

Town and County of Nantucket Select Board • County Commissioners

Brooke Mohr, Chair
Thomas M. Dixon
Matt Fee
Dawn E. Hill Holdgate
Malcolm W. MacNab



16 Broad Street
Nantucket, Massachusetts 02554

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

C. Elizabeth Gibson
Town & County Manager

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

YOU TUBE LINK FOR VIEWING ONLY:
<https://youtube.com/live/J8s0MjavksE>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_DrcHLPOARxq1xBdHYStJcw

- I. CALL TO ORDER***
- II. SELECT BOARD ACCEPTANCE OF AGENDA***
- III. ANNOUNCEMENTS***
 1. The Select Board Meeting is Being Audio and Video Recorded.
 2. Announce Applications Received for 2024 Committee Vacancies - Round 3: Capital Program Committee; Council for Human Services; Council on Aging; Cultural Council; Real Estate Assessment Committee; Town of Nantucket Scholarship Committee; Zoning Board of Appeals.
 3. Select Board Announcements/Comments.
- IV. FOLLOW-UP ON PUBLIC COMMENT QUESTIONS FROM PRIOR SELECT BOARD MEETINGS***
- V. PUBLIC COMMENT****
- VI. NEW BUSINESS****
- VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS***
 1. Approval of Minutes of December 2, 2024 at 4:00 PM; December 4, 2024 at 5:30 PM; December 5, 2024 at 9:00 AM.
 2. Approval of Payroll Warrants for December 8, 2024.

3. Approval of Treasury Warrants for December 11, 2024.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Housing Office:
 - a) Request for Approval and Execution of Joinder to Global Participation Agreement for the Town's Participation in MassDocs Program for Affordable Housing Projects.
 - b) Request for Authorization to Submit Housing Production Plan (HPP) Certification Request Letter to Executive Office of Housing and Livable Communities (EOHLC) for Safe Harbor.
 - c) Request for Authorization of Additional Funding from Affordable Housing Trust for Housing Nantucket's Housing Project at 1, 2, 3, 4, 5, 7, 9 and 11 Wiggles Way (Formerly Known as 31 Fairgrounds Road).
2. Sewer Department: Update on Third Sewer Force Main Project.
3. Town Council Study Committee: Request for Non-binding 2025 Annual Town Meeting Warrant Article and 2025 Annual Town Election Ballot Question Regarding Change of Government.

IX. PUBLIC HEARINGS

1. Public Hearing to Determine Tax Allocation by Classification (Chapter 369, Acts of 1982, as Amended); Percentage of Residential Exemption to be Granted for Fiscal Year 2025 (Continued from December 4, 2024).

X. TOWN MANAGER'S REPORT

1. FY 2026 General Fund Budget Presentation.
2. Continued Review of Town-Sponsored Warrant Articles for 2025 Annual Town Meeting.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Review Letter of Engagement for Zoning Board of Appeals Independent Special Counsel and/or Consultant for Surfside Crossing, LLC Application 25-24; Possible Votes Taken (Tabled from December 4, 2024).
2. Announcement of Response to Bureau of Energy Management (BOEM) Mitigation Proposal for SouthCoast Wind (Offshore Wind Project).
3. Committee Reports.

XII. ADJOURNMENT

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



AGENDA PROTOCOL

For all Town of Nantucket Boards, Committees, Commissions, Work Groups, Councils and Trusts
(herein collectively referred to as "Committees" in this document)

Roberts Rules: Town of Nantucket Committees follows Roberts Rules of Order to govern its meetings as per the Town Code Charter.

Public Comment: Public Comment is to bring matters of public interest to the attention of the Committees. At the Committee's discretion, matters raised under Public Comment may be directed to Town Administration and/or appropriate departmental staff, or may be placed on a future agenda, allowing all viewpoints to be represented before the Committee takes action, if any. Except in emergencies, the Committee will not normally take any other action on Public Comment in its sole discretion.

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Committee to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with the United States Constitution and the Massachusetts Declaration of Rights.

The agenda for regular Committee meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Committee to take up first. This time is reserved for speakers to address the Committee on matters that are not related to any other Agenda item. If a speaker wishes to address the Committee on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.

All speakers are encouraged to present their remarks in an orderly and peaceable manner, without disruption to other speakers.

All remarks will be addressed through the Chair of the meeting.

The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not protected under the United States Constitution and the Massachusetts Declaration of

Rights because it constitutes true threats, incitement to imminent lawless conduct, or engages in conduct that disrupts other speakers.

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

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

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

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

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

Approved: March 27, 2024

Select Board
2024 Committee Vacancy Appointments Timeline
Round 3
As of 11/14/2024

November 15 – Advertise committee vacancies on Town’s website

November 20 and December 4 – Committee vacancies to be added to Select Board agendas as announcement

November 21 and November 27 – Advertise committee vacancies in the Inky

December 6 at 12:00 PM – Deadline for submitting applications for the following committee vacancies:

- Capital Program Committee, 1 seat, term expires 2025
- Council for Human Services, 1 seat, term expires 2027
- Council on Aging, 1 seat, term expires 2026
- Cultural Council, 1 seat, term expires 2026
- Real Estate Assessment Committee (*Real Estate Professional*), 1 seat, term expires 2026
- Town of Nantucket Scholarship Committee, 1 seat, term expires 2027
- Zoning Board of Appeals, 1 seat, term expires 2025

December 11 and December 18– The names of applicants who have submitted applications will be read aloud and applications will be included in the Board’s packet.

January 8, 2025 – Meeting for applicants to introduce themselves and review their applications; committee appointments made.

2024 Committee Vacancy Applicants – Round 3

Capital Program Committee

1 Seat Available; 1 Applicant

1 Seat Term Ends 2025

Current Committee Members:

VACANT (At-Large)	2025
Christy Kickham (At-Large)	2026
Howard Matz (At-Large)	2026
Peter T. Kaizer (At-Large)	2027
Dawn Holdgate (SB Rep)	2025
Jill Vieth (Fin Com Rep)	2025
John Kitchener (NP&EDC Rep)	2025

Applicants:

Caroline Baltzer – new applicant (late applicant)

Council for Human Services

1 Seat Available; 0 Applicants

1 Seat Term Ends 2027

Current Committee Members:

Suzanne Keating	2025
Amanda Wright	2025
Tara Restieri	2025
Sarah Wright	2026
Claudia Valle	2026
Kelly Steffen	2026
Sue Mynttinen	2027
Veronica Bolcik	2027
VACANT	2027

Applicants:

None

Council on Aging

1 Seat Available; 0 Applicants

1 Seat Term Ends 2026

Current Committee Members:

Robert M. Kucharavy	2025
Erin Lynch	2025
Abigail (Abby) Camp	2025
Mary Anne Easley	2026
Rocky Fox	2026
VACANT	2026
Linda Williams	2027
Lisa Sherburne	2027
Arlene O'Reilly	2027

Applicants:

None

2024 Committee Vacancy Applicants – Round 3

Cultural Council ^

1 Seat Available; 0 Applicants

1 Seat Term Ends 2026

Current Committee Members:

Sarah C. Ellis (Term 1)	2025
Bethany Oliver (Term 1)	2025
Barbara Tibbitts (Term 1)	2025
Michael Kopko (Term 2)	2026
VACANT	2026
Tony Wagner (Term 1)	2027
Jack Bulger (Term 1)	2027

Applicants:

None

^ Pursuant to the Massachusetts Cultural Council's Local Cultural Council Program Guidelines, "The term of membership for a council member is three years; members can serve a maximum of two consecutive terms, or a total of six years, unless the appointing authority removes a member before the expiration of a term. Members must remain off the council for a one-year interval before serving additional terms."

Real Estate Assessment Committee

1 Seat Available; 1 Applicant

1 Seat Term Ends 2026 (Real Estate Professional)

Current committee Members:

Lee W. Saperstein (Local Resident At-Large)	2025
Nathaniel Lowell (Real Estate Professional)	2026
VACANT (Real Estate Professional)	2026
John B. Brescher, Esq. (Real Estate Professional)	2027
Thomas Barada (Local Resident At-Large)	2027

Applicants:

Jesse Bell – new applicant

Zoning Board of Appeals

1 Seat Available; 1 Applicant

1 Seat Term Ends 2025

Current Committee Members:

VACANT (as of last Dec '24 mtg)	2025
Elisa H. Allen	2026
Susan McCarthy	2027
Joe Marcklinger	2028
John B. Brescher	2029

Applicants:

Lisa Bottecelli (current Alternate Member)



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



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.
Caroline Baltzer
617-438-7501

Name: _____

Home Phone: _____

Mailing Address: 66 Hulbert Avenue

Alternate Phone: _____

Address: _____

12/6/24

Email Address: _____

Date Submitted: _____

Capital Committee

REQUESTING APPOINTMENT TO: _____

Reasons for Committee Interest

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

Since 2020, I have been following the Nantucket Select Board and some of its Committees, Boards and work groups to learn how the government, the voters, and civic groups function together on Nantucket. I was recently interviewed by Barrett Consulting as part of the Master Plan updating, and have closely studied the current Master Plan with an eye toward our Planning challenges. I have attended many live Town meetings and watched many later on utube. I am especially interested in the role of the CapCom since it functions like a type of savings account for Nantucket and thereby requires a longer-range view like the view used for planning purposes. One of my strengths is to see larger patterns and trajectories in complex situations and I enjoy using this ability to help my community. I am able to attend the scheduled meetings in person as soon as I am needed.

Relevant Experience

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

My strength of being able to see the forest through the trees mentioned above I think will be helpful to the current Capital Committee. I have a doctoral degree in the social sciences, practice as a clinical psychologist, and have taught statistics to business students for 2 years. I also have extensive training in qualitatively and quantitative research methods and in group processes, the later of which I think helps me be an especially effective committee member. I really enjoy learning about the inner workings of things and will do all the work necessary to be an active member of the CapCom for the benefit of Nantucket.

Potential Conflicts of Interest

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

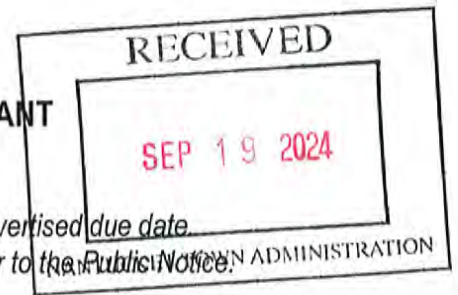
I am currently a member of the Town Council Study Committee which will be completing our committee task soon. I am also on the Board of the Brant Point Association. I am not employed by the TON nor is anyone in my family.

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

No.



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



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

Name: Jesse Bell **Home Phone:** 508-221-4894

Mailing Address: 5 South Mill St, Nantucket, MA **Alternate Phone:** _____

Email Address: bell.jess@gmail.com **Date Submitted:** 9/18/2024

REQUESTING APPOINTMENT TO: Real Estate Assessment Committee

Reasons for Committee Interest

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

I have not been a participant of the REAC meetings but I have watched them on YouTube. I am interested in this committee because I have a depth of knowledge working in municipal government over many years and believe my background and skill set make me uniquely qualified to serve on this committee. Although I am now working in the private sector I would like to be involved in public service in some way, and the time commitment of once/month seems manageable to me.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
I worked for the Land Bank in various capacities for nearly 17 years, most recently as their Executive Director. During this time I was involved in negotiations, acquisitions, eminent domain takings, and swaps with the Town. I am familiar with Article 97 issues, NHESP mitigation requirements, high priority public interest parcels, OBB easement program, and more. I am also a title examiner and have a good foundation of knowledge on many Nantucket properties, having done diligence on many of them through my prior work history.
- What would you hope to accomplish on the committee/board/commission?
My only goals would be to advance the public interest and be helpful to the Town in reviewing real estate matters which come before the committee.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
I am on the host committee for the Scallop's Ball which is a fundraiser for the Nantucket Shellfish Association (a 501(c)(3) nonprofit organization).
 - Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?
No, although I worked for the Land Bank for many years, the Land Bank is a distinct and legally independent governmental entity from the Town of Nantucket, and none of my other family members work for the Town.
-



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

RECEIVED

DEC - 4 2024

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

Name: Lisa Botticelli **Home Phone:** 508-228-6495

Mailing Address: 24 Pine Street **Alternate Phone:** 508-325-2148

Email Address: lisa@botticelliandpohl.com **Date Submitted:** 12/4/2024

REQUESTING APPOINTMENT TO: ZBA

Reasons for Committee Interest

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

I have been a sitting board member since 2007. I believe that I started as an alternate and became a full member a year later. Currently I am an alternate but have been interested in rejoining as a full member since i lost my spot.

I am interested in using my experiences to continue to serve the Town of Nantucket.

Yes, I am committed to the meeting schedule.

Relevant Experience

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

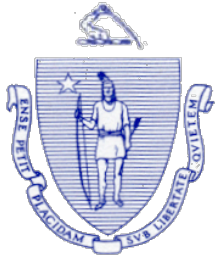
I believe that my years of experience on the board as well as my experience as an architect give me many skills for the Zoning Board of Appeals.

My hope is to provide a logical approach in evaluating special permit and variance requests that uphold the intent of our zoning by law.

Potential Conflicts of Interest

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

NO



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

REBECCA L. TEPPER
SECRETARY OF ENERGY
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION
BOSTON, MA 02110
(617) 305-3500

JAMES VAN NOSTRAND
CHAIR

CECILE M. FRASER
COMMISSIONER

STACI RUBIN
COMMISSIONER

December 11, 2024

VIA email

Lisa S. Wieland
President, National Grid New England
Massachusetts Electric Company
and Nantucket Electric Company,
each d/b/a National Grid
lisa.wieland@nationalgrid.com

RE: December 7, 2024 Nantucket Outage

Dear President Wieland:

On December 7, 2024, the service for approximately 1,400 Nantucket Electric Company ("National Grid") electric distribution customers, both residential and business, was interrupted in the Town of Nantucket, including in the downtown area. The outage was the result of a fault on a National Grid underground distribution cable. At approximately 1:30 pm on Sunday, December 8, power to all affected customers was restored. The timing of this outage and its duration prior to restoration are especially concerning because it coincided with the Town's 50th Annual Nantucket Christmas Stroll, resulting in substantial losses for affected businesses.¹

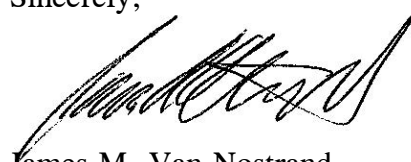
¹ Jeremy Fox, Nantucket power outage during holiday stroll hits businesses hard: 'That's literally our Super Bowl', Boston Globe, Dec. 9, 2024, <https://www.bostonglobe.com/2024/12/09/metro/nantucket-businesses-missed-busiest-day/>.

This event constituted a Service Interruption, as defined in 220 CMR 19.02. Moreover, pursuant to 220 CMR 19.03(3), each electric distribution company is required to restore service to its customers in a safe and reasonably prompt manner during all Service Interruptions and outages. As you know, the Department of Public Utilities' ("Department") Service Quality Standards for Electric Distribution Companies and Local Gas Distribution Companies, D.P.U. 12-120-D (2015) ("SQ Guidelines")² provide that electric distribution companies may be subject to penalties for failure to meet the Department's service quality performance standards. Penalties for such failures are based on annual performance metrics such as system average interruptions duration index, system average interruptions frequency index, circuit average interruptions duration index, and circuit average interruptions frequency index. The Department will evaluate whether this outage and National Grid's response complied with its obligations under these regulations and standards. In addition, the Department will assess whether National Grid prepared appropriately for this contingency, given the constraints of serving Nantucket Island and the significance of this event to the Nantucket economy.

It is a core mission of the Department to promote safe and reliable electric service. To that end, Department staff were in communication with National Grid personnel and state emergency management personnel to ensure that this outage was remedied as swiftly and safely as possible. The Department urges National Grid to ensure compliance with the Department's SQ Guidelines and Standards of Performance for emergency preparation and restoration of service for electric distribution and gas companies.

Thank you for your attention to this matter.

Sincerely,



James M. Van Nostrand
Chair

cc: Brooke Mohr, Chair, Nantucket Select Board, bmohr@nantucket-ma.gov
C. Elizabeth Gibson, Nantucket Town Manager, townmanager@nantucket-ma.gov
Representative Dylan A. Fernandes, Barnstable, Dukes and Nantucket,
Dylan.Fernandes@mahouse.gov
Senator Julian Cyr, Cape and Islands, julian.cyr@masenate.gov

² <https://www.mass.gov/info-details/service-quality>

Representative-elect Thomas Moakley, Barnstable, Dukes and Nantucket,
thomas@thomasmoakley.com

Rebecca Tepper, Secretary, Executive Office of Energy and Environmental Affairs,
rebecca.l.tepper@mass.gov

Kathleen Skarin, Chief of Staff, Executive Office of Energy and Environmental
Affairs, kathleen.skarin@mass.gov

Michael Judge, Undersecretary of Energy, Executive Office of Energy and
Environmental Affairs, michael.r.judge@mass.gov

Lynne Nadeau, Regulatory Affairs Manager Massachusetts, National Grid,
lynne.nadeau@nationalgrid.com

Caroline Hon, Vice President of New England Regulation and Pricing, National Grid,
caroline.hon@nationalgrid.com



Agenda Item Summary

Agenda Item #	VIII. 1a.
Date	12/11/24

Staff

Kristie Ferrantella, Housing Director

Subject

Approval of MassDocs Application

Executive Summary

MassDocs makes affordable housing development more efficient by providing a common set of loan documents for projects using a variety of state and local funds. It's highly advantageous of the Town to be a member of MassDocs.

Staff Recommendation

Accept the Unit Deed and approve the Settlement Statement

Background/Discussion

The MassDocs program provides standard-form documents for closing on state and local funds.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

Attachments

1. Application



Joinder to Global Participation Agreement

The Town of Nantucket (the “Town”) joins in the execution of the Global Participation Agreement dated March 13, 2006 among, inter alia, The Commonwealth of Massachusetts acting by and through the Executive Office of Housing and Livable Communities, Community Economic Development Assistance Corporation, Massachusetts Housing Partnership Fund Board, and The Commonwealth of Massachusetts acting by and through the Executive Office of Housing and Livable Communities under the Affordable Housing Trust Fund Statute, M.G.L. c.121D, by the Massachusetts Housing Finance Agency, as administrator (the “Global Participation Agreement”) for the purpose of establishing itself thereunder as a Lender. Pursuant to Section 21 of the Global Participation Agreement, the Town agrees to become a party to the Global Participation Agreement for the purposes of participating in the Program (as defined therein) and to perform all the obligations of a Lender thereunder. Notices to the Town under the Global Participation Agreement should be sent as set forth below.

IN WITNESS WHEREOF, the Town has caused this Joinder to be executed under seal, by an official thereunto duly authorized, as of the ____ day of December, 2024.

Town of Nantucket
By its Select Board

By: _____

Name: Brooke Mohr
Title: Chair

NOTICE ADDRESS:

Town of Nantucket
Town & County Building
16 Broad Street
Nantucket, MA 02554
Attn: Town Manager



Agenda Item Summary

Agenda Item #	VIII. 1b.
Date	12/11/24

Staff

Kristie Ferrantella, Municipal Housing Director

Subject

Authorize Submission of HPP Certification Request Letter to Executive Office of Housing and Livable Communities (EOHLC)

Executive Summary

Consistent with the Board's desire to remain in Safe Harbor, we are seeking the Board's authorization to submit a letter to EOHLC requesting certification of our Housing Production Plan. As the Board further knows, there are several projects in the works which collectively add units to our Subsidized Housing Inventory List in 2024. We are pleased that 52 units were added to our SHI list. We will be seeking a one-year certification in conjunction with the expiration of our current period of certification, which would extend our safe harbor until February 13, 2025. While we had hoped to gain two years of Safe Harbor, the EOHLC has declined 10 of the units, marking us short of our 62 unit goal. The Housing Department is working with several key projects including Ticcoma Green to ensure there is no gap in safe harbor in 2025.

Staff Recommendation

Recommend approval of authorization to submit a certification request letter and authorize the Chair to sign on behalf of the Board and Town.

Background/Discussion

Please see description above.

Impact: Environmental ☐ Fiscal ☐ Community ☒ Other ☐

Addressing the housing crisis; Select Board strategic goal around Safe Harbor maintenance.

Board/Commission Recommendation

Public Outreach

N/A

Attachments

December 11, 2024 Draft Certification Request Letter; Deed-restricted units created since 2019; Master Plan for staying in Safe Harbor



December 11, 2024

Executive Office of Housing and Livable Communities
Attn: Phil DeMartino
100 Cambridge Street, Suite 300
Boston, MA 02114

VIA E-MAIL

Dear Phil,

The Town of Nantucket is pleased to submit this request for a *new one-year certification* of our 2021 Chapter 40B Housing Production Plan ("HPP"), which the Executive Office of Housing and Livable Communities ("EOHLC") formerly the Department of Housing and Community Development ("DHCD") approved with an effective date of September 24, 2021.

As noted in the January 11, 2023, certification letter from EOHLC, our current certification runs until December 11, 2024. We are pleased to report the 48 rental units that comprised the Violet Place Acceleration in 2022 are now completed and occupied, as well as the two homeownership units in Richmond's Sandpiper Place II development.

We understand this current request would initiate a new period of certification (so-called "Safe Harbor") commencing on February 13, 2024, consistent with the most building permit issuance date(s).

Our request for amended certification is based on the following recent progress on affordable housing production. Under EOHLC's regulations, we understand that the annual certification requirement for Nantucket is 31 units, and 62 units would result in a two-year certification.

We now have 52 additional units which we understand from prior conversation with EOHLC are initially eligible for inclusion on our Subsidized Housing Inventory ("SHI") and certification as of the building permit dates:

Development	Project Type	Number of SHI-eligible Units	Filing Date of Special / Comp Permit Decision with Town Clerk	LIP / LAU Approval Date
Richmond Meadows II – Gooseberry Place Acceleration	LAU (rental)	45	March 9, 2017	May 3, 2019
Richmond - Sandpiper Place I Acceleration	LAU (homeownership)	3	March 9, 2017	May 3, 2019
Habitat for Humanity Waitt Drive	LAU (homeownership)	4		August 13, 2024

The building permit dates for the five rental apartment buildings comprising 45 units are:

- 7 Gooseberry Place (10 units) – 01/04/2024
- 6 Gooseberry Place (9 units) – 01/04/2024
- 1 Gooseberry Place (8 units) – 02/13/2024
- 3 Gooseberry Place (9 units) – 02/13/2024
- 2 Gooseberry Place (9 units) – 02/13/2024

The building permit dates for the three 80% AMI restricted homeownership units within Sandpiper Place I are:

- 9 Bluet Court (1 unit) – 01/04/2024
- 8 Bluet Court (1 unit) – 02/05/2024
- 24B Evergreen Way (1 unit) – 02/09/2024

The building permit dates for the four 80% AMI restricted homeownership units within Habitat for Humanity Nantucket's Waitt Drive development are:

- 5 Waitt Drive, Lot B (1 unit) – 05/03/2024
- 5 Waitt Drive, Lot A (1 unit) – 05/14/2024
- 9 Waitt Drive, Lot A (1 unit) – 06/25/2024
- 9 Waitt Drive, Lot B (1 unit) – 06/25/2024

What is particularly exciting about this "Gooseberry Acceleration" portion of the Richmond development is that the Nantucket Affordable Housing Trust was able to work with the developer to accelerate production timing to meet the large demand here *and*, with EOHLC's help, simultaneously double the number of restricted units in this portion by buy-downing affordability – from the original developer plan of 15 units at 80% AMI and 40 units at market to *17 units at 80% AMI, 5 units at 110% AMI, and 5 units at 120% AMI* with the balance (28) being market rate restricted to year-round occupancy. An updated Regulatory Agreement has been signed by the developer, the Town and EOHLC.

