolving governance of traditional Nantucket rentals.

With Best Regards,

Mike

Mike Herlihy

Mikeherlihy@mac.com

617-653-5829

From: [Steven Cohen](#)
To: [Charity Benz](#); [Matt Peel](#); [Grant Sanders](#); [Jim Sulzer \(sulzer@comcast.net\)](#); [Stephen Maury](#)
Cc: [JGiorgio](#); [Erika Mooney](#); [Libby Gibson](#); [Thomas Dixon](#); [Malcolm MacNab](#); [Denice Kronau](#); [Dave Iverson \(d.m.iverson@comcast.net\)](#)
Subject: STR progress
Date: Tuesday, June 18, 2024 7:25:51 PM

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STR Subcommittee Work Group,

I hope that we can agree that this has been a very productive process, and especially that it has demonstrated that we have a significant overlap in our goals, that no one is proposing to kill STRs, and no one is proposing to have unlimited STRs. I hope that we can also agree that the status quo is undesirable, both because it is mostly unregulated and because the uncertainty and divisiveness need to end. While none of the proposed Citizen Articles are likely to get 2/3 at STM, there is potentially a relatively simple, effective, understandable, and reasonable middle ground that could get a 2/3 vote at STM and would go a long way to meet our mutual goals. I hope that you agree.

I observe that we seem to have agreement on the following:

1. Creating two new uses in the zoning code deals with the issue of primary or ancillary use by a) prohibiting an unlimited STR option in all zones and b) allowing a well-regulated STR option in all zones except CI.
2. Limiting the number of STRs to one lot per person slows the growth rate of STRs and discourages portfolios of investment houses.
3. Allowing legacy rights for pre-existing STRs for a) over one lot per person and b) for Cottage Colonies, protects the rights and major financial decision of owners who predate the rule changes.
4. Using Changes in Occupancy as the primary tool can both mitigate the impacts on neighborhood and limit investor-focused STRs.
 - a. Limiting CIOs for July and August to essentially one per week maintains the rhythm of typical summer visitors.
 - b. Limiting CIOs to about half of July and August for new owners for 3 years discourages investor-focused purchases and encourages home use by owners before they get full rights.
5. Limits on CIOs in the shoulder and off season, limits on the total number of STR days, minimum stay requirements, residency stay requirements, and complicated systems to alter those numbers are not desirable or effective, and in many cases would be overly invasive, overwhelming to staff or unenforceable.
6. Hosted stays can be exempt from some rules because a responsible party is living on the premises.
7. Increasing fines, tying into Chapter 123, and setting rules that allow for STR registration

certificates to be revoked or not renewed are powerful enforcement tools that should improve neighborhood impacts better than relying on other code provisions, like the noise bylaw, for example.

8. There are several types of dwellings that should not be STRs: affordable housing, NHNC housing, new apartments, tertiary dwellings, time shares and interval ownership dwellings new already exempt, and designated workforce housing.
9. Setting the effective date for June of 2025 gives owners and the Town time to implement the new rules after AG review and before next Summer.

If we are in agreement on this, then there may only be a few policy issues to resolve.

1. Should legacy rights have a sunset or termination date?
 - a. I would propose to not have these rights sunset. People who made significant long-term purchases under a certain set of rules, or who are trying to keep inherited properties in the family, should not lose those rights and then be forced to sell them or use legal schemes to keep them. Sunsetting legacy rights hurts locals by grouping them in with investors, serves no significant beneficial purpose, and is unfair. It also is a very heavy hand being applied to a very small number of people and properties.
2. How many CIOs should be allowed in each category?
 - a. I propose 8 CIOs for the July and August period. This period generally has 8 weeks, occasionally 9 weeks, and we should respect the concept of weekly rentals without artificially limiting it for people who qualify at this level of ownership. Cutting this level to 6 or 7 CIOs will have a massive impact on STR owners and the local economy with little material difference to neighborhoods and no material impact on investors. It will also really harm the working people who are more reliant on this income to make a living here more than it will impact investors.
 - b. I propose 4 CIOs for new owners for the July and August period for their first 3 years. This number of CIOs should be low enough to discourage investors in a market where investor-STRs already do not pencil out, but high enough for people who really want to buy a house here to rent some and use some, as is extremely common. Less than 4 CIOs seems highly punitive and hurts an important part of our market by making ownership even more expensive and unattainable for the mid-level buyer who is probably the new STR buyer most devoted to our community.
3. Do we want to create a Special Permit process for waivers?
 - a. This is worth considering. The ZBA should not be heavily involved in issuing STR permits, but a new STR rule like this is likely to have unintended consequences and we should consider having a process to address those without going to Town

Meeting. That said, we should avoid having a board that would to be heavily involved in STR permits or turn them into a subjective popularity contest.