As EOHLC is aware, the Town of Nantucket elected officials, staff and volunteer board members have worked diligently in recent years to promote and support the design and approval of development projects that create a variety of new affordable housing options – meeting community housing needs and the preservation of the Island's historic character. We are pleased, with EOHLC's invaluable guidance and support, *to have continued to add a significant number of units on our SHI during the past few years.*

This progress has been made possible by people like Rieko Hayashi, Margaux LeClair, Aly Sabatino, and you, Phil. We are exceedingly grateful for EOHLC's support.

With the above / attached, we believe Nantucket qualifies for a new one-year certification providing Safe Harbor effective to February 13, 2025. If you have any questions or need additional information, please contact the Housing Director for Nantucket, Kristie Ferrantella, at kferrantella@nantucket-ma.gov or 508-228-7200 ext. 7023.

Respectfully submitted,

Brooke Mohr
Chair, Nantucket Select Board

Cc: Libby Gibson, Town Manager, Town of Nantucket
John Giorgio, KP Law – Town Counsel
Rieko Hayashi, Local Initiative Program Director, EOHLC
Aly Sabatino, Local Action Unit Coordinator, EOHLC
Kristie Ferrantella, Housing Director, Town of Nantucket
Margaux LeClair, Counsel / Fair Housing Specialist, EOHLC
Vicki Marsh, KP Law – Town Counsel
Lee Smith, KP Law – Town Counsel
Leslie Snell, Director of Planning, Town of Nantucket

Attachments

1. DHCD Certification Letter – January 11, 2023
2. Filed Special Permit for Meadows II (3/9/2017)
3. LAU Approval Letter for Meadows II (5/3/2019)
4. Filed Special Permit for Sandpiper Place II (3/9/2017)
5. LAU Approval Letter for Sandpiper Place II (5/3/2019)
6. LAU Approval Letter for Waitt Drive Development (08/14/2024)
7. Building permits (5) for the 45 units comprising the Richmond Gooseberry Place Acceleration portion of Meadows II
8. Floor plans denoting income restrictions for the 45 units comprising the Richmond Gooseberry Place Acceleration portion of Meadows II
9. Building Permits for three (3) of the 80% AMI restricted units within Sandpiper Place I (homeownership)
10. Building Permits for four (4) of the 80% AMI restricted units within Habitat for Humanity Nantucket's Waitt Drive Development (homeownership)

Deed Restricted Units Created since 2019

Description	Confirmed # of Deed Restricted Units	Under Construction for Deed # of Units	Potential Funding # of Units	AMI Range	# of SHI units	Total Project Cost
Apartment Acceleration and BuyDown	55			80% - 120%	55	\$ 6,725,000.00
Apartment Acceleration and BuyDown	48			70%-120%	48	\$ 5,950,000.00
Apartment Acceleration and BuyDown	24			50-100%	24	\$ 2,600,000.00
Apartment Acceleration and BuyDown	22			80% - 150%	22	\$ 16,379,006.00
Construction of Homes	7			80% - 175%	6	\$ 3,100,000.00
Construction of Homes	6			80%	6	\$ 4,000,000.00
Construction of Homes	3			80%	3	\$ 1,346,000.00
Existing Single Family Home	3			150%	0	\$ 172,623.45
Construction of Homes	2			80%	2	\$ 1,089,331.71
Deed Restrictions	2			240%	0	\$ 90,000.00
Existing Single Family Home	1			240%	0	\$ 1,700,000.00
Existing Single Family Home	1			240%	0	\$ 1,738,871.67
Existing Single Family Home	1			240%	0	\$ 825,636.54
Existing Single Family Home	1			150%	0	\$ 450,000.00
Existing Single Family Home	1			240%	0	\$ 1,600,000.00
Existing Single Family Home	1			150%	0	\$ 900,000.00
Apartment Acceleration and BuyDown		64		30% - 120%	64	\$ 8,700,000.00
Development of Vacant Land		32		TBD	32	\$ 3,862,396.55
Development of Vacant Land		17		TBD	17	\$ 2,600,000.00
Development of Vacant Land		12		TBD	12	\$ 2,612,395.00
Development of Vacant Land		6		TBD	6	\$ 1,200,000.00
Development of Vacant Land		3		TBD	3	\$ 600,000.00
Apartment Acceleration and BuyDown			32	80%	32	\$ 2,000,000.00
Construction of Homes			3	80%	3	\$ 2,268,000.00
TOTAL	178	134	35		335	\$ 72,509,260.92

Current and Projected Toward Our Present 618 Unit Requirement

Estimated SHI List Count	2023	2024	2025	2026	2027
Starting Balance	332	342	404	516	619
Sandpiper II (Richmond) [O]	2	3	1		
Ticcoma Green (6 Fairgrounds Road) [R]			31	33	
Scattered rentals (Housing Nantucket) [R]			1	1	1
Scattered ownership (Habitat for Humanity) [O]		4	2	2	2
135 + 137 Orange Street [R]				32	
Richmond Meadows II (Gooseberry Place) [R]		55			
Richmond Meadows II [R]	8				
7 Amelia Drive [R]			3		
Vesper Lane [R]				17	
Bartlett Road [R]				12	
Potential					
Potential Development [O]			3	6	
Potential Buydown [R]			32		
Surfside Crossing [O] *			39		
TBD					
Subtotal net additional units =	10	62	112	103	3
Ending balance	342	404	516	619	622
<i>Units potentially eligible to count toward Safe Harbor =</i>		52	97	103	3
<i>Other SHI units (not eligible for Safe Harbor)</i>		10	15	0	
<i>Minimum Safe Harbor deficit =</i>		0	0	0	28
	5.5%	6.5%	8.3%	10.0%	10.1%

[R] denotes Rental units; [O] denotes Ownership units

*If Surfside Crossing is ultimately permitted at 156 units, it will at a future point add 39 units to our SHI list, 24 of which may be eligible toward a future Safe Harbor period.



Agenda Item Summary

Agenda Item #	VIII. 1c.
Date	12/11/24

Staff

Kristie Ferrantella, Municipal Housing Director

Subject

Housing Nantucket Request for Additional Funding to Complete Year-round Housing Development at 1, 2, 3, 4, 5, 7, 9, 11 Wiggles Way formally known as 31 Fairgrounds Road

Executive Summary

Despite the construction challenges posed by the pandemic and the economy, the project at 31 Fairgrounds Road has been moving along well. Completion is anticipated in the first quarter of 2025. In order to get across the finish line, Housing Nantucket is requesting an additional not-to-exceed \$2,545,000 grant after a health event of the builder set back the project. American Rescue Plan Act (ARPA) funds of \$600,000 would be used to cover this gap financing, while the remaining funds would be from the Affordable Housing Trust.

Staff Recommendation

Approve the Trust's recommendation to fund Housing Nantucket's request.

Background/Discussion

Attached are Housing Nantucket's request letter and supporting details from Steve Hollister regarding the Wiggles Way project. This project addresses Nantucket's critical year-round housing needs, supports the Town's Safe Harbor status under Chapter 40B, and strengthens Housing Nantucket's role as a key nonprofit partner.

Housing Nantucket is requesting an additional \$2,545,000 as a grant to maintain affordability levels for households earning 80% to 150% of AMI and to ensure sustainable reserves. In late August, the builder experienced a major health event, necessitating adjustments to the project's management structure to maintain project momentum. Thankfully, his health is improving. To aid with completion, Stephens & Co Inc, an island based general contractor has been engaged to provide supplemental project management and bring the project across the finish line by the end of Q1 2025.

Housing Nantucket has conducted the lottery for their 6 restricted units at 80% of Area Median Income and the individuals and families are eager to move in. The additional funds would allow the project to continue moving forward.



Impact: Environmental ☐ Fiscal ☐ Community ☒ Other ☐

Board/Commission Recommendation

Recommended by the Affordable Housing Trust (approved unanimously at the 12/03/24 meeting)

Public Outreach

N/A

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

N/A

Attachments

1. HN Request Letter
2. 31 FG Contract and Funding Overview
3. Change Order # 6





75 Old South Road • P.O. Box 3149 • Nantucket, MA 02554 • Tel: 508.228.4422

November 5, 2024

Mr. Brian Sullivan, Chair
Town of Nantucket Affordable Housing Trust
16 Broad Street
Nantucket, MA 02554

Re: Request for additional funding for 22 units of community housing at Wiggles Way

Dear Mr. Sullivan and members of the Affordable Housing Trust,

Steady progress continues at Wiggles Way, our 22-unit community rental housing development at 31 Fairgrounds Road, now approximately 90% complete. We are deeply grateful for the ongoing support and diligent efforts of the construction subcommittee, who meet at least weekly to manage this project.

Like other affordable housing developments across Massachusetts, our project has faced unanticipated cost increases due to industry-wide challenges. Construction costs have continued to rise, driven by inflationary pressures, supply chain disruptions, and increased labor costs—hurdles that are affecting affordability and timelines statewide.

In late August, our builder experienced a health event that required adjustments to maintain project momentum. We are pleased to report his health has improved, and the subcontractors have been highly cooperative, sharing our commitment to completing the project efficiently so that families can move into their new homes as soon as possible. Unfortunately, this situation has contributed to a cost overrun, prompting our request for additional funding.

Our latest Costs to Complete Estimate stands at \$4.28 million, as assessed by our owner's agent, Steve Hollister, who has represented our organization's interests since the project began. He has reviewed the specifics of this increase and confirmed that it aligns with other projects currently under construction. With approximately \$400,000 remaining on our existing contract, we need to secure an additional \$3.88 million to complete the project. We have approached a commercial lender for \$1.2 million, and discussions are progressing favorably. We respectfully request your support for the remaining balance.

On a positive note, we are very pleased with the quality and livability of the housing being built. Tenant selection has begun, with 80% AMI tenants chosen through a lottery and municipal employees selected for the municipal preference units; these tenants have been informed of the delay and are waiting patiently. The remaining ten units will be filled from our ready-to-rent list in the coming months. Despite challenges, we have a clear path to completion, with occupancy targeted for March 1st.

Thank you for considering our request. We look forward to discussing this with you soon.

Sincerely,

Anne Kuszpa, Executive Director

Construction Contract			
Contract & Change Orders		Amount	Amended Total
Land Development Agreement		\$ 6,750,000.00	\$ 6,750,000.00
Change Order 1		\$ 1,666,000.00	\$ 8,416,000
Solar Infrastructure Provision		\$ 100,000.00	\$ 8,516,000.00
Change Order 2		\$ 1,763,212.00	\$ 10,279,212
Change Order 3		\$ 2,500,000.00	\$ 12,779,212.00
Change Order 4 - Carport		\$ 235,000.00	\$ 13,014,212.00
Change Order 5		\$ 1,723,250.00	\$ 14,737,462.00
Revised 31 FG Contract Total:		\$	14,737,462.00

Payments & Contract Balances			
Payments to 31 FG			
Paid at Closing by AHT	\$	550,000.00	
Paid to Date by Housing Nantucket	\$	13,790,864.42	
Total Payments to 31 FG	\$	14,340,864.42	
Contract Balance			
Total Revised 31 FG Contract	\$	14,737,462.00	
less Paid to Date	\$	(14,340,864.42)	
Balance on Contract	\$	396,597.58	
HN Payments Direct to Subs/Vendors	\$	(265,178.14)	
Net Balance on Contract	\$	131,419.44	

Cost to Complete Projection			
Cost to Complete			
Costs Projection Total	\$	4,302,851.76	
HN Payments Direct to Subs/Vendors	\$	(265,178.14)	
Balance on Contract	\$	(131,419.44)	
Estimated Contract Overage	\$	3,906,254.18	
Rebate for Sale of Mini Skid Steer	\$	(35,000.00)	
Net Change Order Total	\$	3,871,254.18	

Total Construction Costs			
Projected Total Costs			
Construction Contract	\$	14,737,462.00	
Net Change Order Total	\$	3,871,254.18	
Subtotal	\$	18,608,716.18	
Developers Fee at Closing	\$	(550,000.00)	
Solar	\$	(335,000.00)	
Construction Cost	\$	18,058,716.18	
Pro Rata Costs			
Total Construction Costs	\$	18,058,716.18	\$ 18,058,716.18
Number of Units/Bedrooms		22	39
Cost Per Unit	\$	820,850.74	\$ 463,044.00

Funding Detail			
Source	Amount	Terms	
AHT	\$ 6,750,000	loan: 50 yrs @ 0.5%	
AHT	\$ 810,000	grant	
AHT	\$ 856,000	loan: after 50 yrs, 7 yr term @ 0.5%; forgivable	
AHT	\$ 100,000	solar loan: after 50 yrs, 7 yr term @ 0.5%; forgivable	
AHT	\$ 1,000,000	grant	
AHT	\$ 763,212	loan: after 50 yrs, 7 yr term @0.5%; forgivable	
AHT	\$ 2,500,000	grant	
HN	\$ 235,000		
HN	\$ 1,723,250		
	\$	14,737,462	

Funding Summary to Date			
Primary Funding Sources			
87%	\$ 12,779,212	Affordable Housing Trust	
13%	\$ 1,958,250	Housing Nantucket	
100%	\$ 14,737,462	Subtotal	
Other Funding Sources Details			
	\$ 14,737,462	Subtotal of AHT and HN Funding	
	\$ 111,565	Land Bank Contribution to Date	
	\$ 14,849,027	Total Funding Provided to Date	

Projected Capital Requirements for Completion			
Capital Need Detail & Committed Sources			
	\$ 3,871,254	Net Change Order Total	
	\$ (127,835)	Estimated Land Bank Contribution (2nd Half)	
	\$ 3,743,419	Near-term Capital Requirements Subtotal	
Reimbursable Capital Sources Available at a Later Date			
	\$ (125,000)	Mass Save Grant Money (need to verify)	
	\$ 3,618,419	Capital Requirements Net Reimbursables	

Funding Projection			
Projected Funding Sources			
	\$ 3,871,254	Net Change Order Total	
	\$ (1,200,000)	HN Line of Credit	
	\$ (600,000)	ARPA Funding	
	\$ -	Additional AHT Funding	
	\$ (127,835)	Estimated Land Bank Contribution (2nd Half)	
	\$ -	Other	
	\$ 1,943,419		

Dated: Tuesday, November 19, 2024

LAND DEVELOPMENT AGREEMENT CHANGE ORDER 6

The purpose of this document is to record and memorialize a change order revising the Land Development Agreement, dated February 12, 2021 (the "Agreement"), executed by and between FAIRGROUNDS COMMON, LLC ("FC") and NHA PROPERTIES INC. a Massachusetts nonprofit corporation, doing business as HOUSING NANTUCKET ("HN"), for the development of 31 Fairgrounds Road, Nantucket MA.

The Land Development Agreement has been modified previously as follows:

Contract & Change Orders	Amount	Amended Total
Land Development Agreement	\$ 6,750,000	\$ 6,750,000.00
Change Order 1	\$ 1,666,000	\$ 8,416,000
Solar Infrastructure Provision	\$ 100,000	\$ 8,516,000.00
Change Order 2	\$ 1,763,212	\$ 10,279,212
Change Order 3	\$ 2,500,000	\$ 12,779,212.00
Change Order 4 - Carport	\$ 235,000	\$ 13,014,212.00
Change Order 5	\$ 1,723,250	\$ 14,737,462.00
Revised 31 FG Contract Total:	\$ 14,737,462	

Existing Balance on the Current Contract:

To date, \$14,340,864.42 has been paid to FC against the current Land Development agreement, leaving a contract balance of \$396,597.58.

Payments to 31 FG		
Paid at Closing by AHT	\$ 550,000.00	
Paid to Date by Housing Nantucket	\$ 13,790,864.42	
Total Payments to 31 FG	\$ 14,340,864.42	
Contract Balance		
Total Revised 31 FG Contract	\$ 14,737,462.00	
less Paid to Date	\$ (14,340,864.42)	
Balance on Contract	\$ 396,597.58	

HN Direct-to-Subcontractor/Vendor Payments:

Housing Nantucket has made direct-to-subcontractor/vendor payments totaling \$265,178.14 for costs incurred on the project, thereby reducing the amounts due to FC under the existing terms of the Land Development agreement by that amount, yielding a net contract balance of \$131,419.44.

Agreed upon Changes to the Project Cost:

HN and FC acknowledge that the costs to complete the project will exceed the current agreement total of \$14,737,642. The net additional costs to complete the project are estimated to total \$3,871,254.18, yielding a revised total Land Development Agreement aggregate sum of \$18,608,716.18. The estimated costs to completion are the best estimates available at this time, and the *Cost Projection Detail* is attached

hereto. By executing this change order, the Parties hereto agree that HN does not relinquish or waive any of its rights to challenge or dispute any of these costs described herein, or any costs described or delineated in any previously executed change orders, during its ongoing audit of all of the project's costs, including such costs incurred since the execution of the Agreement, and all other costs to date, and expressly reserves all rights and remedies related thereto.

Cost to Complete		
Costs Projection Total	\$	4,302,851.76
HN Payments Direct to Subs/Vendors	\$	(265,178.14)
Balance on Contract	\$	(131,419.44)
Estimated Contract Overage	\$	3,906,254.18
Rebate for Sale of Mini Skid Steer	\$	(35,000.00)
Net Change Order Total	\$	3,871,254.18

Payment of Outstanding Subcontractor/Vendor Balances:

FC and HN agree that HN will pay the outstanding subcontractor/vendor balances directly to those parties, for work complete to date, and the payments will reduce the balance otherwise due to FC under the revised contract total of \$18,584,069. It is estimated that the currently outstanding balances total \$2,146,587.07 and that another \$69,921.00 in other incurred costs have not yet been billed, totaling \$211,508.07.

Assignment of Project Management Responsibility:

On a forward-going basis, FC will assign the responsibility of the construction management to its subcontractor, Stephens & Co. (SC), as per the terms of the attached agreement between FC and SC. FC shall remain responsible and liable for all its obligations, liabilities, warranties, and covenants provided for in the Agreement, as amended of record, and all other terms and conditions in connection therewith. . For all costs incurred on a forward-going basis, SC will invoice HN directly for the costs incurred in pursuit of the project's completion, a total amount that is estimated to be \$1,826,625.55. HN will pay SC directly for those costs, plus applicable fees and billable time as outlined in the attached agreement. All parties acknowledge that responsibility for the project, its completion and all warranties remain with FC, though SC additionally warrants its new work on a forward-going basis.

Project Accounting:

Hereafter, SC agrees to provide comprehensive accounting to HN with every new invoice, including copies of all vendor/subcontractor invoices to substantiate the construction costs. SC will secure lien waivers from all subcontractors and vendors to substantiate all payments.

Miscellaneous: The Parties hereto agreed to execute this "change order" in accordance with the terms and conditions provided for herein. Except as amended hereby, all other terms and conditions of the Agreement, as amended of record, shall remain in full force and effect. For the purposes of this agreement, so called "DocuSign" signatures shall have the same force and effect as original signatures.

THE REMAINDER OF THIS SPACE IS INTENTIONALLY LEFT BLANK

SIGNATURE PAGE TO FOLLOW

SIGNATURE PAGE TO LAND DEVELOPMENT AGREEMENT CHANGE ORDER 6

Witness our hands and seal and execute this instrument on the date specified hereinabove.

FAIRGROUNDS COMMON, LLC.

By:

_____ dated _____

By: CATHERINE E. CONTE, Manager

NHA PROPERTIES, INC.

d/b/a HOUSING NANTUCKET

By:

_____ dated _____

By: ANNE KUSZPA, Executive Director

Stephens & Company, Inc.

By:

_____ dated _____

By: WILLIAM M STEPHENS, President and Treasurer

December 4, 2024

Nantucket Select Board

Sent by e-mail via Kristie Ferrantella

Dear Select Board Members,

As you know, the project at 31 Fairgrounds Road known as Wiggles Way has been under construction since April of 2022, when the first two foundations were poured. This housing development consists of 8 separate buildings with 22 apartments ranging from 1 to 3 bedrooms, and will be occupied year-round by tenants earning below 80% and up to 150% of area median income. Six of the units are earmarked for municipal employees. Prior to February of 2021 the contract purchaser, Billy Cassidy, had the project designed, engineered and permitted by the Planning Board as a flex development. The majority of funding (a combination of grants and low-interest loans) for the land acquisition, development, and the construction has come from the Town's Affordable Housing Trust. The current owner and developer is Housing Nantucket who has also funded a portion of the project.

As construction progressed there have been numerous change orders, due to a variety of circumstances; many beyond anyone's control and resulting in higher costs than originally estimated. There was a significant modification to the project in 2021 resulting in an increase from 5 to 8 buildings and from 18,500 s.f. to 21,000 s.f. net of basements. The project is now slated for completion by the end of Q1 2025. The developer, Housing Nantucket, is requesting an additional \$2,545,000 to finish and the Affordable Housing Trust voted unanimously yesterday to approve this request.

I am writing as one member of the Trust and also as member of the Construction Committee for Wiggles Way. We thank you for your past support and ask that you support this final request. The project cost includes: land acquisition, permitting, design, infrastructure, roadway and parking, construction of the units and also some of the costs associated with the solar array (which will result in net-zero utility costs for the residents). The final price will be in the range of \$760 per square foot and average \$725,000 per unit which is very competitive with other projects that were under construction during the same time period. Habitat for Humanity estimates \$775,000 per unit for the four homes currently under construction on Waitt Drive (infrastructure was already installed by the Town at a cost of over \$3M). Also located on Waitt Drive is the Town's seasonal employee dormitory, currently under construction, with an estimated budget of \$10.2 million for a total of 11,000 square feet (\$927.28 per s.f. not including the land and infrastructure). The Airport is currently exploring building two duplexes and the construction price from an initial bidder was in excess of \$1,800 per square foot.

Lastly, it is important to note that the quality of construction at Wiggles Way will ensure that these buildings are low maintenance well into the future. The project will provide affordable, decent, and safe housing for more than 80 island residents, and we need to bring this project across the finish line. Wiggles Way, when finished, will be a community that the entire island will be proud of.

Thank you for your consideration and continued support,



Penny Dey
17 Warren Street
Nantucket, MA 02554

Sea Street Pump Station Force Main No. 3 Construction

Nantucket, MA

December 11, 2024
Select Board Update

DAVID GRAY
SEWER DEPARTMENT DIRECTOR



ZIAD F. KARY, P.E.
SENIOR PRINCIPAL

ENVIRONMENTAL
 PARTNERS

FRANK AYOTTE, P.E.
VICE PRESIDENT

Hazen

Project Highlights

- Bid Date: October 6, 2021
- Contract Date: November 10, 2021
- Contractor: Robert B. Our Construction Co., Inc.
- Contract Duration: 1095 Calendar Days from NTP
- Summer Shutdown: July 1st through September 12th
- Working Hours: 7:00 am to 5:00 pm
 - Pleasant & Surfside: 7:00 pm to 4:00 am
- Contract Extension: Through June 2025 with Potential Extension through December 2025



Total Completed to Date

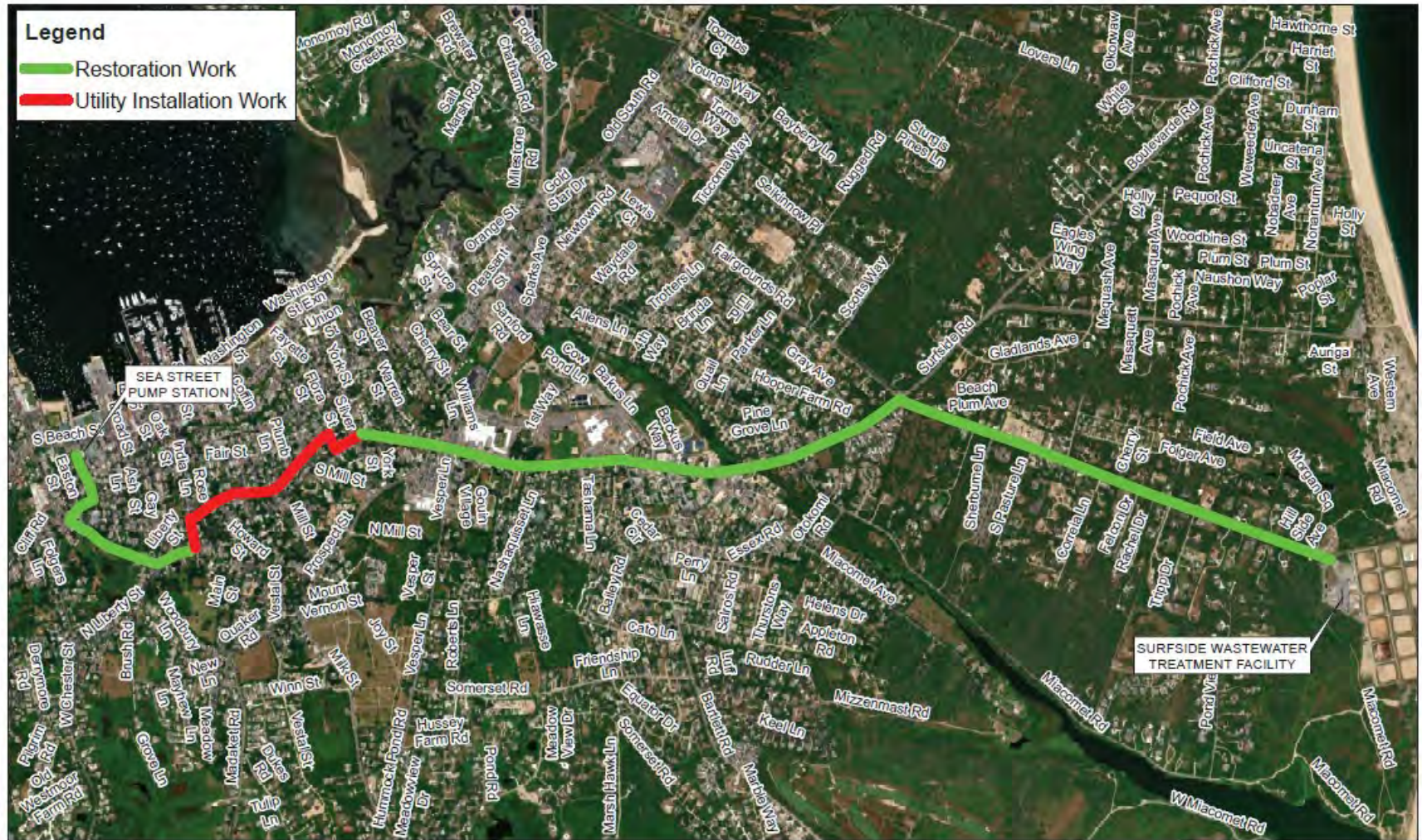


Work Completed to Date

- o **100%** of the 24-inch sewer force main
- o **78%** of the 20-inch sewer force main
- o **80%** of the force main valves and access control structures
- o **70%** of gravity sewer main, manholes, and services
- o **70%** of water main, appurtenances and services
- o **75%** of stormwater infrastructure work
- o **50%** of restoration work



Winter & Spring 2025 Construction Plan:



- **Restoration Work:** All Roads
- **Utility Installation Work:** Liberty, Winter St, Main St & Pine St

Current Ongoing Pipeline Construction



Fall 2024 Work- Liberty Street Street Construction



Fall 2024/Winter 25 - Winter Street Street Construction



Fall 2024/Winter 2025 - Pine Street Construction



Completed Downtown Area Restoration



Fall 2024 Completed Work- Step Lane & Centre St Restoration



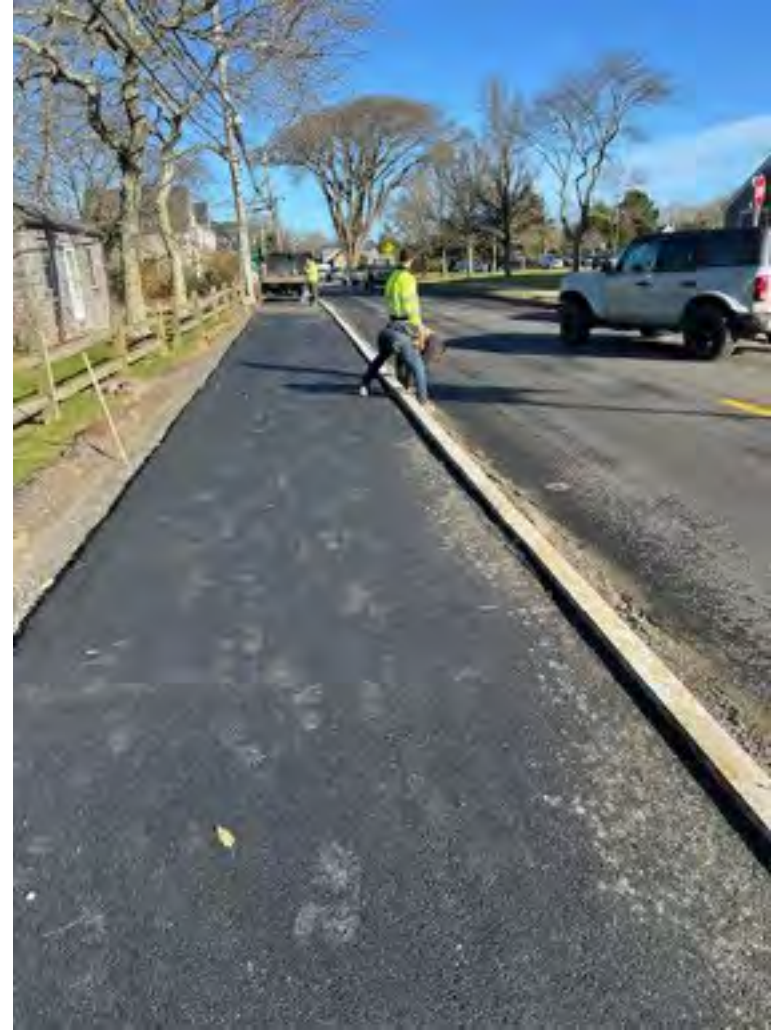
Fall 2024 Completed Work- Lily Street Restoration



Partial Pavement Restoration



Fall 2024 Completed Work- Surfside Rd & S. Shore Rd



Remaining Restoration Work (Spring 2025 & Fall 2025)

Location	Treatment
Sea Street	Leveling course & Curb to Curb Overlay
Step Lane	Leveling course & Curb to Curb Overlay
Centre Street	Leveling course & Curb to Curb Overlay
Lily Street	Leveling course & Curb to Curb Overlay
Liberty Street	Leveling course & Curb to Curb Overlay
Winter St	Cobbles
Main Street	Cobbles
Pine Street	Leveling course & Curb to Curb Overlay
Siver Street	Leveling course & Curb to Curb Overlay
Pleasant St	Leveling course & Curb to Curb Overlay
Atlantic Ave	Leveling course & Curb to Curb Overlay
Surfside Rd	1 ½" Overlay
S. Shore Road	2" Binder and Curb to Curb Overlay



Winter/Spring 2025 Construction Schedule

- Utility Work (Now through end of May 2025)
 - Sewer Forcemain Header at the Surfside Wastewater Treatment Plant.
 - Winter St and Main Street Crossing water main, gravity sewer and 20" FM.
 - Pine Street Sewer Forcemain Installation.
- Restoration Work (Spring 2025)
 - Final Paving (Sea Street, Step Lane, Centre St, Lily Street, Liberty St, Silver St, Pleasant St, Atlantic Ave, Surfside Rd and S. Shore Road)
 - Winter Street Cobbles
- Fall 2025 Restoration
 - Pine Street Paving
 - Final Cleanup
 - Project Closeout



Current and Long-Term Issues

- Use of Sidewalk for Parking & heavy trucks/deliveries



Overall Construction Schedule (1095 days) + 1 yr Extension

Winter 2025

Winter St, Main St
Crossing & Pine Street
Water, Gravity Sewer &
FM Construction

Spring 2025

Sea St, Step Lane, Centre St,
Lily St, Liberty St, Atlantic
Ave, Silver St, Surfside & S.
Shore Road Final Paving

December 2025

Project Closeout

Spring 2025

Liberty Street, Winter,
Pine St Street and Atlantic
Ave Sidewalk Restoration

June 1, 2025

Summer Shutdown

Fall 2025

Restoration work,
Final Paving (Pine
Street) and Cleanup



THANK YOU



ENVIRONMENTAL
 PARTNERS

Hazen

DRAFT

Sense of the Meeting/Sense of the Ballot Vote Town Council Form of Government May 2025

The Town Council Study Committee, appointed by the Select Board in response to Article 81 of the 2023 Annual Town Meeting, seeks input from Town Meeting (the voters of Nantucket.) Since December 2023 the Committee has met regularly to consider the potential benefits and impacts of converting from Open Town Meeting to a representative form of government, Town Council/Town Manager. The Committee has concluded that the advantages of a representative form of government outweigh the risks, as noted below:

There are significant advantages to a Town Council form of Government:

- Instead of meeting once or twice a year at Annual or Special Town Meeting, a Town Council generally meets every 2 weeks to conduct the business of the Town.
- As the legislative body of the Town, funding can be approved, and decisions can be made and implemented on a timely basis.
- Currently only registered voters can attend Annual Town Meeting and vote, whereas all residents, whether citizens and/or registered voters can attend Town Council meetings and have their voice heard.
- "Summer Residents", or non-voting taxpayers - who pay 80% of Nantucket's taxes, and make up an important part of our community - can also attend Town Council meetings and make their voices heard.

The conversion process would involve adopting a new Town Charter. In drafting a new charter, the Committee has attempted to preserve as much of the Town's organization and processes as possible. The key characteristics of the proposed Town Council Charter are:

- A Town Council made up of nine Town Councilors elected at-large for three-year terms on a rolling three-year cycle. Councilors would be compensated at ___TBD___ annually. The Town Council would become the legislative body for the Town, replacing Town Meeting.
- Boards and committees that currently have elected members would continue to be elected.
- The Town Manager would have appointment responsibility for all committees, commissions, and boards which have appointed members, subject to the disapproval power of the Town Council.
- Voters, residents and non-voting taxpayers would have several avenues of public access and participation with the Town Council, including Open Comment at

Council Meetings, Open Meetings, Free Petitions, Resident Initiative Measures, Veto/Referendums and Town Councilor Recall.

The conversion process would require passing an Article at a future Town Meeting, approval by the Massachusetts legislature and a successful result from the Town Election. This Sense of the Meeting (Sense of the Ballot) vote is a non-binding vote that will help the Select Board and the Town Council Study Committee assess Nantucket voters' interest in and support for this change.

A YES vote would indicate support for converting from Open Town Meeting to a Town Council/Town Manager structure.

A NO vote would indicate opposition to this proposal and a preference for keeping Open Town Meeting.

From: [John W. Giorgio](#)
To: [Libby Gibson](#)
Cc: <mailto:joe.grause@gmail.com>; [Brooke Mohr](#); [Erika Mooney](#); [Erika Mooney](#); [Lauren F. Goldberg](#)
Subject: Nonbinding Public Opinion Advisory Question
Date: Tuesday, December 10, 2024 2:37:46 PM
Attachments: [KP-#953927-v1-NANT Nonbinding Public Opinion Advisory Question - Change in Form of Governement.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.

Libby:

Attached please find my recommended form of a non-binding ballot question being proposed by the Town Council Study Committee. In reviewing the attached, please consider the following:

1. As you know, pursuant to G.L. c. 53, §18A, the Select Board has the authority to place a nonbinding public opinion advisory question before the voters at an Annual Town Election. There are no strict requirements for the form of such nonbinding question. I believe the attached version, however, is appropriate because it includes a short question, narrative explaining the background, as well as the rationale for the TGSC recommendation, a summary of disadvantages, and a recitation of the effects of a yes or no vote.
2. I do not recommend that the Select Board proceed with both a sense of the meeting article at Town Meeting and a nonbinding ballot question. This approach would be potentially confusing and could lead to different results.
3. The section on disadvantages was prepared by me, but more as a placeholder for consideration by the TGSC and the Select Board. In this regard, it is ultimately up to the Select Board in terms of the wording of the question.
4. I have included a balloon comment suggesting the deletion of two bullet points under the advantages section because I believe they are misleading.
5. One issue that I see is making sure that as the charter writing function proceeds, the TCSC is not hampered by an representations made in the nonbinding question. You will see that I have addressed this expectation in the attached.

I wanted to get this to you since this is on the agenda for tomorrow night, I have also copied Lauren Goldberg, however, for her input since she is really our charter guru. It is possible that she may have some recommendations for tweaking the question.

John

John W. Giorgio, Esq.



101 Arch Street, 12th Floor
Boston, MA 02110
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JGiorgio@k-plaw.com
www.k-plaw.com

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is

DRAFT

Nantucket Town Council Study Committee
Nonbinding Public Opinion Advisory Question
for 2025 Annual Town Election

Shall the Town of Nantucket direct the Town Council Study Committee to propose a Charter Revision in the form of a Home Rule Petition to be voted on at the 2026 Annual Town Meeting which would create a Town Council/Town Manager Form of Government, a fair and concise summary of which is set forth below?

Background Information:

The Town Council Study Committee, appointed by the Select Board in response to Article 81 of the 2023 Annual Town Meeting, has met regularly since December 2023, to consider the potential benefits and impacts of changing the Form of Government from Open Town Meeting/Select Board/ Town Manager to a Town Council/Town Manager form of government.

Before expending further Town resources to draft the details of a new Charter, the Town Council Study Committee and the Select Board are seeking to receive feedback from the voters of the Town in the form of this non-binding ballot question.

The conversion process would involve adopting a new Town Charter. The key characteristics of the proposed Town Council Charter revision which the Town Council Study Committee has been considering are:

- The new Charter would establish a Town Council made up of nine Town Councilors who are registered voters in the Town and would be elected at large for three-year staggered terms.
- The Town Council would become the legislative body for the Town, replacing the Town Meeting which would be abolished.
- The Select Board would be abolished with most of its current authority transferred to the Town Manager and the Town Council.
- Boards and committees that currently have elected members would continue to be elected.
- The Town Manager would have appointment responsibility for all committees, commissions, and boards which have appointed members, subject to the disapproval power of the Town Council. The Town Manager would appoint most other Town employees within Town Administration.

- Voters, residents and non-voting taxpayers would have several avenues of public access and participation with the Town Council, including open comment at Council Meetings, citizen petitions for legislative action, veto/referendum procedures, and recall procedures for Town Councilors.
- Councilors would receive compensation at a rate to be determined under the new Charter and general bylaws.

Procedure for Finalizing Charter Revision

- The conversion process would require passing a home rule petition at a future Town Meeting (most likely the 2026 Annual Town Meeting), approval of a special act charter change by the Massachusetts legislature, and approval of the new charter at a subsequent annual town election (the 2027 Annual Town Election at the earliest).
- This ballot question is a non-binding vote that will help the Select Board and the Town Council Study Committee assess Nantucket voters' interest in and support for this change.
- As the Town Council Study Committee proceeds with writing a new Charter, there may be some deviations from the summary contained in this question, but the voters will still have two opportunities to vote of the final language at the 2026 Annual Town Meeting and the 2017 Annual Town Election.

The Town Council Study Committee has made a preliminary finding that there are significant advantages to a Town Council Form of Government:

- Instead of meeting once or twice a year at an Annual or Special Town Meeting, a Town Council generally meets every 2 weeks to conduct the business of the Town.
- As the legislative body of the Town, funding can be approved, and decisions can be made and implemented on a more timely basis.
- Currently only registered voters can attend Annual Town Meeting and vote, whereas all residents, whether citizens and/or registered voters can attend Town Council meetings and have their voice heard.
- "Summer Residents", or non-voting taxpayers - who pay 80% of Nantucket's taxes, and make up an important part of our community - can also attend Town Council meetings and make their voices heard.

The Town Council Study Committee (and the Select Board) has recognized that some voters may see disadvantages to changing the form of Town Government as follows:

- Registered voters will no longer have the right to vote and decide on legislative matters involving the Town such as appropriation of funds and zoning and general bylaw changes, although they will still be able to express their views during public comment periods before the Town Council and to seek voter-

Commented [JG1]: This is misleading. Non voters routinely attend Town Meeting and can, with the permission of the Town Meeting be heard. The current Charter provides for a representative of the NVTP to address Town Meeting. I recommend these two bullet points be deleted.

initiated changes by petitioning the Town Council for legislative action, and there will be a process for vetoing certain actions taken by the Town Council.

- Virtually all appointment power, including regulatory boards, will be vested in the Town Manager, albeit subject to disapproval by the Town Council.

Commented [JG2]: I am not sure this will be seen as a disadvantage, so it could be moved to the summary section.

A YES vote would indicate support for converting from an Open Town Meeting/Select Board/Town Manager Form of Government to a Town Council/Town Manager Form of Government.

A NO vote would indicate opposition to this proposal and a preference for keeping an Open Town Meeting/Select/Town Manager Board Form of Government.

Yes: ____

No: ____



Agenda Item Summary

Agenda Item #	IX. 1
Date	12/06/24

Staff

Rob Ranney, Assessor

Subject

Tax Allocation by Classification, Adoption of a Residential Exemption, and Adoption of a Commercial, Industrial and Personal Property shift for FY2025

Executive Summary

Municipalities decide annually, within limits established by statute and the Massachusetts Department of Revenue, the percentage of the tax levy to be paid by each class of real and personal property. In addition, municipalities decide annually whether to adopt a residential exemption and if so what percentage of the average residential value within the community the exemption would be, as well as whether or not to adopt a shift to the commercial, industrial, and personal property classes (CIP) in order to redistribute the percentage of the levy to be raised by each class of property.