Also, while there are other issues that could possibly be addressed in a separate Article, in BOH regs, or otherwise, at least one of those is procedurally important. Since Certificates of Registration are not transferable, an accommodation needs to be made to allow leases signed under a valid STR COR to be honored by a new buyer while their STR COR application is pending. Unless the Town can turn around STR applications extremely quickly, not addressing this issue will cause chaos in the market for people trying to sell a house with leases, as is common.

Best,
Steven

STEVEN L. COHEN, ESQ.

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From: [Emily Molden](#)
To: [Thomas Dixon](#)
Cc: [Malcolm MacNab](#); [Erika Mooney](#); [JGiorgio](#)
Subject: STR Composite Article Comments/Questions
Date: Tuesday, June 18, 2024 7:59:39 PM

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Hello Tom,

I wanted to follow up on my comments this evening with some more specific questions relative to the drafting of the Composite article thus far. I recognize that the elements of this article and its structure are still somewhat in flux, and also that I have not been able to attend all of the group's meetings in their entirety, so I may have missed some important discussion which already addressed some of these points.

1) The proposal to define Short Term Rental in the zoning bylaw with the explicit intention of prohibiting it as a use in all districts is very unusual. I am not aware of any other occasion where this is done. As we know, if a use is not expressly permitted in our zoning bylaw it is prohibited. Defining a use just to prohibit it does not seem in line with our zoning practices and is somewhat confusing. In addition...

2) Defining Short Term Rental and prohibiting it in the use chart seems to create an inconsistency with our general bylaw in Chapter 123 which registers and regulates Short Term Rentals with the same definition.

3) In John Giorgio's email dated June 12, he highlighted the recommendation not to attempt to regulate ownership through zoning. We agree with this recommendation. However, Section 139-38 (4) in the draft Composite Article seems to regulate ownership around inheritance, etc.

4) I understand that the number of contracts within July and August has been a key component of the group's discussion. In reviewing the state's legislation granting municipalities the ability to create a registry for short term rentals there are a list of elements that can be regulated which include: the existence of Short Term Rentals, the location, the class of operators, the number of licenses, and the number of days. My question is, does the municipality have the legal authority to regulate the number of contracts?

5) The Composite Article has specifically focused on the number of contracts an owner/operator is allowed to have within the months of July and August. The reasoning and perspective for doing so is understood, but if the new Short Term Vacation Rental definition is adopted with the requirements of Section 139-38 without any limitations outside of July and August, it will not be possible to add additional restriction to the number of contracts or days that can be rented outside of July and August for pre-existing rentals in the future. Is this correct?

6) Are there legal concerns, or is there legal precedent, for grandfathering what is currently an unlawful use, and/or for sunseting what is being determined to be a lawful use? Is sunseting an appropriate practice in zoning?

I understand that there may be an opportunity to address some or all of these questions at the

final meeting scheduled for Thursday.
Thanks very much for your time and consideration.
Best,
Emily

From: [Charity Benz](#)
To: [Erika Mooney](#)
Subject: Re: STR progress
Date: Tuesday, June 18, 2024 8:01:41 PM
Attachments: [Charity-Final.png](#)

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Thank you to Steven for lobbying, once again and frequently, for his vision of an STR article. The complexity, once again, is likely to confound voters and turn them off, once again, for a fifth time.

The lack of interest and participation at tonight's public comment session suggests that the public, and certainly voters, remain disengaged. Other than those individual property owners who short term rent and participated tonight to protect their financial investment and interest, there were no realtors, no business owners, and just a handful of people who seemed to have had some experience with the STRWG. I think some of them spoke twice simply to avoid our being embarrassed by the lack of participation.