Staff Recommendation

The Assessor does not provide recommendations, but instead provides options and information to help the Select Board make informed decisions

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☒ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

Public Hearing advertised in the local newspaper for two weeks

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

Municipal Finance Requirement

Attachments

LA4 Comparison, shift comparison chart, 5 year tax rate history, options chart, Assessor's memo



Property Type	Description	FY 2024 Parcel Count		FY 2024 Assessed Value		FY 2025 Parcel Count		FY 2025 Assessed Value		Parcel Difference	Parcel % Difference	Assessed Value Difference	Assessed Value % Difference
101	Single Family		5,635		17,071,633,940		5,620		17,508,133,946	-15	-0.3%	436,500,006	2.6%
102	Condominiums		594		728,583,245		600		752,752,185	6	1.0%	24,168,940	3.3%
MISC 103,109	Miscellaneous Residential		2,751		14,308,036,415		2,811		15,189,336,605	60	2.2%	881,300,190	6.2%
104	Two - Family		372		755,814,981		372		781,960,166	0		26,145,185	3.5%
105	Three - Family		19		34,237,000		19		36,148,700	0		1,911,700	5.6%
111-125	Apartment		45		104,913,300		48		125,173,700	3	6.7%	20,260,400	19.3%
130-32,106	Vacant / Accessory Land		1,214		1,592,346,239		1,175		1,510,428,712	-39	-3.2%	-81,917,527	-5.1%
200-231	Open Space		18		2,790,100		18		2,743,300	0		-46,800	-1.7%
300-393	Commercial		622		1,265,030,003		619		1,320,596,664	-3	-0.5%	55,566,661	4.4%
400-442	Industrial		28		74,262,013		27		75,908,933	-1	-3.6%	1,646,920	2.2%
450-452	Industrial Power Plant		1		3,775,950		1		3,883,950	0		108,000	2.9%
CH 61 LAND	Forest	0	0	0	0	0	0	0	0	0		0	
CH 61A LAND	Agriculture	7	12	1,221,601	8	12	1,272,401	1	5.3%	50,800	4.2%		
CH 61B LAND	Recreational	0	9	22,043,567	0	9	22,311,646	0		268,079	1.2%		
012-043	Multi-use - Residential		301		346,449,657		309		374,360,275	8	2.7%	27,910,618	8.1%
012-043	Multi-use - Open Space		0		0		0		0	0		0	
012-043	Multi-use - Commercial		0		475,116,099		0		507,924,582	0		32,808,483	6.9%
012-043	Multi-use - Industrial		0		0		0		0	0		0	
501	Individuals / Partnerships / Associations / Trusts / LLC		7,355		377,019,411		7,448		448,824,045	93	1.3%	71,804,634	19.0%
502	Corporations		275		17,681,770		262		27,820,601	-13	-4.7%	10,138,831	57.3%
503	Manufacturing		0		0		0		0	0		0	
504	Public Utilities		2		136,926,457		2		140,352,976	0		3,426,519	2.5%
505	Centrally Valued Telephone		4		11,500,400		4		11,925,800	0		425,400	3.7%
506	Centrally Valued Pipelines		0		0		0		0	0		0	
508	Wireless Telephone		3		2,897,756		3		2,757,854	0		-139,902	-4.8%
550-552	Electric Generating Plant		0		0		1		10,042,212	1	100.0%	10,042,212	100.0%
EXEMPT VALUE	Exempt Property		2,399		5,075,717,076		2,423		5,147,537,837	24	1.0%	71,820,761	1.4%
Total Class 1	TOTAL RESIDENTIAL		10,931		34,942,014,777		10,954		36,278,294,289	23	0.2%	1,336,279,512	3.8%
Total Class 2	TOTAL OPEN SPACE		18		2,790,100		18		2,743,300	0		-46,800	-1.7%
Total Class 3	TOTAL COMMERCIAL		650		1,763,411,270		648		1,852,105,293	-2	-0.3%	88,694,023	5.0%
Total Class 4	TOTAL INDUSTRIAL		29		78,037,963		28		79,792,883	-1	-3.4%	1,754,920	2.2%
Total Class 5	TOTAL PERSONAL PROPERTY		7,639		546,025,794		7,720		641,723,488	81	1.1%	95,697,694	17.5%
Total Taxable	TOTAL REAL & PERSONAL		19,267		37,332,279,904		19,368		38,854,659,253	101	0.5%	1,522,379,349	4.1%

FY2025

Class	Value	Levy	Shift	New Levy
		Percentage		Percentage
Residential	36,278,294,289	93.3692%		88.7330%
Open Space	2,743,300	0.0071%		0.0067%
Subtotal	36,281,037,589	93.3763%		88.7397%
Commercial	1,852,105,293	4.7668%	1.70	8.1035%
Industrial	79,792,883	0.2054%	1.70	0.3491%
Personal	641,723,488	1.6516%	1.70	2.8077%
CIP Total	2,573,621,664	6.6237%		11.2603%
Total	38,854,659,253	100.00%		100.00%

FY2024

Class	Value	Levy	Shift	New Levy
		Percentage		Percentage
Residential	34,942,014,777	93.5973%		89.1210%
Open Space	2,790,100	0.0075%		0.0071%
Subtotal	34,944,804,877	93.6048%		89.1282%
Commercial	1,763,411,270	4.7236%	1.70	8.0300%
Industrial	78,037,963	0.2090%	1.70	0.3554%
Personal	546,025,794	1.4626%	1.70	2.4864%
CIP Total	2,387,475,027	6.3952%		10.8718%
Total	37,332,279,904	100.00%		100.00%

TOWN OF NANTUCKET - TAX RATE HISTORY
PER \$1,000. OF VALUATION

FISCAL YR	RESIDENTIAL	OPEN LAND	COMMERCIAL	XEMPTION AMOUNT	value/ex	
2024	3.13	3.01	5.30	799,150	2,501.34	25%
2023	3.21	3.05	5.46	668,999	2,147.49	25%
2022	3.74	3.53	6.40	541,019	2,023.41	25%
2021	3.63	3.43	6.20	522,914	1,898.18	25%
2020	3.45	3.29	5.86	528,618	1,823.73	25%

	A	B	C	D	E	F	G	H	I	J	K	L	M
1	2025		Tax Rates		Avg Res	Avg w/Res	Avg Com	Avg Res	w/ResEx	Avg Com	Avg Res	w/ResEx	Avg Com
2	% ResEx	CIP Shift	Res Rate	Com Rate				Change	Change	Change	vs 2024	vs 2024	vs 2024
3													
4	Prior Year 2024												
5	25%ResEx												
6	\$799,150	1.70	3.13	5.30	\$10,004	\$3,799	\$14,545						
7													
8	25%ResEx												
9	\$827,969	1.70	3.28	5.56	\$10,848	\$4,029	\$16,080	\$844	\$230	\$1,535	\$844	\$230	\$1,535
10	\$827,969	1.675	3.28	5.47	\$10,869	\$4,037	\$15,843	\$21	\$8	-\$237	\$865	\$238	\$1,298
11	\$827,969	1.65	3.29	5.39	\$10,889	\$4,044	\$15,607	\$20	\$7	-\$236	\$885	\$245	\$1,062
12													
13	26%ResEx												
14	\$861,088	1.70	3.28	5.56	\$10,872	\$3,929	\$16,080	-\$17	-\$115	\$473	\$868	\$130	\$1,535
15	\$861,088	1.675	3.29	5.47	\$10,892	\$3,937	\$15,844	\$20	\$8	-\$236	\$888	\$138	\$1,299
16	\$861,088	1.65	3.30	5.39	\$10,912	\$3,944	\$15,607	\$20	\$7	-\$237	\$908	\$145	\$1,062
17													
18	27%ResEx												
19	\$894,207	1.70	3.29	5.56	\$10,896	\$3,829	\$16,080	-\$16	-\$115	\$473	\$892	\$30	\$1,535
20	\$894,207	1.675	3.30	5.47	\$10,916	\$3,836	\$15,844	\$20	\$7	-\$236	\$912	\$37	\$1,299
21	\$894,207	1.65	3.30	5.39	\$10,937	\$3,843	\$15,607	\$21	\$7	-\$237	\$933	\$44	\$1,062

DEPARTMENT OF MUNICIPAL FINANCE
Finance Director 508-228-7200 Ext 7031
Assessor 508-228-7200 Ext 7037
Tax Collector 508-228-7200 Ext 7047



TOWN OF NANTUCKET
(508) 228-7200
Town & County Building
37 Washington Street
Nantucket, MA 02554

TO: Select Board
FROM: Rob Ranney, Assessor
DATE: December 11, 2024
RE: Tax Rate Hearing Fiscal Year 2025

The proposed tax rates for the fiscal year 2025, subject to final approval by the Massachusetts Department of Revenue, are listed below:

	FY 2024	FY 2025
Residential Rate	\$3.13	\$3.28
Open Space	3.01	3.11
Commercial, Industrial, Personal Property	5.30	5.56

These rates are based on a shift of 170% of the tax burden to the commercial, industrial and personal property classes and a residential exemption of 25% of the average residential value. For the fiscal year 2025 the average residential value is \$3,311,876.

It is important to understand that the average residential value for purposes of determining the residential exemption includes vacant land and is not truly representative of what the average homebuyer pays. A review of all properties eligible for the residential exemption shows the following:

	<u>FY 2024</u>	<u>FY 2025</u>
Residential Exemption	\$799,150	\$827,969
Average Res Value	\$3,196,598	\$3,311,876
Average Res Tax Bill (No Residential Exemption)	\$10,004	\$10,848
Average Commercial Value	\$2,742,475	\$2,893,915
Average Com Tax Bill	\$14,545	\$16,080
Average Year-Round Value	\$2,012,976	\$2,058,091
Average Year-Round Tax Bill (with Residential Exemption)	\$3,799	\$4,029

Fiscal Year 2026

Town Manager's Budget Message

(July 1, 2025 – June 30, 2026)

Town of Nantucket, Massachusetts
16 Broad Street
Nantucket, MA 02554
www.nantucket-ma.gov



Photo Credit: Communications
Department

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**TOWN OF NANTUCKET
Office of Town Manager**

16 Broad Street
Nantucket, Massachusetts 02554
508-228-7200
C. Elizabeth Gibson, Town Manager

December 11, 2024

Chair Mohr and Members of the Select Board:

Enclosed please find the Town Manager's Proposed General Fund Budget for Fiscal Year 2026 (July 1, 2025 - June 30, 2026) in accordance with the requirements of the Town Charter (Article IV, section 4.2(3)). The proposed budget would increase by 5.62% over the FY 2025 budget.

The proposed FY 2026 General Fund operating budget of \$138,380,643 represents an increase of \$7,367,341, of which the Town operating budget is proposed to increase \$454,215, Nantucket Public Schools \$2,967,781 and other non-discretionary expenses including debt service, insurance, and retirement assessment increasing by \$3,945,345. Increasing the School budget will continue the Town's strong commitment and investment in public education and address emerging issues and regulatory requirements.

Overall, General Fund revenue is projected to be \$161,672,239 and total General Fund expenses \$161,444,574. This leaves unused levy capacity at \$227,664. Unused levy capacity consists of the real and personal property taxes that the town does not raise in the tax rate in a given fiscal year. The unused projection for FY 2026 leaves some margin for flexibility if conditions change as the budget progresses through the process.

Each year, Free Cash is certified as of June 30 for appropriation as of July 1. The June 30, 2024 certification is currently being reviewed by the Department of Revenue (DOR) and it is expected that it will be certified at \$15,457,262. Free Cash, in accordance with the Town's financial policy as adopted by the Select Board, may be used for one-time operating expenses, capital items, or to add funds to stabilization accounts.

Like all Massachusetts municipalities, Nantucket is dependent on Property Taxes as the primary source of funding for Town operations, with 79% of its revenues coming from this source. Other sources include Rooms (including Short-term Rentals) and Meals Tax (9%) State Aid (3%), Other Local Revenues (such as licenses and permits) (9%).

The financial health of a municipality is partly reflected in its credit rating for borrowing funds. Since 2018, Nantucket has earned a Aaa credit rating, the highest possible, by Moody's Investors Service. The proposed budget maintains the sound fiscal practices that earned this rating.

Major expense categories of the budget include debt service for voter-approved projects, retirement assessment, health insurance and compensation. Health insurance is expected to

increase by 7.50% over FY 2025, and an increase in debt service of approximately \$2,200,977 is expected as a result of additional debt associated with recently completed projects including Affordable Housing projects.

As a result of the increase in value of the stock market and the Town's continued commitment to funding long-term retirement-related liabilities, the funded status of Nantucket's portion of the Barnstable County Retirement System and Other Post-Employment Benefits (OPEB) Trust fund has improved.

Town of Nantucket Status within Barnstable County Retirement System (Appendix U)

As of the January 1, 2024 Actuarial Valuation, the Town of Nantucket has a Net Pension Liability of \$82,871,120. This represents just over 10% of the total pension liability of the Barnstable County Retirement System. The System is still on track to be fully funded by 2038.

Town of Nantucket Other Post-Employment Benefits (OPEB) Liability (Appendix V)

As of the June 30, 2024 Actuarial Valuation Nantucket has a net OPEB liability of \$123,480,831. Nantucket continues to appropriate \$500,000 annually to the OPEB Trust Fund in accordance with the Town's Financial Policies. Once the retirement system is fully funded, the additional retirement appropriation will be directed into the Town's OPEB Trust Fund.

Total Budget Plan

The total General Fund budget includes funding for all Town programs and services apart from those Enterprise Fund operations supported all or in part by user fees, including Nantucket Memorial Airport, Sewer Department, Solid Waste, Our Island Home and the Nantucket Water Department.

Town Government Budget – General Fund

As part of the budget process, Town Administration has identified the following priorities, using the Select Board's Strategic Plan, to shape the formation of the FY 2026 General Fund budget:

- Securing Town employee and community workforce housing
- Ensuring competitive wage and benefits for Town employees
- Providing an increased level of funding for essential services and/or programs and initiatives such as Public Safety, stormwater infrastructure, municipal facilities, a safe and secure information technology environment and coastal resiliency
- Enhancing government services to meet the needs of the seasonal and year-round community

Conclusion

The FY 2026 General Fund budget continues Nantucket's proud tradition of financial stability while providing funding for prioritized programs and services. I would like to thank the Department Heads and their staff members who worked with us throughout this budget process.

Sincerely,

C. Elizabeth Gibson
Town Manager

II. Introduction

The FY 2026 budget has been developed with a backdrop of considerable **uncertainty**. Uncertainty about administrative change at the national level, uncertainty about the economy, interest rates, impact of proposed vessel speed restrictions, impact of off-shore wind farms and associated blade failures. Not to be ignored, and incredibly important in our budget planning, is the impact of all this uncertainty on short-term rental receipts received by the Town. Finally, additional uncertainty is created by the upward spiraling costs of construction on the island and its impact on Town planning and budgeting. While we prepare budgets cautiously every year, we do so particularly this year.

With an ever-growing list of essential, but very expensive projects on the horizon, we are increasing our scrutiny on all requests for funding and relying heavily on direction provided by the Select Board Strategic Plan. That said, we keep an equally sharp focus on ensuring continuity of municipal services. The initiatives and resources included in this budget form a significant part of our service commitment to the residents of Nantucket.

Creating affordable, attainable, safe, and stable **housing** for both residents and Town employees remains the Select Board's overarching mission and one of Town Administration's main focus areas. Stable housing is generally positively correlated with a stable workforce which allows the Town to deliver services more reliably. We are committing significant time, energy and people resources to manage our Town-employee housing inventory, acquisition of additional properties, placement of staff and maintenance.

The Town remains greatly impacted by **workforce challenges** with numerous vacancies in Town Departments and a high turnover of staff. We continue to struggle to attract talent and our vacancy rate of 13-15% remains stubbornly high. While the wage increases in the current union contracts and a Classification and Compensation Study for the non-union employees have definitively helped, we may already be falling behind as wages and competition for workers continues to increase nationally and locally. However, there is reason to be hopeful as in FY 2024-25, we successfully recruited the following notable positions: Director of Public Works, Chief of Police, Deputy Procurement Officer, Tax Collector, Deputy Fire Chief of Operations, Deputy Fire Chief of Administration, Deputy Harbormaster, Chief Wastewater Operator, Storm Water Manager, Municipal Housing Director, Real Estate Specialist, Housing Rental Property Manager, Public Health Director and Project Manager.

Equally important in our budget calculus is impact to the **economy** as a hawkish Federal Reserve Bank remains committed to reducing inflation. While no longer in a rate hiking cycle, the Bank's determination to keep inflation at 2.5% has kept interest rates stubbornly high and mortgage rates near 7%. Expectations of increasing federal budget deficits are contributing to elevated interest rates and higher interest rates increase the chance of recession. Recessions usually lead to decreased discretionary spending on items like vacation rentals and dining out.

Locally we see mixed indicators from the Island's real estate market, but associated activities (building permits, sewer permits) remain robust. Registry of Deeds receipts are on par with the

prior year. Room occupancy tax revenue for the first quarter of FY 2025 was lower than the same period in FY 2024, however we remain cautiously optimistic that the 2nd quarter of FY 2025 will rebound somewhat. Short-term rental receipts are an important funding source for initiatives contained in this budget recommendation.

Finally, we strive to commit our attention and resources to projects prioritized by the Select Board. Work on new ideas, initiatives, concepts or citizen requests occurs only when resources are available. While the tasks we have ahead of us are substantial, we know that we are constantly maturing as a team, and with this maturity we become more productive. However, unproductive, mean-spirited civil discourse has become all too common across the country and on Nantucket. It is an unnecessary distraction; it divides our community and without question comes at a cost. When directed at employees, studies show a loss in productivity and decline in job commitment. Our challenges around housing, staffing, and the escalating cost of living are large enough on their own, we do not need unhelpful, uncaring, personal attacks seeping into how we engage as a community of islanders. We all must do better.

Below we highlight some of the major challenges facing the Town in the upcoming budget period.

Challenges

Strategic Plan Initiatives

The Select Board held its annual Strategic Plan review and refresh retreat on October 22, 2024. The Board has five key Focus Areas: Housing, Effective and Efficient Town Government, Environmental Leadership, Healthy and Vibrant Community, and Transportation, each led by a Town employee and a Board liaison. During the retreat, the Board reviewed the Focus Areas and expressed its commitment to the framework and the principles of sustainability that guide the Strategic Plan. Town Administration presented an update of accomplishments in each of the Focus Areas, with the Select Board providing feedback on progress, prioritization and any directional changes. There was a consensus that we are working on the right things and that real, tangible results are evident and the annual retreat is a productive use of time.

The most significant hurdle to delivering effective Town government remains stable, affordable housing. Effective employee recruitment and retention rely on it. The Board acknowledges the impact the staffing crisis has on Town operations and supports the Town's efforts to purchase and create housing opportunities for Town employees but understands the limitations of these efforts. It also acknowledges progress on the Waitt Drive seasonal dorm, municipal preference at the Wiggles Way and Gooseberry properties and several Town residential property purchases.

Finally, the Select Board Strategic Plan is a living document that we seek to improve each year. In addition to reaffirming the prioritization of projects, this year Town staff also developed their own mission statement. We share it with you here:

“We strive to provide high-quality public service with compassion, integrity, and accountability. As stewards of our cherished Island, we are committed to cultivating a connected community where everyone feels welcome.”

Our key organizational values are customer service, compassion, integrity, accountability and stewardship.

Major Projects

Nantucket has many large, complex municipal projects that are currently either in development, in progress, or planned for the next 2-10 years. These projects vary widely from new facilities to complex and costly resiliency enhancements. Execution of major projects on Nantucket continues to be a challenge due to lack of personnel to manage the project portfolio, our remote location, public procurement requirements, escalating costs, and competing priorities. Through the Town's robust capital improvement plan (CIP) process, the Finance Department and the Capital Program Committee provide review of proposed major projects over the next decade.

The Town faces financial and execution "collisions" relative to project funding and management in the near future:

- A financial collision where large sums of money will be required to be borrowed to construct, maintain, and improve island-wide assets, and
- An execution collision where many large and complex projects simultaneously compete for limited non-financial resources, such as staff capacity, scarce building materials, permitting and currently unknown, but emerging critical capital projects relating to coastal resiliency and PFAS.

These two collisions create risks for the financing, execution, and implementation of the CIP over the next 10 years. The current CIP projects a funding requirement of more than \$771,000,000 over the next 10 years, with more than two dozen major capital projects in the CIP over the next decade.

The financial collision results from previously authorized projects, projects in the forward-looking CIP, and an increasing number of debt exclusions. The Town has approximately \$27,202,902 in approved authorizations for projects in addition to the \$771,000,000 of additional proposed projects in the CIP. These prior and proposed authorizations could put the Town's Aaa rating at risk, leading to higher borrowing costs if projects are not initiated and completed in a timely manner. A sample of the more than two dozen major capital projects in the plan over the next decade, include:

- New Our Island Home facility
- New DPW Campus at a new site (plus, potential repurposing costs for existing site)
- Baxter Road Alternative Access (most likely this cost will be offset by betterment assessments; however, the funds to construct will need an initial appropriation)
- Somerset Needs Area Sewer Extension
- New Middle School
- Town Employee Housing (to be constructed on Town property)
- Central Municipal Building (new facility)
- Coastal Resiliency projects

The execution collision is a result of the Town's limited ability to execute and deliver the

CIP. The Town is resource-constrained, has a backlog of funded projects and challenges come from many directions when executing these projects, for example local opposition is out of our control and often delays projects. Our own ability to secure project management resources needed to manage complex or inter-related projects leads to delays. Contract management, procurement requirements, project sequencing, supply chain issues, permitting and HDC approval all serve to complicate execution.

The scope and complexity of managing major projects is of substantial concern. Successful execution requires strong discipline and difficult choices and trade-offs will need to be made.

Our Island Home (OIH)

In recent years we have noted the financial challenges of operating the Town's municipally owned nursing home (the only municipally owned and operated skilled nursing facility in Massachusetts). While the financial challenges and staffing shortages persist, OIH has been able to maintain its quality of care and staffing levels using travel nursing agencies. In its last rating by Nursing Home Compare, OIH received a 4-star rating, which not only speaks to the improved staffing condition at OIH, but also to its financial viability as higher ratings open up residency to those with alternative insurance coverage. As noted in previous budget messages, OIH does not generate sufficient revenue to fully fund its operations, however it has increased revenue significantly through more efficient operations in FY 2024 and into FY 2025. Historically, there are a variety of reasons for revenue challenges, including the relatively small number of beds (licensed for 45), collective bargaining agreements, regulatory requirements, and maintenance and repair of an aging facility. Most significantly, Federal and State reimbursements do not cover the daily cost of care for a resident. Currently, for FY 2026, the budgeted OIH subsidy from the General Fund is \$5,519,064.

The work on developing a new OIH facility at Sherburne Commons is progressing. We now have in place our required Owner's Project Manager, a design and engineering firm, and a construction manager-at risk contractor. Community engagement remains a cornerstone of our efforts, and we anticipate requesting construction funding at the 2025 Annual Town Meeting. Like so many other large projects, this project places a large demand on the time of Town Administration and other Town departments.

Solid Waste

The Waste Services Agreement (WSA) with our landfill operator, Waste Options Nantucket, LLC, expires on November 30, 2025. For several years, we have been working internally on various scenarios, options, and cost projections for consideration as the contract expires. We developed and issued a Request for Proposals (RFP) last summer and are evaluating the responses. Our goal is to complete our evaluation by late January 2025 and have the operator in place for a seamless transition from the old agreement to the new one by the time the WSA expires.

Additionally, Town Administration continues to grapple with important questions about the future and has come to realize that many are significantly impacted by changing, or potentially changing, technological innovations or regulatory change. An issue we thought we may have decided upon a year ago, may very well be an open issue today because of the dynamics of technology and policy. We continue to hold regular workshops with the Select Board to share and review information we have gathered and to seek policy input.

Sustainability and Coastal Resiliency

Another priority of the Select Board which has significant budgetary implications is Sustainability. Sustainability is focusing on environmental, economic and social issues, and looking for ways of meeting the needs of the present without compromising the ability of future generations to meet their own needs. Overall, the Town's sustainability efforts will help local climate change efforts and respond to impacts such as sea level rise, flooding, erosion, extreme temperatures and extreme weather events. Responses to some of these issues have taken shape within the Environmental Leadership Focus Area of the Select Board Strategic Plan.

The scope and cost of these plans and projects will present serious challenges to the Island's taxpayers. The Coastal Resilience Plan has been integrated into the Town's 10-year Capital Improvement Plan to provide a more robust forecast of future financial requirements upon the Town. The critical projects identified between now and 2035 may cost the Town as much as \$500,000,000. While some financial grants are likely, they will not significantly offset the costs to protect Nantucket from the impacts of climate change and sea-level rise. In FY 2024, the Natural Resources Department through its Sustainability Program was awarded a \$421,875 Coastal Zone Management (CZM) State grant to begin investigations of a Downtown Neighborhood Flood Barrier for the Easy Street and lower Broad Street area. It is hoped that this is a gateway to larger grants to offset costs.