The supporters of our group are offered little in this proposition, and we reserve the right to reject or suggest modifications to any of the elements that divert from our article's objective to comply with the current Zoning bylaw in order to protect Nantucket's residential neighborhoods

Please feel free to convey my email to the 11 people that Steven once again copied in his latest missive of this evening.



On Jun 18, 2024, at 7:25 PM, Steven Cohen <steven@cohenlegal.net> wrote:

STR Subcommittee Work Group,

I hope that we can agree that this has been a very productive process, and especially that it has demonstrated that we have a significant overlap in our goals, that no one is proposing to kill STRS, and no one is proposing to have unlimited STRs. I hope that we can also agree that the status quo is undesirable, both because it is mostly unregulated and because the uncertainty and divisiveness need to end. While none of the proposed Citizen Articles are likely to get 2/3 at STM, there is potentially a relatively simple, effective, understandable, and reasonable middle ground that could get a 2/3 vote at STM and would go a long way to meet our mutual goals. I hope that you agree.

From: [Sally Obletz](#)
To: [Erika Mooney](#)
Subject: follow up
Date: Tuesday, June 18, 2024 10:44:48 PM

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A couple of follow up comments following tonights zoom session:

1. I hope the committee listened to the comments regarding the economic factors that STR limits would cause: Limiting STRs in July and August would be a true hardship to the people who earn a living from the summer tourism business. The boat captain would have to leave the Island. I don't think any of us want that!! How many year round residents really shop in the stores along main St, Centre St and the seasonal Stores along the Wharf? Many of those stores would close... and how about the Merchandise stores? How many of you are buying sweatshirts and other tchotchkes?

STR limits would have a huge impact on them as noted tonight

2. Why are you only looking at one class of rentals? Shouldn't all rentals be looked at? We take care of our property; I have a neighbor who lives and works on the Island that does a year round rental and is a slumlord. The property is in need of work, but their attitude is they are doing the Island a favor by having a year round rental. I bet if the Health department went in and looked at the dwelling, they would have some issues.

3. I have a friend that is a year round resident; their neighbor who comes and stays in their own home has a light that shines into my friend's backyard. And their dog barks all the time. If they were short term renters, this would be such an issue, but because they are home owners its ok? Shouldn't everyone just be considerate of each other? Maybe make "rules" about lights, noise etc etc ordinances for the island as a whole?

4. I truly think that with Corporate ownership being banned and rentals down this year (and they were last year too) that we pause and see how things go and take this in baby steps. Right now, it seems like this big push to get it done for the September meeting. There is nothing wrong with saying: we've made some progress; we are realizing there are more levels to this and we need to take our time to do our due diligence and we need more time. Why rush to judgement? That is when mistakes are made.

5. my take away is 6 turnovers is not enough-- and that would include new buyers---... at least 8 is the number I heard and I hope the committee did too

Thank you

Carol Foster

From: [Grant Sanders](#)
To: [Thomas Dixon](#); [Malcolm MacNab](#); [Erika Mooney](#)
Subject: Giorgio draft technical amendments
Date: Wednesday, June 19, 2024 3:42:34 PM
Attachments: [KP-#924901-v3-NANT_-_STR_Zoning_Bylaw_-_COMPOSITE_wGS_Edits.docx](#)

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Tom and Malcolm:

I have made some edits to John Giorgio's latest draft to reflect some technical changes that reflect the spirit of the discussions we've had in the past four meetings.

I'm hoping John can include these as we move forward?

Best,

Grant



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508-826-1334

Composite
Short-Term Rental Zoning Bylaw

(Zoning Bylaw Amendment Regulating Short-Term Rental Use)

To see if the Town will vote to amend Chapter 139 of the Town Code (Zoning) as follows:

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

COTTAGE COLONY

A group of four or more detached dwellings, legally in existence at the time of adoption of this bylaw, located on a single lot, which is customarily occupied on a seasonal basis.

HOSTED STAY

An overnight stay whereby a short-term renter occupies all or a portion of a Dwelling Unit located on a Lot where the Owner or Operator is present. An Owner or Operator is considered present when the Owner or Operator is on the Lot~~premises~~ except during the daytime and/or work hours.

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.