Continuity of Financial Strengths

- The Town's bond rating was maintained at the Aaa level by Moody's Investor Services in April of 2024 (Appendix D) with a Stable Outlook. The Town continues to have a rating of Aa+ from S&P Global. The Aaa rating is Moody's highest rating for a municipality and Nantucket is one of 14 (out of 351) cities and towns in Massachusetts to achieve this rating. A benefit of these high ratings includes the opportunity to borrow at lower interest rates.
- Free Cash for use in FY 2025 and FY 2026 is currently being reviewed by the Department of Revenue. It is expected that it will be certified at \$15,457,262. Pursuant to Town policy and best management practices, Free Cash is used for non-recurring items such as capital projects or other one-time expenses. See Appendix E for a five-year history of certified Free Cash and the Town's Budget Policy.
- The Stabilization Fund remains strong with a balance of \$8,183,970 at the end of FY 2024 (Appendix F). Best management practice is to hold reserves that are 10% of the budget. Using an approximate budget of \$140,000,000, the Stabilization Fund balance is approximately 6% of the budget. Combined with the Certified Free Cash (undesignated reserves), we expect the reserve amount to exceed the best management practice guideline as per the Town of Nantucket Financial Reserves Policy (Appendix G) and continue to commit \$1,000,000 annually to it.
- The Town maintained a balance of \$2,860,855 in its Capital Projects Stabilization Fund at the end of FY 2024. The current balance represents 2.04% of General Fund expenditures. Best management practice is to hold capital projects reserves which meet

or exceed 3% of the budget. The town continues to work towards this with an annual appropriation commitment of \$1,000,000.

- Increased focus on Town infrastructure continues to be a Select Board and Town Administration priority. Work to compile a comprehensive list of all town-owned facilities, along with condition assessments, current maintenance needs, and a maintenance schedule continues. The FY 2026 Capital Project and General Fund recommendations will continue the focus on infrastructure maintenance and improvement.
- Local receipts, including meals excise tax and room occupancy tax revenues remain stable in the first quarter of FY 2025. Town Administration is reviewing and monitoring closely as some local receipts are showing signs of slowing.
- For FY 2026, new growth is estimated to be \$1,800,000, representing a \$550,000 increase from the FY 2025 estimate. This increase continues to be attributable to the increase in construction on the island.
- In January of 2019, the state enacted legislation that expanded the hotel/motel room occupancy tax to cover certain short-term rentals. Link: <https://www.nantucket-ma.gov/1327/Short-Term-Rentals>. Collections for the first quarter of FY 2025 remain strong. The Select Board has discussed reserving some amount for specific purposes, including affordable housing, human services, infrastructure improvements and maintenance. It would be prudent to have a better picture of how much additional revenue we may be consistently realizing from this expanded tax before commitments for its uses are made. Room occupancy tax revenue for the period of June 2025 through September 2025 was lower than for the same period a year ago. This is something we are watching closely to see if this trend continues into the next reporting period ending on November 30, 2024 for which information will be received by December 30, 2024.
- The Town has maintained its commitment to funding the OPEB Trust Fund (Other Post-Employment Benefits) with annual contributions of \$500,000 since 2015, thereby lowering its net liability. The balance of the OPEB Trust Fund at the end of FY 2024 was \$7,586,199 (Appendix J). We continue to fund an annual appropriation of \$500,000 in the proposed FY 2026 budget.
- The Town continues to make its annual required contribution to the Barnstable County Retirement System. When compared to the rest of the Commonwealth's municipalities, Barnstable County remains in the top half of the retirement systems that are on schedule to be fully funded within their projections.
- The Town continues to work with its health insurance consultant NFP, an AON Company, monitoring utilization and exploring ways to mitigate the risk and reduce the overall cost of insurance. (See Appendix K, Price Waterhouse Cooper (PWC) article

September 2024).

Caution

In the same way we cautioned about revenues and expenses in last year's budget, we are closely monitoring economic trends and continuing our cautious approach to both revenue and expense projections. These projections are clouded by high interest rates and a cooling economy. Additionally, rising wage demands are impacting the financial positions of municipalities across the Commonwealth. Perhaps in ways more significant than any in the past decade, we are cautious about potential changes resulting from the incoming Trump Administration. We are keeping a close eye on policy changes regarding municipal borrowing rates, the environment, healthcare, energy, immigration, tariffs and education.

The Town faces a delicate balance of managing the increasing demands of a growing island community while remaining within the levy limit. As we head into FY 2026, the Town's ability to fund ever-increasing demand for programs and services while at the same time maintaining quality of life, facilities and infrastructure, gives us caution. The expanding demand requires a stable workforce, and while we see room for cautious optimism, the difficulty of attracting, retaining, and housing employees is ever-present.

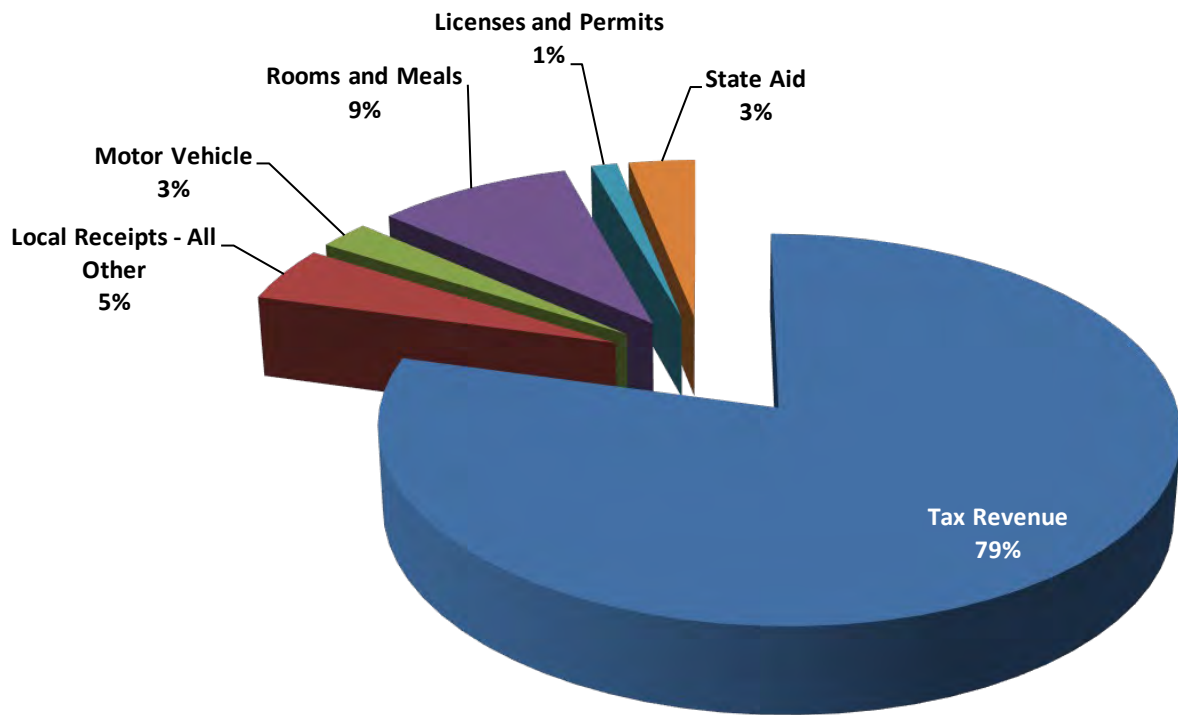
The budget is essentially a plan of service for the community and each year we attempt to budget prudently and cautiously. Not all requests and needs can be met to the degree desired by individual groups and departments. As we strive to meet as many demands as possible, we must also model for the impact of a potentially contracting economy. We do so by reviewing possible reductions in the following expense categories:

- municipal services for reduction or elimination – in other words, an “Austerity Budget”
- reduction-in-force options
- hiring “freeze” or “chill”
- NRTA year-round service reduction
- capital projects deferrals

In summary, the FY 2026 budget is particularly challenging due to so many “uncertainties”. Will inflation make project costs even more challenging to forecast? Is the Capital Improvement Plan just too large, too challenging? Will we need to examine whether to continue offering certain services? And/or reduce the ones we do offer or fund outside of the Town? Might the Trump Administration eliminate the tax-free borrowing status of municipalities? How quickly can we bring more housing online? Will we come together as a community, or will we succumb to incivility? There is much to address, with limited resources.

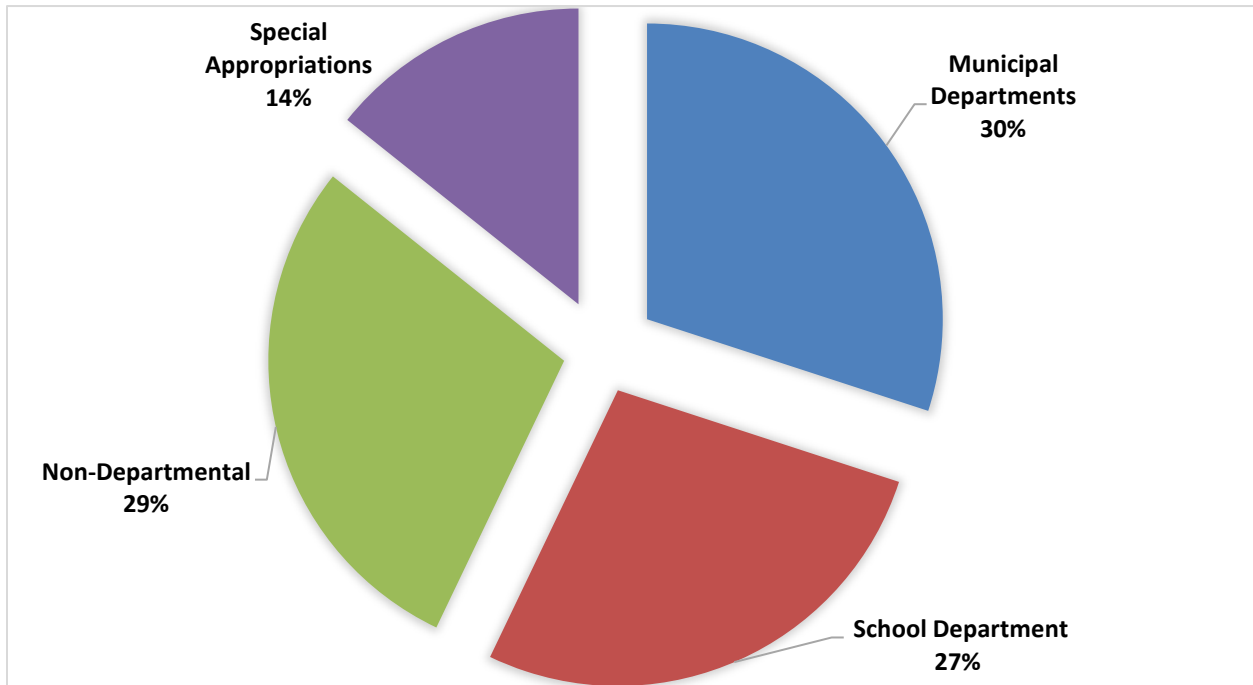
III. Overview of FY 2026 General Fund Budget Projection

A. Projected FY 2026 General Fund Revenue



Refer to Appendix M for a detailed breakdown of the FY 2026 proposed General Fund revenue as compared to the FY 2025 approved budget.

B. Projected FY 2026 General Fund Expenses



The proposed FY 2026 General Fund budget will fund:

- Projected Town and School salaries and fixed/current operational expenses – with some additional positions and programs.
- Fixed costs allocated between several expense categories including:
 - Health Insurance for active and retired employees is projected to rise at a rate of ~7.5% for FY 2026. While the Town did realize cost savings because of plan design changes in FY 2019, and while utilization rates have been lower in the past few quarters, we do expect rates to rise near the end of FY 2025 and into the beginning of FY 2026. The continued rise of medical rate inflation is expected to have an impact on the FY 2026 health insurance budget.
 - General Insurance is projected to increase 17.7% from FY 2025, based on current trends. The increase is resulting from the large losses that carriers have faced across the nation due to severe natural disasters over the past few years.
 - Debt Service is established by the current repayment schedule and will increase in FY 2026 due to the addition of long-term debt associated with Affordable Housing Projects, implementation of sidewalk improvement projects and other capital projects. However, the Town will continue to see an upward trend over the next 2-3 years, as new borrowings are undertaken for approved projects not yet started. (Appendix N)
 - The Barnstable County retirement assessment is assumed to increase 8.5% in FY 2026.
- General Fund subsidies to the following Enterprise Funds and Affordable Housing Trust Fund are projected for FY 2026:
 - Solid Waste operations - \$11,878,428
 - Affordable Housing Trust - \$6,662,500
 - Our Island Home - \$5,519,064
 - Stormwater - \$525,313
 - The subsidies to the Enterprise Funds except for Stormwater as well as the subsidy for the Affordable Housing Trust are funded through previously approved override votes.
- Minimum capital funding requirement of \$1,810,908, allocated equally between the Town and School departments for capital improvements, pursuant to a requirement of the Town Code:

The Town shall spend on capital projects a minimum of 1% of total Town local receipts collected in the prior fiscal year plus 1% of the total real estate and personal property taxes collected in the prior fiscal year. If local receipts fall below the 1% minimum, the Town may forego the funding requirement. Nantucket Town Code Chapter 11, § 11-12.1

- Other Annual Appropriations for the following:
 - \$500,000 to the Other Post-Employment Benefits (OPEB) Trust Fund, in

accordance with the Town's OPEB policy. FY 2026 will be the 10th consecutive year in which a contribution to this Trust Fund is made. The balance of the fund at the end of FY 2024 is \$7,586,199 (Appendix J)

- \$500,000 to the Reserve Fund (see Appendix F)
- State Cherry Sheet charges, the County Assessment and unpaid bills from prior fiscal years
- Annual Health and Human Services appropriation is funded at \$825,000 for FY 2026. The funding is split between a \$650,000 contribution from the General Fund and \$175,000 from the Special Purpose Stabilization Fund for Substance Abuse.

Refer to Appendix O for a detailed breakdown of the FY 2026 proposed General Fund expenses as compared to the FY 2025 approved budget.

IV. Town Administration Expense Increase Recommendations

Background

Over the past decade, Nantucket has experienced significant growth and the Town's scope of responsibility has increased. We have taken on and/or funded new initiatives in response to needs, requests, and mandates, yet staffing and service levels have not all kept up with the Island's growth, particularly in areas such as: infrastructure and public building maintenance, project management, code enforcement and community and town employee housing efforts. In addition, global, national, and regional issues of coastal resiliency, solid waste management and energy use are becoming more and more critical in terms of climate change, sea level rise and sustainability of natural resources. The Select Board's Strategic Plan is intended to help focus Select Board initiatives and budgetary allocations toward the goals contained within the Plan. Information as to the specifics of the current Strategic Plan may be found on the Town website at <https://nantucket-ma.civilspace.io/en/projects/the-plan>. Many other mandated and goal-oriented plans and studies have been developed in the past several years which are taken into consideration during budget development, these include but are not limited to:

- Staffing Study
- Hazard Mitigation Plan
- Coastal Resiliency Plan
- Green Community Requirements
- Town-wide PFAS Assessment
- Parks Master Plan
- Capital Improvement Plan
- Facilities Master Plan
- Diversity Equity and Inclusion Assessment

FY 2026 Expense Increase Requests

Departmental expense increase requests (EIR) for FY 2026 are shown in Appendix P, separated into categories of:

- Personnel Requests
- Expense Requests – One-time
- Expense Requests – Ongoing

Using a point system, with “Legal Mandate” being automatically supported, the requests were individually ranked and prioritized in accordance with the following criteria:

<u>Ranking Criteria</u>	<u>Scale</u>	<u>Description</u>
Legal Mandate	Y/N	Required by State/Fed or Local Bylaw (Y = Automatically Fund; Score of 9.0)
Staffing Study	0-2	Is it within the Staffing Study? If yes, 1 or 2 score would be determined by priority level (2 for higher priority)
Strategic Plan	0-2	Is it within the Strategic Plan? If yes, 1 or 2 score would be determined by priority level (2 for higher priority)
Staffing Study and Strategic Plan	0-1	Is it in <i>both</i> Staffing Study and Strategic Plan then 1 additional point to weight it higher
Department Operations & Efficiency	0-1	Funding necessary to provide a department with necessary support for existing <i>or</i> new program
Approved New Programming	0-1	Funding necessary to support a new initiative
Necessary for Existing Programming	0-1	Funding necessary to support or expand ongoing initiatives
Continuation of Operations	0-1	Funding necessary to support unexpected increases or items already operationalized (e.g., software licenses)

To fund these, we have:

- focused our recommendations on the Select Board’s Strategic Plan, and the other studies and plans referenced above, as well as critical Town operational issues
- recommended use of funds from other sources (such as fund the one-time expenses from Free Cash and/or borrowing)
- not recommended funding and/or will take a different approach; or funded a reduced request

The FY 2026 Expense Increase Requests initially submitted by departments far exceeded our budgetary capacity, therefore we have prioritized the EIRs using the system noted above, and recommendations follow:

Department	Description of Expense Request	One-Time or Ongoing	Total Amount Requested *Includes Health Insurance	Approved Amount *Includes Health Insurance
Personnel Expense Increase Requests (EIRs)				
C&T	Cultural Affairs & Special Events Coordinator	Ongoing	115,701	115,701
Finance	~~3 Additional Accounting Clerks~~	Ongoing	347,102	-
Fire	~~4 Additional Firefighters~~	Ongoing	241,102	-
Fire	2 Additional Firefighters ⁽¹⁾	Ongoing	241,102	241,102
HHS	~~Behavioral Health Coordinator~~	Ongoing	115,701	-
HHS	STR Compliance Coordinator	Ongoing	108,421	108,421
HR	Central Intern Funding ⁽²⁾	Ongoing	-	50,000
IT	~~IT Intern~~ ⁽²⁾	Ongoing	24,000	-
NR	~~Extension Agent~~	Ongoing	143,000	-
NR	Increase Holiday Pay	Ongoing	4,000	4,000
PLUS	Increase Overtime for Inspectors	Ongoing	10,000	10,000
Police	~~4 Additional Police Officers~~	Ongoing	247,693	-
Police	2 Additional Police Officers ⁽¹⁾	Ongoing	247,693	247,693
Town Admin	Real Estate Position	Ongoing	119,500	119,500
Town Admin	~~Web Graphic Design Specialist~~	Ongoing	118,000	-
Department Personnel EIR			\$ 2,083,015	\$ 896,417

(1) Four positions requested, only two approved.

(2) IT Intern requested, changed into Central Intern Funding for all departments.

Department	Description of Expense Request	One-Time or Ongoing	Total Amount Requested	Approved Amount
One-Time Operating Expense Increase Requests (EIRs)				
Public Works	CDL & Hoisting Licenses	One-Time	20,000	20,000
Central Fleet	New IT Vehicle	One-Time	40,000	40,000
Central Fleet	~~Purchase UTV (NRD)~~	One-Time	20,000	-
Central Fleet	~~GEM Vehicle (PLUS)~~	One-Time	40,000	-
Fire	New Recruit Travel	One-Time	20,000	10,000
Fire	~~Record Management Software Additional Features~~	One-Time	10,000	-
Fire	New Recruit Gear	One-Time	50,000	25,000
Fire	Preventative Vehicle Maintenance NFPA Standards	One-Time	10,000	10,000
Finance	~~Enterprise Resource Planning Software Review~~	One-Time	60,000	-
HHS	~~Behavioral Health Training, Events, Outreach & Education~~	One-Time	15,000	-
HHS	~~Needs Assessment for Human Services~~	One-Time	60,000	-
HR	Compensation & Classification Study Update	One-Time	105,000	105,000
IT	~~Purchase of New Phone Equipment/Software~~	One-Time	49,000	-
NR	~~Sustainability Policy Development~~	One-Time	40,000	-
PLUS	~~Historic Architectural Surveys~~	One-Time	60,000	-
Town Clerk	Cooling Devices for Town Meeting Spaces	One-Time	6,000	6,000
Total Operating One-Time Expense Increase Requests			\$ 605,000	\$ 216,000
Department	Description of Expense Request	One-Time or Ongoing	Total Amount Requested	Approved Amount
Ongoing Operating Expense Increase Requests (EIRs)				
DPW/Facilities	Increase Electricity for Public Buildings	Ongoing	25,000	25,000
DPW/Facilities	Increase Custodial for Public Buildings	Ongoing	66,800	66,800
Streetlights	Increase Electricity	Ongoing	10,000	10,000
Fire	Increase Training	Ongoing	63,000	50,000
HHS	~~Increase Postage~~	Ongoing	4,000	-
Housing	Increase Employee Housing Budget	Ongoing	490,000	230,000
IT	Increase Prof. Services - Cybersecurity Penetration Testing	Ongoing	80,000	80,000
IT	Increase Prof. Services - 5% Increase for Annual License Increases	Ongoing	36,000	36,000
IT	Increase Prof. Services - Microsoft License Upgrade	Ongoing	30,000	30,000
IT	~~Increase Telephone Budget, Transferring Town Phones from Public Safety~~	Ongoing	50,000	-
NR	Increase Warranty/Subscription Costs	Ongoing	20,000	20,000
Police	Increase Police Academy Cost	Ongoing	17,500	17,500
Police	Increase Police Vehicle Cost	Ongoing	47,600	47,600
Town Admin	~~Globe Recurring Expense~~	Ongoing	7,500	-
Town Admin	~~Increase Advertising~~	Ongoing	8,000	-
Town Clerk	Increase Town Meeting Cost	Ongoing	70,000	70,000
Total Operating Expense Ongoing Increase Requests			\$ 1,025,400	\$ 682,900
Total Town Personnel & Operational Expense Increase Requests			\$ 3,713,415	\$ 1,795,317

V. Current and Future Year Considerations

Sustainability

The Town has many complex and critical sustainability projects in its near and long-term future which are necessary to maintain its fragile ecology, historic character, and world class resort reputation. The Town's Sustainability Program ensures integration of this sustainability principle in town wide operations. Activities include oversight of various sustainability efforts such as the Town's Coastal Resiliency Plan, Green Communities designation, and Hazard Mitigation Plan. We have in place an interdepartmental Sustainability Workgroup consisting of numerous departments and island agencies addressing a wide variety of sustainability issues and

which works to operationalize a “filter” of sustainability throughout Town operations.

Coastal Resiliency/Infrastructure/Planning

Global warming, climate change and sea level rise are frequently identified in the news media and through scientific research as growing issues for municipalities. In FY 2019, we completed an update to the Town’s Hazard Mitigation Plan, which can be found here <https://www.nantucket-ma.gov/1373/Hazard-Mitigation-Plan>. The plan recommends over 50 projects for implementation.

The Select Board established a Coastal Resiliency Advisory Committee to make recommendations about a variety of coastal resiliency issues, including a Coastal Resiliency Plan (CRP). (<https://www.nantucket-ma.gov/1391/Coastal-Resiliency-Advisory-Committee>). In mid FY 2022 the Coastal Resiliency Plan was issued through the efforts of the Coastal Resiliency Advisory Committee with its consultant, Arcadis. Currently, 20 of the 40 projects are progressing with 9 of these underway and 5 already completed within 2 years of the CRP being finalized (Appendix S). As with all major projects on the island, advancement or completion of these complex resiliency projects are subject to competing priorities, including funding and personnel resources.