SHORT-TERM VACATION RENTAL (STVR)

A Short-Term Rental use that complies with §139-38 of the Town Code.

2. Amend § 139-7A (Use Chart) by inserting Short-Term Rental between Tertiary Dwelling and Apartment Building in the Use column and inserting the designation N in all columns.

3. Amend 139-7A (Use Chart) by inserting Short-Term Vacation Rental after Short-Term Rental in the Use column and inserting the designation Y in all columns except for the Commercial Industrial (CI) District which shall have an N designation. Add the Note: Short-Term Vacation Rentals shall be subject to the requirements of §139-38.

4. Add a new section amending Chapter 139 by inserting the following new section of the Zoning Bylaw as follows:

§139-38 SHORT-TERM VACATION RENTAL

1. No person or other legal entity shall engage in a Short-Term Vacation Rental use as an Owner or Operator on more than one a Lot; for more than one Dwelling Unit at a time; provided, however, if a Lot has more than one Dwelling Unit, a Primary Dwelling and a Secondary Dwelling may be rented as a Short-Term Vacation Rental separately at the same time.
2. If an Owner or Operator who previously operated more than one Short-Term Vacation Rental on more than one lot on the same Lot at any time prior to the effective date of this bylaw, may continue to do so for a period of 5 years. Thereafter, the same or any new Owner or Operator shall be subject to the limitations set forth in §139-38(1).
3. No Owner or Operator may rent a Short-Term Vacation Rental that has a change in occupancy of more than [6 to 7] times in July and August, provided however that an Owner who purchases a Dwelling Unit after the effective date of this bylaw may only engage in a Short-Term Vacation Rental of a Dwelling Unit during the first three years of ownership of that Dwelling Unit which has no more than [3-4] changes in occupancy in July and August. provided however that an Owner who purchases a Dwelling Unit, or a lot and builds a dwelling unit, after the effective date of this bylaw may only engage in a Short-Term Vacation Rental with no more than [3-4] changes in occupancy in July and August for the first three years of STVR operation.
4. After the effective date of this bylaw, any person or other legal entity that acquires a Dwelling Unit through inheritance, divorce, interfamily gift, or through a change in the form of record ownership of the prior record owner by the same underlying persons, may engage in the Short-Term Vacation Rental use of the same Dwelling Unit without being -subject to the change-in-occupancy limitations for new owners contained in §139-38(3) as long as the prior record owner engaged in a Short-Term Vacation Rental of the same Dwelling Unit for at least three years.