Parks Master Plan

The Nobadeer Fields Expansion Project is underway, with Weston and Sampson contracted to develop the design for the new natural turf fields. We expect to break ground on this multi-year project in the fall of 2025. The new fields will require two full growing seasons to fully establish the natural grass turf before they are opened for use. Once the new fields are online, the third field will receive its renovation, which will also require two growing seasons to establish. Completion of the entire phased project is expected in late 2028. A new playground funded by Article 10 at the 2024 Annual Town Meeting will also be installed at the Nobadeer Fields during the first phase of the field expansion project.

Funded by Article 15 of the 2024 Annual Town Meeting, the Tom Nevers Park debris removal and erosion control project is also continuing to progress. Survey and engineering redesign, necessitated by coastline changes during several severe storms in early 2023, are ongoing. Permitting, construction document development, and bidding phases are expected to occur over the next 12-18 months. The construction phase of this project is expected to be costly, far in excess of the \$2,000,000 appropriation approved at the 2024 Annual Town Meeting. We are exploring federal grants and other opportunities to potentially offset costs. This project will need to be completed, and the bluff stabilized before any parks and recreation projects can be executed at the Park. Article 10 of the 2024 Annual Town Meeting also appropriated funds for new playground equipment to enhance the existing playground area at Tom Nevers Park. The Town is under contract with a vendor to supply and install these new playground features before summer 2025.

Article 17 of the 2024 Annual Town Meeting appropriated funds for the reconstruction of the Jetties tennis courts. Construction kicked off in October 2024, with demolition, site prep, new post-tensioned concrete pad, and fencing completed as of December 2024. The courts will have

the final surfacing and color layers installed in the spring of 2025 and are expected to be open to the public in late spring.

Per and Polyfluoroalkyl Substances (PFAS)

Since 2020, the Town has appropriated \$15,000,000 for PFAS-related efforts which does not include the work by the Nantucket Memorial Airport to address PFAS contamination and cleanup on property under Airport jurisdiction. Approximately \$4.7M has been expended to date through twenty (20) contracts to perform a variety of island-wide PFAS-related projects, including the water main expansion project west of Nantucket Memorial Airport begun in fall 2023. Aside from the Landfill Groundwater PFAS Sampling Program which is being undertaken with the support of the Massachusetts Department of Environmental Protection, these voluntary efforts are being undertaken proactively to learn more about potential PFAS issues in the community and identify short and long-term solutions. A “PFAS Cycle” model for the community of Nantucket has been developed and is being used to target the transmission pathways and contaminated materials in the environment for source reduction and control, and as a tool to guide project development.

Diversity Equity and Inclusion (DEI) Initiatives

In the fiscal year leading up to FY 2024, the DEI Office developed the Town’s first DEI Strategic Plan. While our DEI Director departed in January 2024 to pursue other opportunities, our DEI Committee, composed of Town employees continued to plan and execute DEI-related activities. Given the very fluid DEI landscape, we are proceeding deliberately in how we staff the office going forward.

Health and Human Services Funding

We propose to allocate \$825,000 to local health and human service agencies in the community for FY 2026. This funding allocation is the same as FY 2025 and continues to be among the highest of all towns in Massachusetts. The funding consists of a \$650,000 commitment from the Town’s General Fund along with \$175,000 recommended to come from the Special Purpose Stabilization Fund for Substance Abuse funded by the through the local option Cannabis sales tax. Each year, the Human Services Contract Review Committee reviews funding applications and recommends distributions levels to the Finance Committee and Select Board.

VI. Conclusion

The proposed FY 2026 General Fund budget can be funded within available revenue, while supporting select new and on-going initiatives and limited new staff positions. The list of challenges is long and includes funding the increasing demands for services from the community; retaining, attracting, and housing qualified employees; and, maintaining infrastructure while making it more resilient. Solid waste management, stormwater, PFAS and Town employee morale will all require continuing and meaningful focus in FY 2026. As noted in this Message and in prior Messages, the demand for resources to address the above will continue into the foreseeable future.

Sincere thanks to the Select Board, Town departments, Finance Committee, Capital Program Committee, and especially to the staff who spend many, many hours putting together the information necessary to develop these budget recommendations, especially Director of

Municipal Finance, Brian E. Turbitt, Assistant Town Manager, Rick Sears, Assistant Town Manager for Strategic Projects, Gregg Tivnan, Assistant Finance Director, Susan Carmel and our new Budget Analyst Steven Hunter.

Prepared by:

Town Manager, pursuant to Article IV, Section 4.2(d)(3) of the Charter of the Town of Nantucket



Town Administration Fiscal Year 2026 General Fund Budget Recommendations

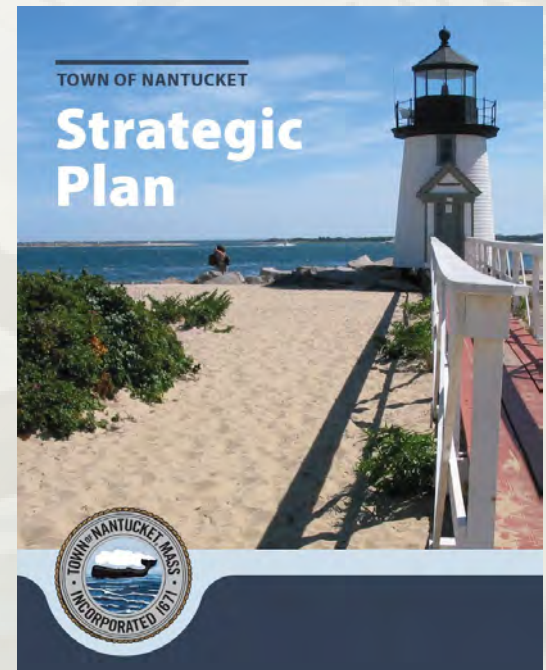
*December 11, 2024
Select Board Meeting*

Select Board and Town Administration Goals and Initiatives for FY 2026

- Balanced Budget – within projected revenue
- Strategic Plan
 - Housing, Housing, Housing
 - Environmental Leadership
 - Efficient Town Operations
 - Transportation
 - Healthy and Vibrant Community
- Capital and Operational Investment in Infrastructure/Facilities
 - DPW Facility
 - Our Island Home
 - Somerset Needs Area Sewer Extension
 - Surfside Area Water Main Extension and Transportation Improvements

Select Board and Town Administration Goals and Initiatives for FY 2026

- Workforce Recruitment and Retention
 - Increase employee housing options
 - Increase training and professional development opportunities; cross-train staff where appropriate
 - Continue succession planning
 - Continue to evaluate employee benefits and compensation
 - Review and refine remote working options
- Sustainability
 - Seek to operationalize throughout Town government
 - Apply Sustainability Filter to applicable projects
- Additional Priorities
 - Capital planning and project management
 - Management of Town-controlled housing (owned and rented)



FY 2026 General Fund Budget Overview

- Revenue – Total Projected Revenue of \$161,672,244
Net of Property Tax Abatements
- Expenses – Total Projected Expenses of \$161,444,574
- Unused Levy Capacity - Projected \$227,668

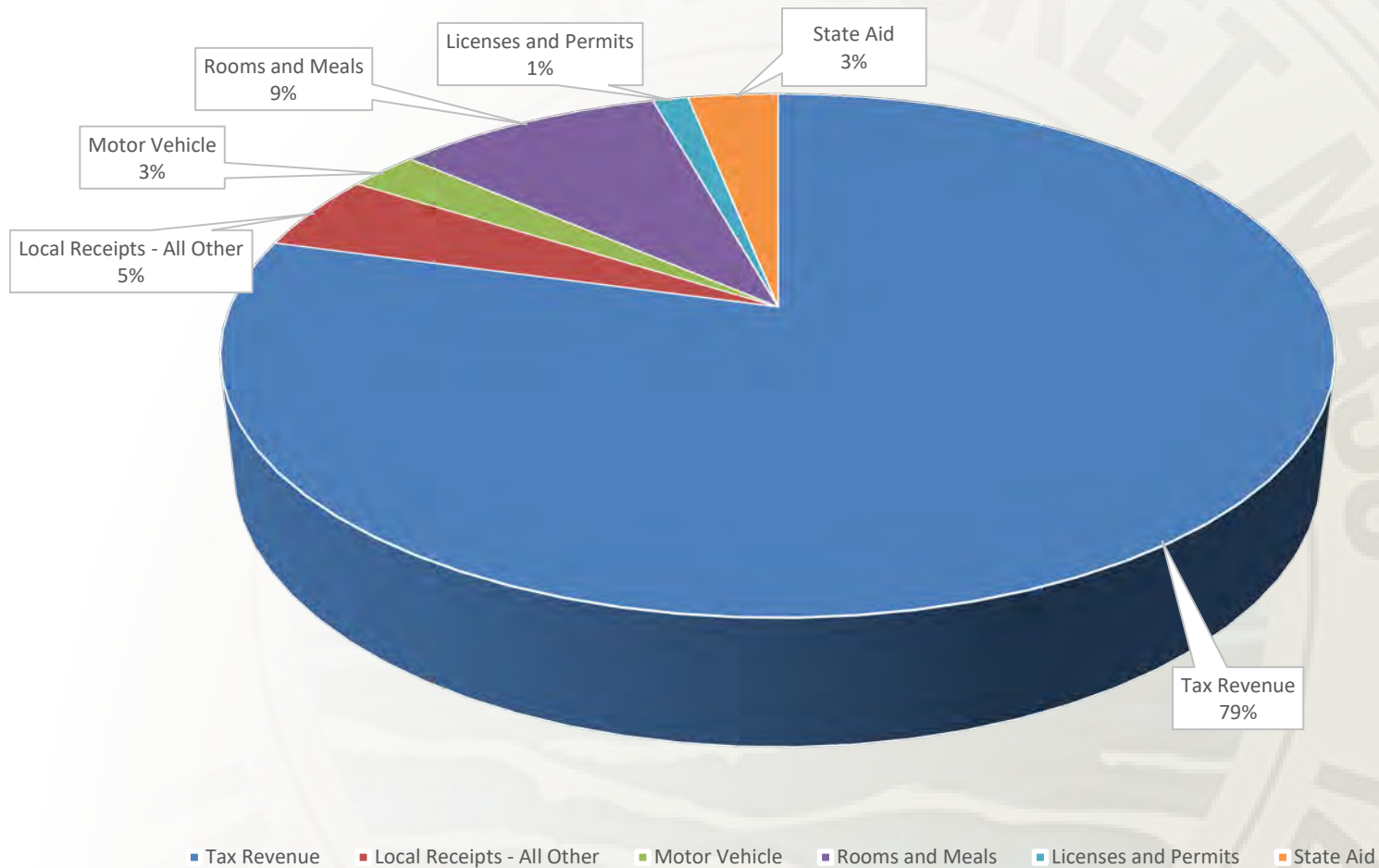
FY 2026 General Fund Budget Summary Comparison

REVENUES	FY 2025	FY 2026	\$ Change	% Change
Property Tax	121,755,342	127,441,941	5,686,598	4.67%
Local Receipts (All other)	5,650,000	7,578,295	1,928,295	34.13%
Motor Vehicle Excise	3,900,000	3,900,000	-	0.00%
Rooms and Meals Tax	15,476,324	14,850,000	(626,324)	-4.05%
Licenses and Permits	1,975,000	1,975,000	-	0.00%
State Aid (1)	4,822,149	5,008,338	186,189	3.86%
Free Cash	817,900	516,000	(301,900)	-36.91%
Other Available Funds	175,000	175,000	-	0.00%
TOTAL REVENUES	154,571,715	161,444,574	6,872,858	4.45%
EXPENDITURES				
Municipal Departments	\$ 48,003,345.00	\$ 48,457,560.11	\$ 454,215.11	0.95%
School Department	\$ 40,778,395.00	\$ 43,746,176.00	\$ 2,967,781.00	7.28%
Non-Departmental	\$ 42,231,562.00	\$ 46,176,906.59	\$ 3,945,344.59	9.34%
Special Appropriations	\$ 23,558,412.81	\$ 23,063,931.75	\$ (494,481.06)	-2.10%
TOTAL EXPENDITURES	\$154,571,714.81	\$ 161,444,574.45	\$ 6,872,859.64	4.45%

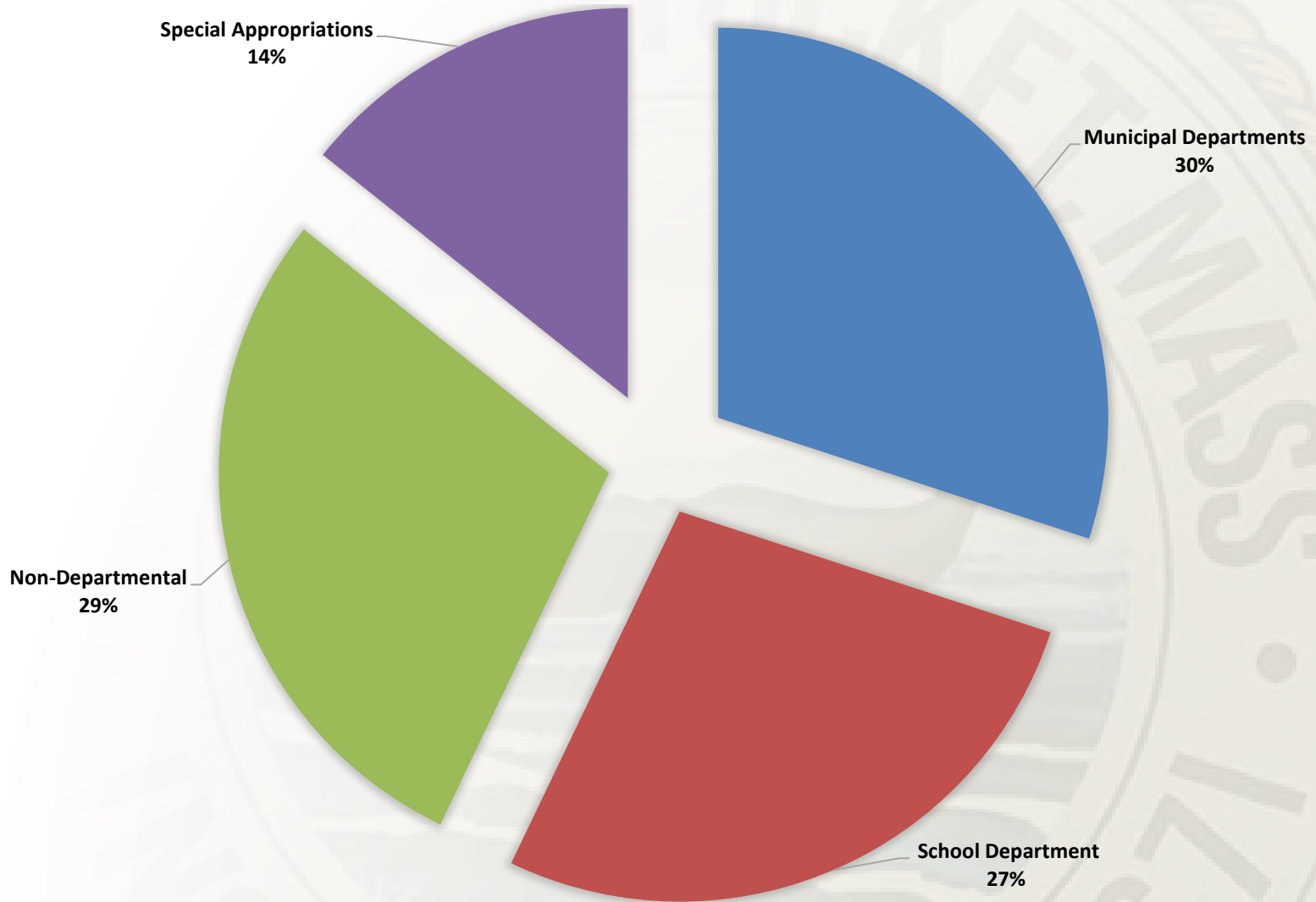
See Appendix A in Budget Message for detailed breakdown

(1) FY 2026 State Aid represents level funding from FY 2025 approved figure

FY 2026 General Fund Projected Revenue



FY 2026 General Fund Projected Expenses



FY 2026 General Fund Budget Expense Categories

Category	FY 2026 Town Manager Recommendation	Notes
Town Operational Expenses	\$18,294,932	
Town Operational EIRs ⁽¹⁾	\$898,900	Included in Town expenses
Town Salaries	\$29,565,189	Includes all collective bargaining agreements and the comp and class study
Town Personnel EIRs	\$406,795	Included in Town salaries
School Operational Expenses	\$7,132,525	
School Operational EIRs	\$500,000	Included in School expenses
School Salaries	\$36,013,651	Includes all collective bargaining agreements

(1) EIR = Expense Increase Request

FY 2026 General Fund Budget

Fixed Costs

Category	FY 2026 Town Manager Recommendation	% Change over FY 2025 Budget Recommendation
Health Insurance		
Active	\$13,554,058	7.5% increase
Retiree	\$4,758,019	7.5% increase
General Insurance	\$5,573,938	14.7% increase
Debt Service	\$14,948,042	<i>per established schedule</i>
Retirement	\$7,642,850	8.5% increase
Enterprise Fund Subsidies*	\$17,922,805	2.5% Increase

* See Appendix A in Budget Message for detailed breakdown

FY 2026 General Fund – Special Appropriations

Category	FY 2026 Town Manager Recommendation	% Change over FY 2025 Budget Recommendation
Mosquito Control	\$190,644	2.5% increase
Health and Human Services	\$825,000	No change
County Assessment	\$237,700	29.5% increase
Reserve Fund	\$500,000	No change
Unpaid Bills	\$0	No change
Other Post-Employment Benefits (OPEB)	\$500,000	No change
Affordable Housing Trust Fund	\$0	
Overlay and Other Deficits	\$0	No change
Cherry Sheet Charges	\$1,267,519	No change
Community School	\$600,000	No change
Min Cap Funding Req	\$1,810,908	n/a - 1% of prior year revenue
TOTAL EXPENSES	\$161,444,574	

FY 2025 - FY 2026 Town Expense Increase Requests Comparison (included in recommended budget, excluding School)

FY2025 - FY2026 Expense Increase Requests



FY 2026 Town Expense Increase Requests

(included in recommended budget, excluding School)

Submitted Requests

\$3,713,415 Requested

One-time \$605,000

Ongoing \$3,108,415



Recommended Requests

\$1,795,317 Recommended

One-time \$216,000

Ongoing \$1,579,317

- Recommended requests to be funded through available tax levy, free cash, potential revenue increases, revolving funds and county*

FY 2026 Recommended Town Personnel Expense Increase Requests

Department	Description of Expense Request	One-Time or Ongoing	Approved EIRs	
				*includes heath insurance
Personnel Expense Increase Requests (EIRs)				
C&T	Cultural Affairs & Special Events Coordinator	Ongoing	\$	115,701
Fire	2 Additional Firefighters	Ongoing	\$	241,102
HHS	STR Compliance Coordinator	Ongoing	\$	108,421
HR	Central Intern Funding	Ongoing	\$	50,000
NR	Increase Holiday Pay	Ongoing	\$	4,000
PLUS	Increase Overtime for Inspectors	Ongoing	\$	10,000
Police	2 Additional Police Officers	Ongoing	\$	247,693
Town Admin	Real Estate Position	Ongoing	\$	119,500
Department Personnel EIR			\$	896,417

FY 2026 Recommended Town Operating Expense Increase Requests (One-Time)

Department	Description of Expense Request	One-Time or Ongoing	Approved EIRs
Operating Expense Increase Requests (EIRs)			
Public Works	CDL & Hoisting Licenses	One-Time	\$ 20,000
Central Fleet	New IT Vehicle	One-Time	\$ 40,000
Fire	New Recruit Travel	One-Time	\$ 10,000
Fire	New Recruit Gear	One-Time	\$ 25,000
Fire	Preventative Vehicle Maintenance NFPA Standards	One-Time	\$ 10,000
HR	Compensation & Classification Study Update	One-Time	\$ 105,000
Town Clerk	Cooling Devices for Town Meeting Spaces	One-Time	\$ 6,000
Total Operating One-Time Expense Increase Requests			\$ 216,000

FY 2026 Recommended Town Operating Expense Increase Requests (Ongoing)

Department	Description of Expense Request	One-Time or Ongoing	Approved EIRs
Operating Expense Increase Requests (EIRs)			
DPW/Facilities	Increase Electricity for Public Buildings	Ongoing	\$ 25,000
DPW/Facilities	Increase Custodial for Public Buildings	Ongoing	\$ 66,800
Streetlights	Increase Electricity	Ongoing	\$ 10,000
Fire	Increase Training	Ongoing	\$ 50,000
Housing	Increase Employee Housing Budget	Ongoing	\$ 230,000
IT	Increase Prof. Services - Cybersecurity Penetration Testing	Ongoing	\$ 80,000
IT	Increase Prof. Services - 5% Increase for Annual License	Ongoing	\$ 36,000
IT	Increase Prof. Services - Microsoft License Upgrade	Ongoing	\$ 30,000
NR	Increase Warranty/Subscription Costs	Ongoing	\$ 20,000
Police	Increase Police Academy Cost	Ongoing	\$ 17,500
Police	Increase Police Vehicle Cost	Ongoing	\$ 47,600
Town Clerk	Increase Town Meeting Cost	Ongoing	\$ 70,000
Total Operating Expense Ongoing Increase Requests			\$ 682,900
Total Town Personnel & Operational Expense Increase Requests			\$ 1,795,317

FY 2026 Town Expense Increase Requests

Funding Source Detail

Funding Source	Amount
Tax Levy & Other General Revenues	\$1,288,695
Free Cash	\$216,000
Capital Exclusion	\$0
Revolving Fund – STR Registration	\$108,421
County Funding	\$182,201
Total - All Funding Sources	\$1,795,317

Preliminary Free Cash Recommendation (In Progress)

General Fund Certified Free Cash*	TBD
Fund Town Expense Increase Requests (one-time)	\$216,000
Fund School Expense Increase Requests (one-time)	\$300,000
Fund Town and School Capital Requests	
Unpaid Bills	\$0
Stabilization Fund	
Capital Stabilization Fund	
Other Post Employment Stabilization Fund	
OPEB Trust Fund Contribution	
Unallocated Free Cash	

* Pursuant to Town policy and best management practices, Free Cash is used for non-recurring items such as capital projects or other one-time expenses

FY 2026 Outstanding Items and Current Unknowns

- State Aid Impact
- Citizen Warrant Articles Potential Cost Impact
- Short-term Rental Bylaw Changes
- Escalating Construction Costs
- Implementation of Coastal Resilience Plan
- Solid Waste Transition
- Retirement Assessment
- Offshore Wind
- Right Whale Vessel Speed Restriction

2025 Annual Town Meeting

The 2025 Annual Town Meeting will be held on Saturday, May 3, 2025

Citizen Warrant Articles

- Read our Guide to Preparing Citizen Warrant Articles [here](#).
- Town Counsel offered virtual consultations for citizen articles on
- Citizen warrant articles were due by

Relevant Information

- [2025 Annual Town Meeting Timeline \(P](#)
- [2025 Annual Town Meeting Citizen Wa](#)
- [Town Counsel Comments on Citizen W](#)

Housing

Nantucket is a diverse community with a broad spectrum of economic circumstances and has housing stock that meets the range of needs. New round housing is desirable for those who work on the island, especially seasonal employees. The various form of affordable and affordable housing make our island long-term sustainable, viable, and inclusive. Our seasonal workforce is able to find safe and secure housing, become on-island and an important part of the island's economy, and play a role in the character of the island.