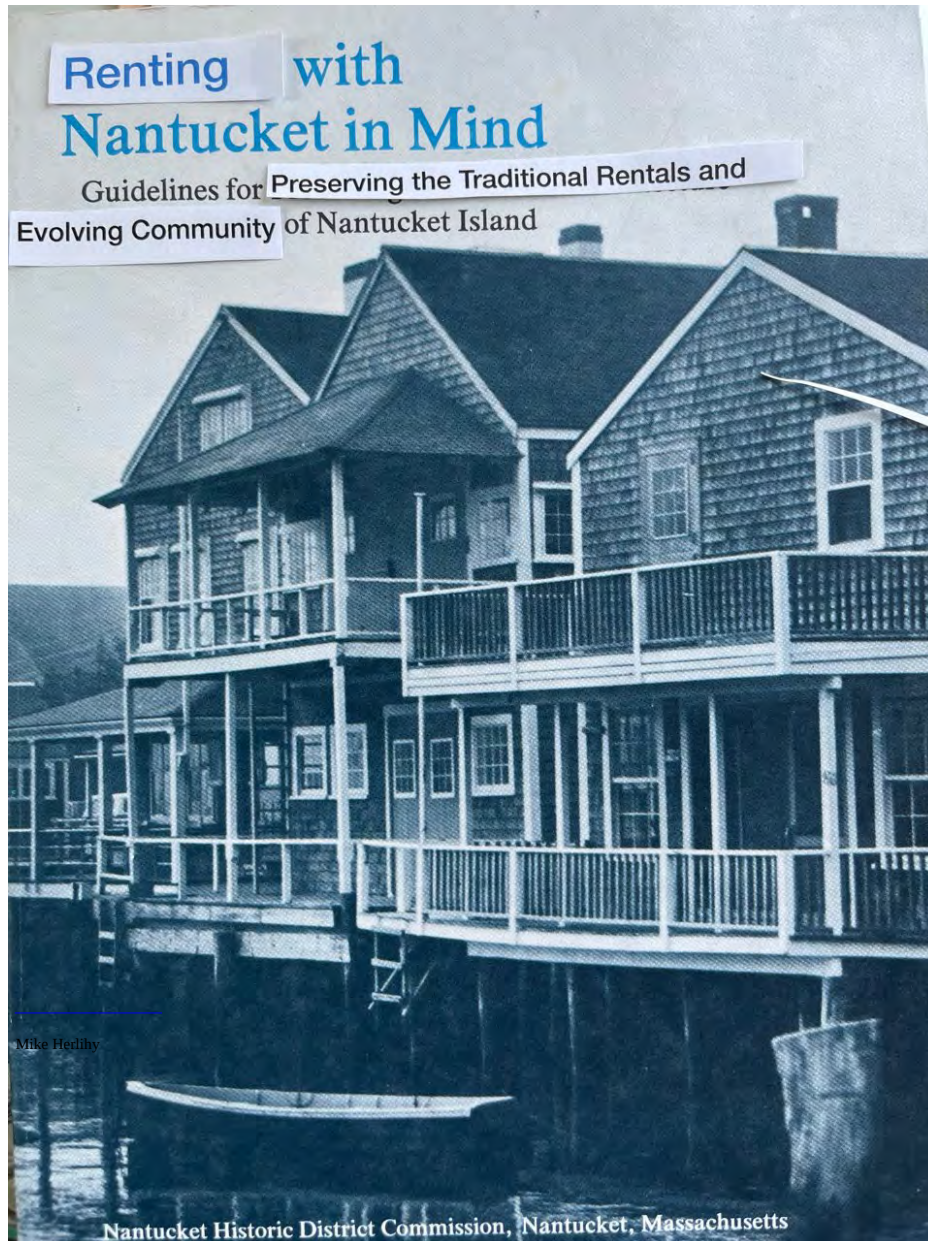
5. There shall be no limit for any Short-Term Vacation Rental use on the number of changes in occupancy of any Dwelling Unit outside of July and August.
6. In order to qualify as a Short-Term Vacation Rental use, a Dwelling Unit must be operated at all times in compliance with Chapter 123 of the Town Code and all regulations promulgated thereunder.
7. Cottage Colonies and Hosted Stays shall be exempt from the requirements of §139-38.
8. Short-Term Vacation Rentals shall be prohibited in Tertiary Dwellings, Apartments for which a building permit has been issued prior to the effective date of this bylaw, Time-Sharing or Time-Interval-Ownership Dwelling Units or Dwellings, Affordable Housing, Workforce Homeownership Housing, Workforce Rental Housing, or in a Dwelling Unit that is subject to a deed restriction under the Nantucket Housing Needs Covenant program pursuant to Chapter 301 of the Acts of 2002, as amended.
9. In addition to all other enforcement remedies allowed under §139-25, the Town, acting through the Building Commissioner, may assess a civil penalty not to exceed \$5,000 for any violation of §139-38 in accordance with G.L. c. 64G, § 14(v). Each day a violation continues shall be considered a separate offense.
10. If any provision in §139-38 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.
11. This bylaw shall take effect on June 1, 2025.

Or to take any action relative thereto.

From: [Mike Herlihy](#)
To: [Thomas Dixon](#); [Malcolm MacNab](#); [Steven Cohen](#); [Stephen Maury](#); [cibenz@comcast.net](#); [justrip@gmail.com](#); [Matt Fee](#); [sulzer@comcast.net](#); [mattpeelsea@gmail.com](#); [grant@caffeinated.com](#); [Denise Kronau](#); [David M. Iverson](#); [JGiorgio](#); [Brooke Mohr](#); [Erika Mooney](#)
Cc: [Mike Herlihy](#); [Penny Herlihy](#)
Subject: Sometimes "a picture is worth a thousand words"
Date: Thursday, June 20, 2024 12:15:34 PM

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Good Luck, Tonite Mike



Mikeherlihy@mac.com

617-653-5829