ASPIRATIONAL STATEMENT	GOALS
Nantucket is a diverse community with a broad spectrum of economic circumstances and has housing stock that meets the range of needs. New round housing is desirable for those who work on the island, especially seasonal employees. The various form of affordable and affordable housing make our island long-term sustainable, viable, and inclusive. Our seasonal workforce is able to find safe and secure housing, become on-island and an important part of the island's economy, and play a role in the character of the island.	• Increase the housing stock of Nantucket with a broad spectrum of economic circumstances and housing stock that meets the range of needs. • Increase the number of affordable and affordable housing units. • Increase the number of affordable and affordable housing units. • Increase the number of affordable and affordable housing units.

Environmental Leadership

Nantucket residents and visitors share responsibility for the long-term sustainability of our beautiful island, and address the challenges of climate change, sea level rise, and increasing energy demands. We recognize our responsibility to the island, our community, and the future generations. We work to ensure our community is resilient and self-sufficient. Other communities look to Nantucket to learn how to care for the natural environment.

ASPIRATIONAL STATEMENT	GOALS
Nantucket residents and visitors share responsibility for the long-term sustainability of our beautiful island, and address the challenges of climate change, sea level rise, and increasing energy demands. We recognize our responsibility to the island, our community, and the future generations. We work to ensure our community is resilient and self-sufficient. Other communities look to Nantucket to learn how to care for the natural environment.	• Provide clean water and wastewater services to all residents and businesses. • Increase the number of renewable energy sources. • Increase the number of renewable energy sources. • Increase the number of renewable energy sources.

Efficient and Effective Town Operations

Nantucket residents and visitors share responsibility for the long-term sustainability of our beautiful island, and address the challenges of climate change, sea level rise, and increasing energy demands. We recognize our responsibility to the island, our community, and the future generations. We work to ensure our community is resilient and self-sufficient. Other communities look to Nantucket to learn how to care for the natural environment.

ASPIRATIONAL STATEMENT	GOALS
Nantucket residents and visitors share responsibility for the long-term sustainability of our beautiful island, and address the challenges of climate change, sea level rise, and increasing energy demands. We recognize our responsibility to the island, our community, and the future generations. We work to ensure our community is resilient and self-sufficient. Other communities look to Nantucket to learn how to care for the natural environment.	• Increase the number of renewable energy sources. • Increase the number of renewable energy sources. • Increase the number of renewable energy sources. • Increase the number of renewable energy sources.

Healthy and Vibrant Community

Nantucket is a vibrant and inclusive community. We recognize our responsibility to the island, our community, and the future generations. We work to ensure our community is resilient and self-sufficient. Other communities look to Nantucket to learn how to care for the natural environment.

ASPIRATIONAL STATEMENT	GOALS
Nantucket is a vibrant and inclusive community. We recognize our responsibility to the island, our community, and the future generations. We work to ensure our community is resilient and self-sufficient. Other communities look to Nantucket to learn how to care for the natural environment.	• Increase the number of renewable energy sources. • Increase the number of renewable energy sources. • Increase the number of renewable energy sources. • Increase the number of renewable energy sources.

Urgent Support Needed for Nantucket Island!

NOAA North Atlantic Right Whale Vessel Strike Reduction Rule

ENERGY is a complex issue, involving multiple corporate groups, government agencies, making it difficult for the public to understand the role, who is responsible for the possible outcomes of actions. In this newsletter, we aim to help you informed of offshore wind developments near Nantucket and clarify the topics that have generated the most public feedback.

We want to keep you updated on the opportunities for citizens to share their views. We hope you find the following information helpful.

EMAIL OUR FEDERAL DELEGATION TODAY!

www.nantucket.ma.gov/vesselstrike

Special Edition: Offshore Wind

NEWSLETTER FROM THE DESK OF TOWN MANAGER LIBBY GIBSON

October 13, 2024

ENERGY is a complex issue, involving multiple corporate groups, government agencies, making it difficult for the public to understand the role, who is responsible for the possible outcomes of actions. In this newsletter, we aim to help you informed of offshore wind developments near Nantucket and clarify the topics that have generated the most public feedback.

We want to keep you updated on the opportunities for citizens to share their views. We hope you find the following information helpful.



Future Potential Costs

- Integration and implementation of plans, including:
 - Strategic Plan
 - Coastal Resilience Plan
 - Master Plan
 - Parks Master Plan
 - Capital Improvement Plan
 - Hazard Mitigation Plan
 - Harbors Plan
 - Open Space and Recreation Plan
- Employee recruitment/retention
- Evolving workforce
- Town employee housing property management
- Cybersecurity measures
- NRTA service modifications/free service
- PFAS
- Operational costs and maintenance costs of aging facilities

Next Steps

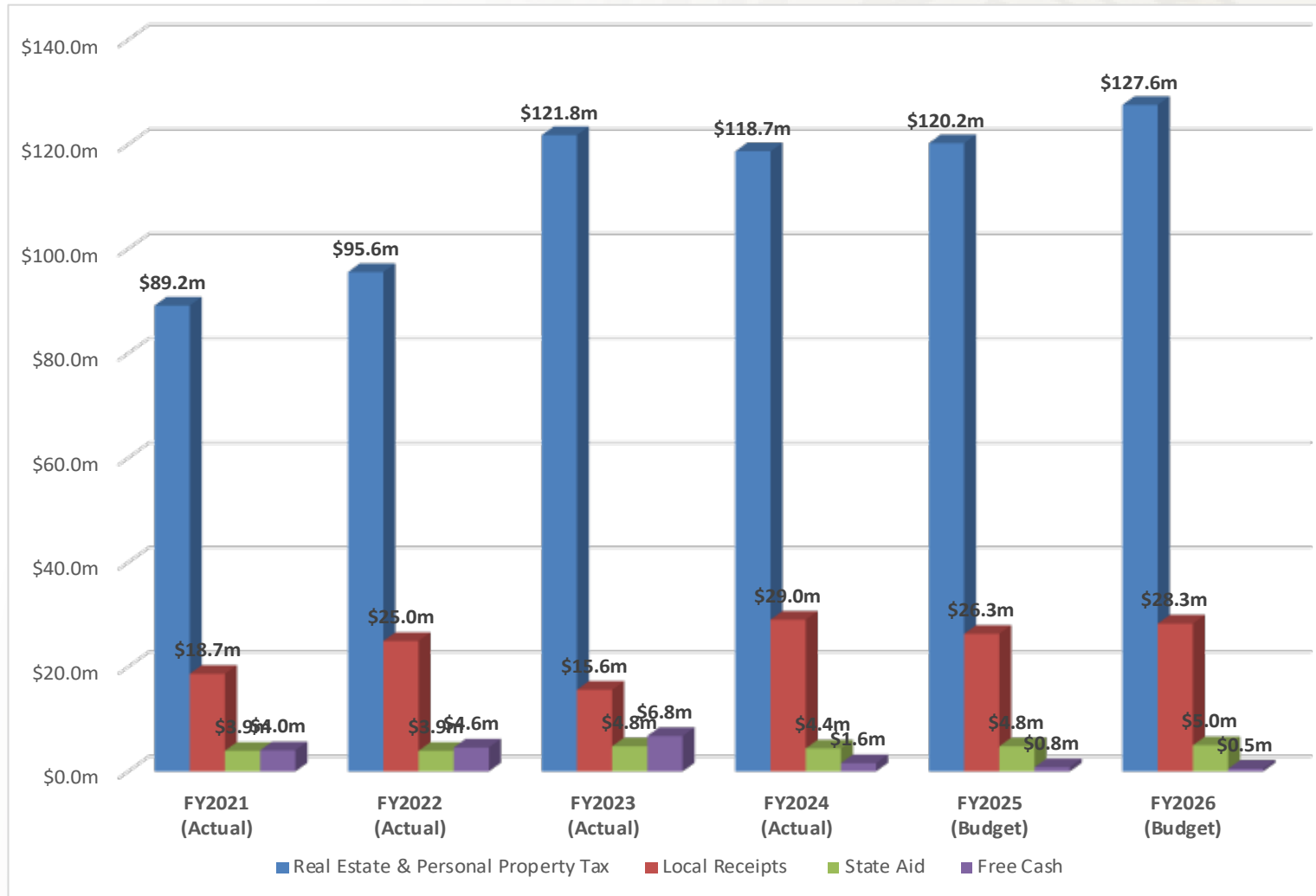
- January 7: Town Administration FY 2026 Budget presentation to School Committee
- January 8: Select Board public hearing; endorsement of recommended FY 2026 General Fund Budget
- Mid-January – mid-March: Finance Committee review of General Fund and Enterprise Fund budgets; other financial appropriations
- Saturday, May 3: Annual Town Meeting (2025)
- Tuesday, May 20: Annual Town Election (2025)

General Fund Charts and Graphs

- **General Fund Revenue Breakdown**
 - This Graph summarizes by revenue sources the actual collections (FY21-FY24) and compares budgets for FY25 and FY26
- **General Fund Expense Graph**
 - This graph summarizes the General Fund (excluding school) by expense category showing the actuals expenditures for (FY21 – FY24) and compares budgets for FY25 and FY26
- **General Fund Personnel History**
 - This graph summarizes the actual and planned Full Time Equivalents employees for both the Town and the School.
- **Rooms Occupancy and Meals Tax Revenue**
 - This graph summarizes the revenue received for both Room Occupancy (including STR's) and Meal's tax Revenue for FY20 – FY24

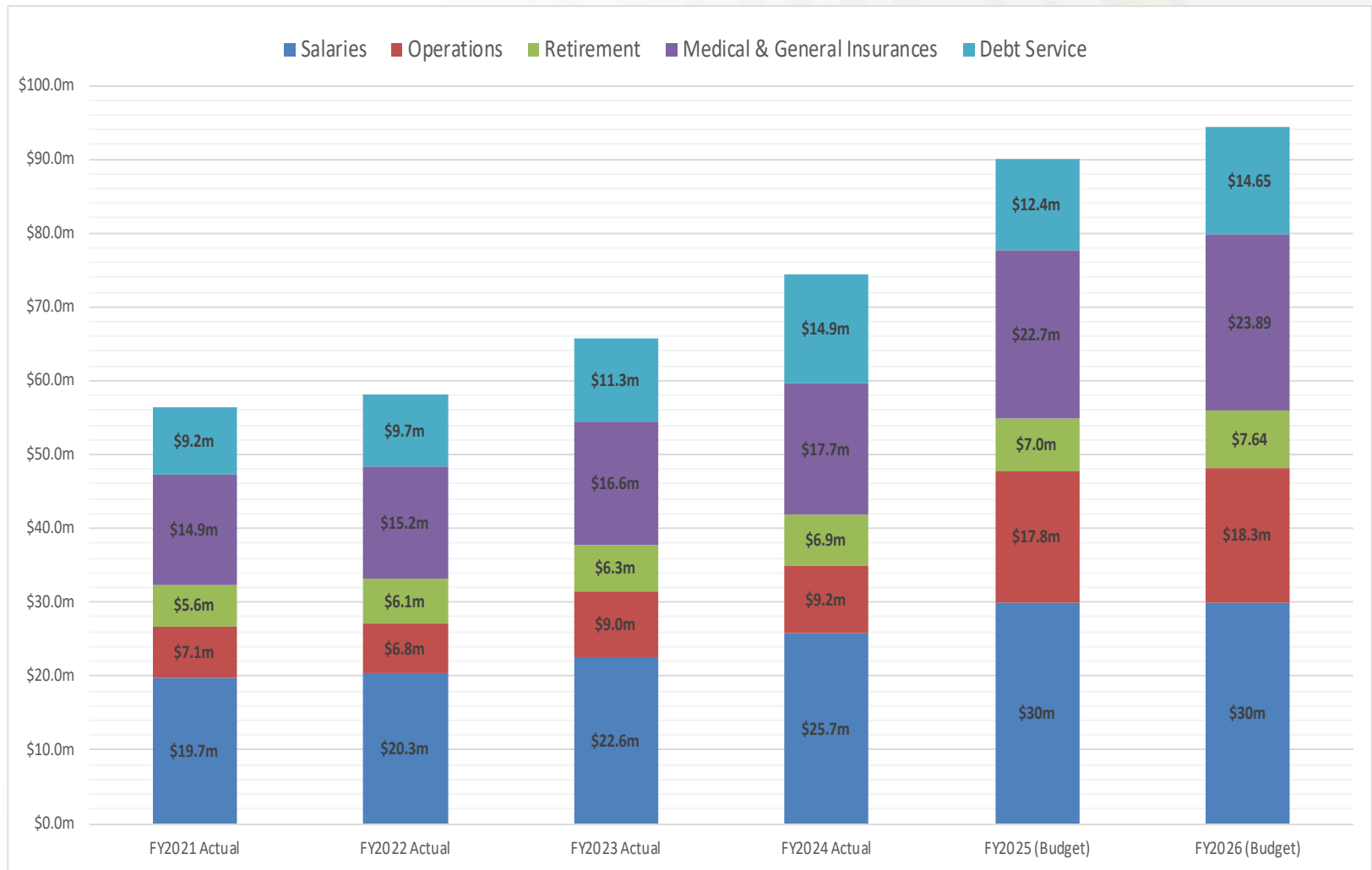
General Fund Revenue Breakdown

FY 2021 – FY 2026



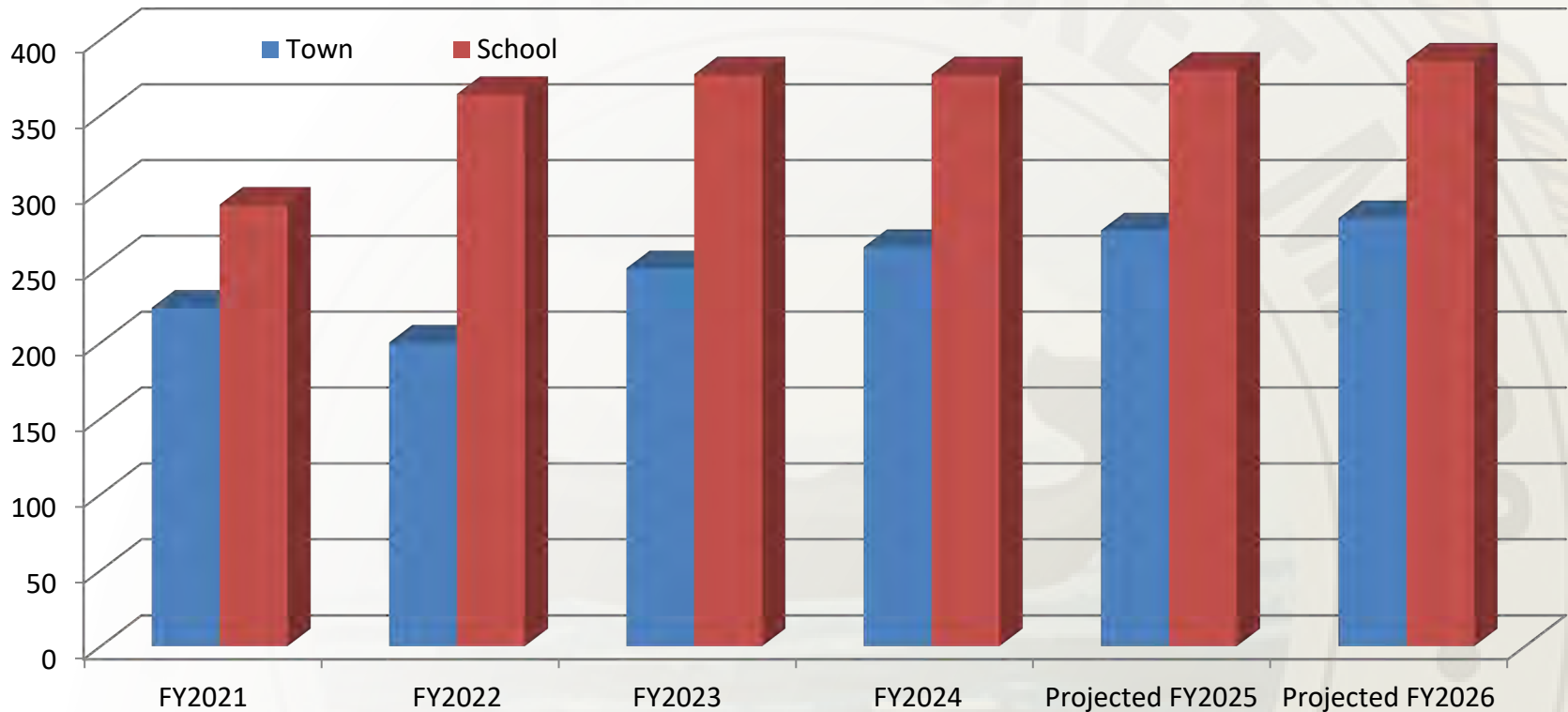
Town Expense Breakdown

FY 2021 – FY 2026



General Fund Personnel History

FY 2021 – FY 2026



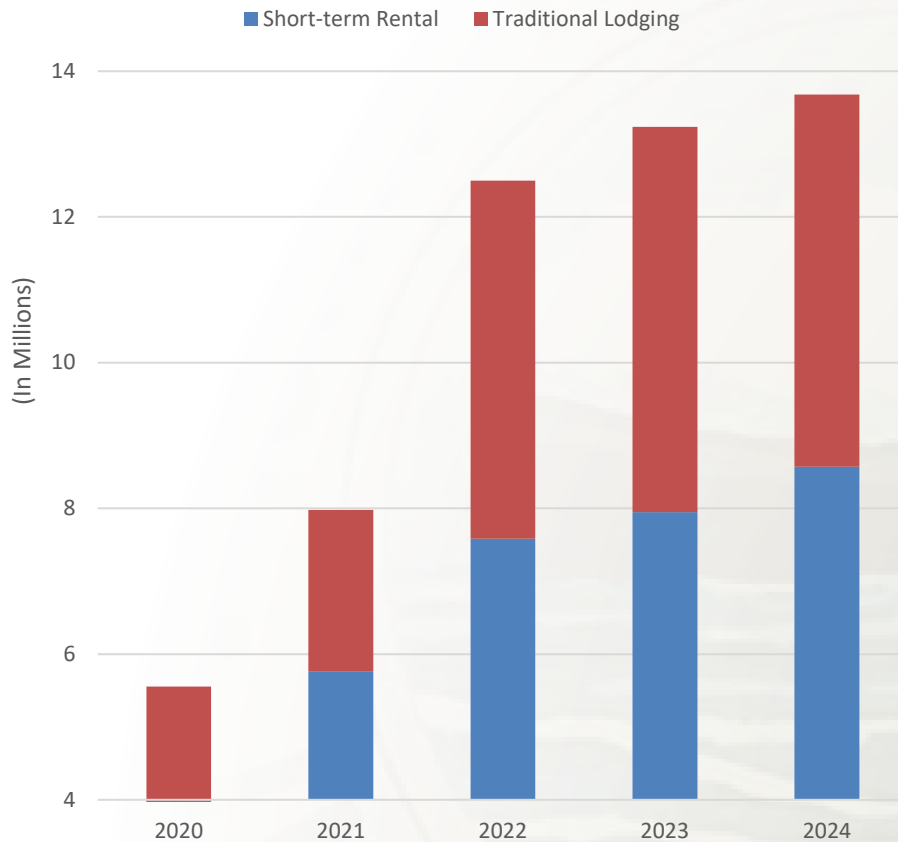
* Full Time Equivalent Calculation = 33-40 Hrs 1.0; 20-32 Hrs 0.50; Seasonal = 0.25

**For comparative purposes, Town Personnel History does not include Our Island Home

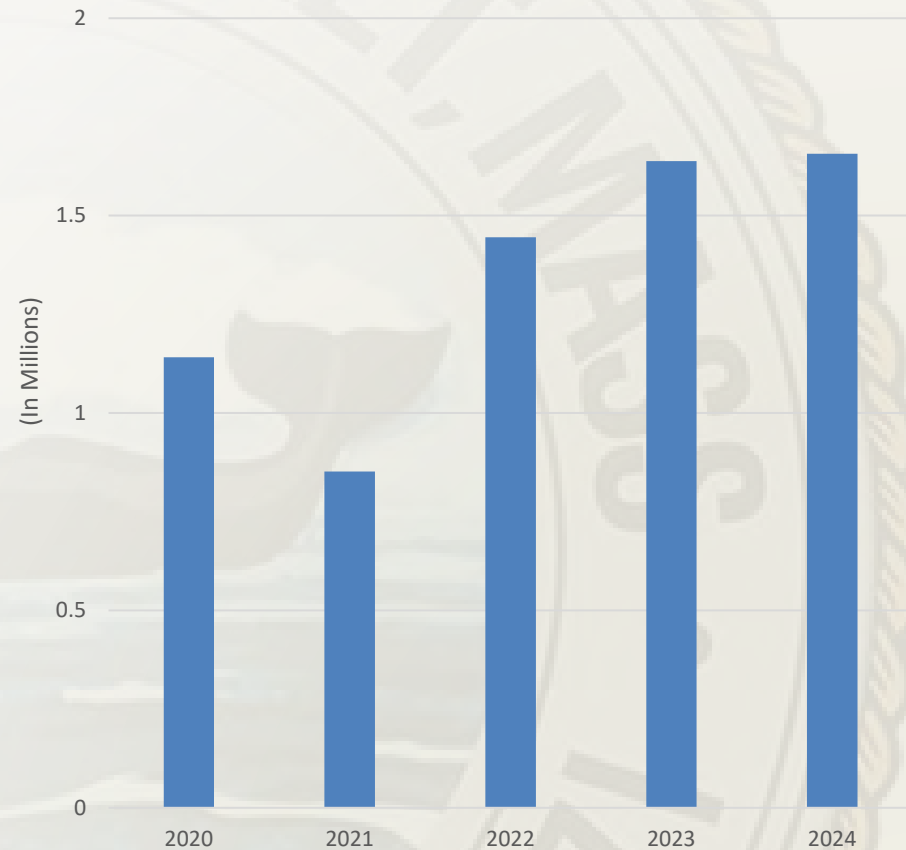
*** Education Personnel History includes Community School Employees

Room Occupancy and Meals Tax

Rooms Tax



Meals Tax



FY 2026 General Fund Budget Breakdown – Revenues

	Budget FY 2025	Budget FY 2026	\$ Change	% Change
<u>Tax Revenue Limitations</u>				
Levy Limit from Prior Year	\$ 107,431,783	\$ 111,992,577	\$ 4,560,795	4.2%
Add: 2 1/2 % increase	2,685,795	2,799,814	114,020	4.2%
Add: Prop 2.5% operating override	-	-	-	na
Add: new growth <i>estimate</i>	1,875,000	1,400,000	(475,000)	(25.3%)
Add: operating override	-	-	-	na
Levy Limit for Current Year	111,992,577	116,192,392	\$ 4,199,814	3.8%
Add: Debt Exclusion	9,983,054	11,677,219	1,694,165	
Add: Capital Exclusion	-	-	-	
Maximum Allowable Levy for Current Year	\$ 121,975,631	\$ 127,869,611	\$ 5,893,979	4.8%
OVERLAY	(200,000)	(200,000)	-	-
Net Available:	\$ 121,775,631	\$ 127,669,611	\$ 5,893,979	4.8%
State Aid	\$ 4,822,149	\$ 5,008,338	\$ 186,189	3.9%
Local Receipts:				
Motor Vehicle Excise	3,900,000	3,900,000	-	-
Rooms and Meals Tax	15,476,324	14,850,000	(626,324)	(4.0%)
Licenses and Permits	1,975,000	1,975,000	-	-
Local Receipts - All Other	5,650,000	7,578,295	1,928,295	34.1%
Total Local Receipts	27,001,324	28,303,295	1,301,971	4.8%
Total Revenue	\$ 153,599,104	\$ 160,981,244	\$ 7,382,139	4.8%
Other Sources	175,000	175,000	-	-
Free Cash Used	817,900	516,000	(301,900)	(36.9%)
Excess Overlay	-	-	-	-
Total Revenue and Other Sources	\$ 154,592,004	\$ 161,672,244	\$ 7,080,239	4.6%
Total Expenses and Other Uses	\$ 154,571,715	\$ 161,444,574	\$ 6,872,860	4.4%
	-	227,668		

FY 2026 General Fund Budget Breakdown – Expenses

	Budget FY 2025	Budget FY 2026	\$ Change	% Change
General Fund Operating Budget Items:				
Salaries - Town (includes allowance for collective bargaining)	\$ 29,018,675	\$ 29,565,189	\$ 546,514	1.9%
<i>Town Expense increase Requests- Salaries</i>	\$ 971,929	\$ 406,795	\$ (565,134)	(58.1%)
Salaries - School (includes allowance for collective bargaining)	\$ 33,345,870	\$ 36,013,651	\$ 2,667,781	8.0%
<i>School Expense increase Requests- Salaries</i>	\$ -	\$ -	\$ -	na
Transfers to community school	\$ 600,000	\$ 600,000	\$ -	-
Subtotal Salaries	\$ 63,936,474	\$ 66,585,635	\$ 2,649,161	4.1%
Operating Expenses, Town:	\$ 16,727,481	\$ 17,396,032	\$ 668,551	4.0%
<i>+Town Expense Increase Requests-Operating</i>	\$ 1,099,266	\$ 898,900	\$ (200,366)	(18.2%)
Operating Override - 2011 Mosquito Control	\$ 185,994	\$ 190,644	\$ 4,650	2.5%
Operating Expenses, School	\$ 6,432,525	\$ 6,632,525	\$ 200,000	3.1%
<i>+School Expense Increase Requests-Operating</i>	\$ 400,000	\$ 500,000	\$ 100,000	25.0%
Subtotal Expense	\$ 24,845,266	\$ 25,618,101	\$ 772,835	3.1%
Group Medical Insurance- Active Employees	\$ 13,476,483	\$ 13,554,058	\$ 77,575	0.6%
Group Medical Insurance- Retired Employees	\$ 4,492,161	\$ 4,758,019	\$ 265,858	5.9%
General Insurance (all other insurance)	\$ 4,771,752	\$ 5,573,938	\$ 802,186	16.8%
Subtotal Insurance	\$ 22,740,396	\$ 23,886,015	\$ 1,145,619	5.0%
Debt Service	\$ 12,447,065	\$ 14,648,042	\$ 2,200,977	17.7%
Retirement	\$ 7,044,101	\$ 7,642,850	\$ 598,749	8.5%
Total General Fund Operating Budget Items	\$ 131,013,302	\$ 138,380,643	\$ 7,367,341	5.6%
Other Articles				
Unpaid Bills	\$ -	\$ -	\$ -	na
Special Purpose Stabilization Fund for Town Employee Accrued Liabilities	\$ -	\$ -	\$ -	na
Reserve Fund	\$ 500,000	\$ 500,000	\$ -	-
Health and Human Services	\$ 650,000	\$ 650,000	\$ -	-
Special Purpose Stabilization for Substance Abuse	\$ 175,000	\$ 175,000	\$ -	-
County Assessment	\$ 183,552	\$ 237,700	\$ 54,148	29.5%
Other Post Employment Benefits (OPEB / GASB45)	\$ 500,000	\$ 500,000	\$ -	-
Capital Project Stabilization Fund	\$ -	\$ -	\$ -	na
Stabilization fund	\$ -	\$ -	\$ -	na
Affordable Housing Trust Fund	\$ 1,013,044	\$ -	\$ (1,013,044)	(100.0%)
Capital				
General Fund budgeted from revenue (Town Bylaw 11-12.1)			\$ -	na
Town Capital (Non-Recurring)	\$ 1,589,947	\$ 1,810,908	\$ 220,961	13.9%
Enterprise Fund Transfers				
Transfer to Enterprise Fund (Our Island Home - Beginning FY2011)	\$ 5,384,453	\$ 5,519,064	\$ 134,611	2.5%
Add: Additional Subsidy from Free Cash (Our Island Home)			\$ -	na
Transfer to Enterprise Fund (SWEF Operating Overrides 1999/2006)	\$ 4,033,458	\$ 4,134,294	\$ 100,836	2.5%
Add: Additional General Fund Subsidy to SWEF 2012-Forward	\$ 3,711,502	\$ 3,804,290	\$ 92,788	2.5%
Add: SWEF override	\$ 3,843,750	\$ 3,939,844	\$ 96,094	2.5%
Transfer to Enterprise Fund (Stormwater)	\$ 512,000	\$ 525,313	\$ 13,313	2.6%
Transfer to Affordable Housing Trust Fund	\$ -	\$ -	\$ -	na
Total Other Article Appropriations	\$ 22,096,706	\$ 21,796,413	\$ (300,293)	(1.4%)
Other Statutory Expenditures				
Overlay and other deficits	\$ -	\$ -	\$ -	na
Cherry Sheet Offsets and Charges	\$ 1,461,707	\$ 1,267,519	\$ (194,188)	(13.3%)
Total Appropriations and Other Statutory Expenditures	\$ 154,571,715	\$ 161,444,574	\$ 6,872,860	4.4%

Preliminary Outline #6 for 2025 Annual Town Meeting Warrant

For 12/11/24 SB review

As of 12/09/24

NOTE: Numbering & Order is NOT FINAL

Annual Articles

1. Receipt of Reports
2. Appropriation: Unpaid Bills
3. Appropriation: Prior Year Articles
4. Revolving Accounts: Annual Authorization [*note: make sure STR and Concessions are in here – may need bylaw amendment for Concessions*]
5. Appropriation: Reserve Fund
6. FY 2025 General Fund Budget Transfers
7. Personnel Compensation Plans for FY 2026
8. Appropriation: FY 2026 General Fund Operating Budget
9. Appropriation: Health & Human Services
10. Appropriation: General Fund Capital Expenditures
11. Appropriation: FY 2026 Enterprise Funds Operations
12. Appropriation: Enterprise Funds Capital Expenditures
13. FY 2025 Enterprise Funds Budget Transfers
14. Appropriation: Waterways Improvement Fund
15. Appropriation: Ferry Embarkation Fee
16. Appropriation: Ambulance Reserve Fund
17. Appropriation: County Assessment
18. Appropriation: Finalizing FY 2026 County Budget
19. Rescind Unused Borrowing Authority (*if needed*)
20. Appropriation: OPEB Trust Fund
21. Appropriation: Free Cash
22. Appropriation: Stabilization Fund

Other Select Board Sponsored Articles

NOTE: most of these were reviewed/discussed by SB and/or Town Administration since the 2024 ATM

ZONING* BYLAW & GENERAL BYLAW AMENDMENTS

**Board discussion occurred in January 2018 regarding a request/directive that all zoning articles must be accompanied by a narrative explanation as to why the item is being put forward, along with any operational or financial impacts*

Zoning Bylaws

Preliminary Updated Planning list attached

Rezone 8 White St (AHT)

General Bylaws

- Anything for E-bikes, E-scooters? (BPAC reviewing; could potentially be regs vs bylaw)
- Noise bylaw – any changes to hours/days/summer? (routinely brought up by ACNVT and Sconset Civic Assoc) have advised Sconset Civic Assoc to seek a meeting with Nantucket Builder's Assoc; SCA was to meet with Builder's Assoc on 10/30; Sconset Civic Assoc/Nantucket Civic League reps to address SB on 11/13; SCA to discuss with contractor(s) per SB 11/13/24; **see attached update**
- Rental car bylaw changes – in progress
- Anything from SB re STRs?

- Traffic calming signage exemption – **draft bylaw amendment attached**
- Local bylaw to mirror c. 91 enforcement (conceptual right now)
- Wetlands bylaw “clean up” updates (bc of new ConCom wetlands regs - **attached**)
- Any change to the Contract Review Committee membership/charge (per recent review of CRC, CHS and funding allocation process) Waiting for recs from CHS/CRC
- Potential amendment to outdoor lighting bylaw (due to streetlight survey project in progress)

HOME RULE PETITIONS

Resubmittal of Pending HRP's from prior ATMs (if these have not been acted upon by the Legislature)

- Bike path easement acquisition/County (Nov 2023 STM) *This is going to be problematic unless the Town can come up with mitigation property* **NO resubmittal (per SB 11/6/24)**
- Community Housing Bank (Article 79/2024 ATM; Article 76/2022 ATM; Article 79/2019 ATM; Article 70/2018 ATM; Article 88/2017 ATM; Article 82/2016 ATM) **Resubmit if not passed by Dec 31, 2024?** [H4151, S2949]
- Sewer Act Amendment (Article 81/2024 ATM; Article 84/2023 ATM; Article 77/2022 ATM) **Resubmit if not passed by Dec 31, 2024** [S2436, S2945]
- Gov't Study Committee Recommendations (Article 82/2024 ATM; Article 85/2023 ATM; Article 78/2022 ATM) **Resubmit if not passed by Dec 31, 2024** [S2438, S2947]
- Fertilizer Ban (Article 83/2024 ATM; Article 86/2023 ATM) **Resubmit if not passed by Dec 31, 2024?** [S468, S2437, S2944]
- Pension Bonds and Obligations (Article 86/2024 ATM; Article 89/2023 ATM) **Resubmit if not passed by Dec 31, 2024** [H4116, SD3403]
- County Charter Amendment/Gender Neutral References for Select Board (Article 91/2024 ATM) **Resubmit if not passed by Dec 31, 2024**
- Real Estate Conveyance: Land to Land Bank/Washington St etc (Article 90/2023 ATM; Article 87/2024 ATM) **Resubmit if not passed by Dec 31, 2024** [H4077]
- Real Estate Conveyance: County to Town/School Street (Article 89/2024 ATM) **Resubmit if not passed by Dec 31, 2024** [S2942]
- Real Estate Conveyance: Town to Land Bank/Sconset Trust (Article 90/2024 ATM) **Resubmit if not passed by Dec 31, 2024** [S2946]
- NP&EDC Membership (Article 16/2024 STM; Article 83/2023 ATM) **Resubmit if not passed by Dec 31, 2024?** [H2467] **Not sure where this stands**
- Coastal Resiliency District Est (Article 67/2024 ATM) “Tabled Indefinitely” – Resubmit? **Recommendation is to resubmit the same HRP from 2024 - attached**

NEW:

MGL ACCEPTANCES

- “Good Landlord” tax exemption opt-in? **AHT to discuss with SB 12/11**
- Seasonal Community designation opt-in (designation acceptance)
-

REAL ESTATE RELATED

Easement Conveyances/Acqs:

- Airport to NGrid for Airport Housing project
- Airport to NGrid for South Ramp
- Town to NGrid for Airport Sewer Pump Station
- Town to NGrid for Waitt Dr housing
- Town to NGrid for L1 project switching module at 16 Broad
- SEVERAL POTENTIAL REAL ESTATE ARTICLES PENDING
- 7 Amelia Dr – Long-term lease authorization

OTHER

- Coastal erosion structure approval in connection with SBPF/Town project at Baxter Rd?
- Need to review any 2024 ATM Town-sponsored articles for potential resubmittal
- Town Council Charter? “Sense of the Meeting”? Or?

FINANCIAL AND/OR BALLOT QUESTIONS

Possible debt exclusion(s) and/or capital exclusion(s) for capital projects; real estate:

- Supplemental design for new DPW facility
- OIH construction
- Baxter Rd alt access (tentative)

Establish Concession Revolving Fund?

Establish Town Employee Housing Revolving Fund?

Will need appropriation article for Community Impact Fee revenue adopted at 2023 STM

Opioid settlement proceeds allocation article?

CITIZEN ARTICLES

Submittal deadline Mon, November 18

26 submittals as of 4pm 11/18

Libby Gibson

From: Brooke Mohr
Sent: Monday, November 25, 2024 4:52 PM
To: Karel Greenberg; Libby Gibson
Subject: Re: Proposed Noise by-law follow up
Attachments: Noise Bylaw Summary 20241004.pdf

Hi Karel,

Thanks for all the outreach you have done on this. I have Cc'd Libby on this so she can make sure it gets tracked as the SB considers what warrant articles we want to put forward.

Brooke Mohr
Nantucket

On Nov 25, 2024, at 3:37 PM, Karel Greenberg <karel.greenberg@gmail.com> wrote:

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 Chair Mohr,

I hope this email finds you well.

As promised at the Select Board meeting on November 13th I have followed up with Toscana and Steve Roethke of the Nantucket Builders Association regarding the proposed Town sponsored Noise by-law.

Katrina at Toscana has received the chart below. I explained that the only impact on their company would be the change from 7:30am to 8am during Peak Season in the Non Historic districts only. She was concerned about unique circumstances that might arise that are outside of the by-law restrictions I assured her that this by-law does not change the way in which they obtain special permits, etc.

In addition, you may recall that we presented to the Nantucket Builders Association a few weeks ago. I have been in touch with Steve Roethke and received his feedback as a builder and Member of the NBA Board.

Steve, speaking on behalf of the NBA, would be happy to circulate our by-law proposal once complete as a Public Service Announcement along with a reminder to their Members to be a good neighbor while at work.

The trades are not going to jump up and down and shout "Hooray", however, I do believe this proposal is reasonable to both the tradespeople and residents of Nantucket and one that will attempt to lessen the confusion.

Please let me know next steps and if this is enough information for the Select Board to recommend for Town sponsorship.

Wishing you and your family a very Happy Thanksgiving.

Best regards,

Karel Greenberg
President, Sconset Civic Association

Nantucket Noise By-Laws:

	Current By-law: Non-Historic Districts	Current By-law: Old Historic Districts (Town, Sconset)	Proposal - All Districts
101-1 A.(4) Prohibits use of "any mechanically powered tools or equipment actually being used in ongoing building construction, building renovations, non-emergency building maintenance, or building demolition work" <i>[Appears to address <u>heavy equipment</u>]</i>	NON-PEAK SEASON:	NON-PEAK SEASON:	NON-PEAK SEASON:
	Sep 15 to Jun 15, Mon-Sat 8pm - 7am	Labor Day to July 1, Mon-Sat 8pm - 7am	Labor Day to July 1, Mon-Sat 8pm - 7am
	Sep 15 to Jun 15, Sun 8pm - 10am	Labor Day to July 1, Sun 8pm - 10am	Labor Day to July 1, Sun 8pm - 10am
	PEAK SEASON:	PEAK SEASON:	PEAK SEASON:
101-1 A.(5) Prohibits use of "any mechanically powered tool (such as saws, drills, sanders, grinders, nail guns) or mechanically powered lawn or garden tool, or similar device used outdoors" <i>[Appears to address <u>power tools</u> and <u>landscaping</u>]</i>	Jun 15 to Sep 15, Mon-Sat 8pm - 7:30am	July 1 to Labor Day, Mon-Sat 6pm - 8am	July 1 to Labor Day, Mon-Sat 6pm - 8am
	Jun 15 to Sep 15, Sun 8pm - 10am	July 1 to Labor Day, Sun 6pm - 10am	July 1 to Labor Day, Sun 6pm - 10am
	NON-PEAK SEASON:	NON-PEAK SEASON:	NON-PEAK SEASON:
	Sep 15 to Jun 15, Mon-Sat 10pm - 7am	Labor Day to July 1, Mon-Sat 10pm - 7am	Labor Day to July 1, Mon-Sat 10pm - 7am
	Sep 15 to Jun 15, Sun 10pm - 10am	Labor Day to July 1, Sun 10pm - 10am	Labor Day to July 1, Sun 10pm - 10am
	PEAK SEASON:	PEAK SEASON:	PEAK SEASON:
	Jun 15 to Sep 15, Mon-Sat 10pm - 7:30am	July 1 to Labor Day, Mon-Sat 5pm - 8am	July 1 to Labor Day, Mon-Sat 6pm - 8am
	Jun 15 to Sep 15, Sun 10pm - 10am	July 1 to Labor Day, Sun 5pm - 10am	July 1 to Labor Day, Sun 6pm - 10am

On balance, this proposal offers both "give" and "take"...

- o It conforms the peak season for all areas of the island, from July 1 to Labor Day
 - In non-Historic Districts, the peak season would begin approx. two weeks later, and end approx. two weeks earlier
- o It does not change the construction noise curfews outside of peak season
- o It changes and conforms, for all areas, the construction noise curfews during peak season
 - For Historic Districts, curfew would begin one hour later (i.e., to 6pm from 5pm) for power tools/landscaping
 - For all non-Historic Districts...
 - > Curfew would begin two hours earlier (i.e., from 8pm to 6pm) for heavy equipment, and last until 8am (30 minutes later)
 - > Curfew would begin four hours earlier (i.e., from 10pm to 6pm) for power tools/landscaping, and last until 8am (30 min. later)
- o It aligns the curfew times for heavy construction equipment (101-1 A.(4)) and power tools/landscaping (101-1 A.(5)) during the peak season

§ 127-19. Limitations on road improvements and construction. [Amended 4-12-2004 ATM by Art. 61, approved 9-3-2004]

- A. The Town will preserve the historic character of its road system by prohibiting the following improvements or construction for any publicly owned way or street on Nantucket unless an exception of any of the following standards is expressly authorized by a vote of Town Meeting: **[Amended 6-5-2021ATM by Art. 82, approved 10-7-2021]**
- (1) The installation of automated traffic signals;
 - (2) Road widenings for the purpose of increasing motor vehicle travel capacity;
 - (3) The construction of travel lanes dedicated as turning lanes for motor vehicles;
 - (4) The construction of new public streets; and
 - (5) Paving of any unimproved publicly owned streets, ways, or roads.
 - (6) (Reserved)
 - (7) The installation of regulatory signs larger than the smallest or "minimum" size, as defined in the Massachusetts Department of Highways' current Manual on Uniform Traffic Control Devices (MUTCD); the installation of any nonregulatory or MUTCD warning or guide sign with a dimension greater than 24 inches; the use of fluorescent background colors on signs; the use of LED or other lights in a sign; the installation of a warning sign within 1,000 feet of another sign, unless such warning sign is defined by the MUTCD as an intersection warning sign or a pedestrian warning sign posted directly at a crosswalk.
- B. This section shall not apply to state roads, ways pursuant to the Subdivision Control Law, and common driveways.

§ 127-20. Exceptions.

Exceptions to the above prohibitions are:

- A. Areas located within the Town Overlay District (not including traffic signals or road widenings for vehicle capacity or installation of signs) as depicted on the map entitled "Town and County Overlay District," dated January 2, 2002, Nantucket Planning and Economic Development Commission (Article 37, 2002 ATM) as duly amended and on file at the Town Clerk's office. **[Amended 4-12-2004 ATM by Art. 61, approved 9-3-2004; 6-5-2021ATM by Art. 82, approved 10-7-2021]**
- B. Reconstruction of road beds and resurfacing of paved roads in existence prior to the effective date of this article.
- C. Road improvements (not including traffic signal systems or installation of signs) as required by the Planning Board in conjunction with the approval of subdivision plans.
- D. Reconstruction of existing road drainage systems or construction of new drainage systems, provided that such systems are equipped with petroleum separation and capture per

Massachusetts Department of Environmental Protection standards.

- E. Bike paths and bike lanes. **[Amended 4-12-2004 ATM by Art. 61, approved 9-3-2004]**
- F. 'Installation of warning signs in a school zone. Temporary installation of warning signs during construction. **[Added 6-5-2021ATM by Art. 82, approved 10-7-2021]**
- G. Road improvements on First Way required by the Planning Board or the Select Board to support affordable housing, such housing defined herein as that housing intended primarily for year-round residents earning up to 150% of median family income, as determined by the U.S. Department of Housing and Urban Development, and sponsored by a municipal entity, the Housing Authority or its designated nonprofit; housing required in connection with § 139-11J (MCD); or housing on lots subject to a Nantucket Housing Needs Covenant. **[Added 4-15-2003 ATM by Art. 71; amended 6-25-2020ATM by Art. 70, approved 10-27-2020]**
- H. Installation of traffic control devices using LED or other lights in a speed feedback sign to display a driver's speed or in a portable changeable message sign that displays messages to inform drivers of changing road conditions.

1. Editor's Note: Former Subsection F, excepting works pursuant to Town or county road construction under state grant, as amended,

Chapter 136

WETLANDS

§ 136-1.	Definitions.	§ 136-6.	Preacquisition violation.
§ 136-2.	Purpose.	§ 136-7.	Promulgation of rules and regulations.
§ 136-3.	Permit required; procedure.	§ 136-8.	Burden of proof.
§ 136-4.	Hearing; determination; enforcement orders; appeals; plan changes or modifications.	§ 136-9.	Security.
§ 136-5.	Emergency projects.	§ 136-10.	Violations and penalties; enforcement.

[HISTORY: Adopted by the Annual Town Meeting of the Town of Nantucket 4-5-1983 by Art. 29, approved 8-19-1983. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 139.

§ 136-1. Definitions. [Amended 5-17-1988 ATM by Art. 95, approved 9-28-1988; 4-8-1996 ATM by Art. 47, approved 7-15-1996; 4-10-2000 ATM by Art. 62, approved 8-2-2000; 4-12-2004 ATM by Art. 52, approved 9-3-2004]

Through its authority to promulgate regulations pursuant to § 136-7, the Conservation Commission shall adopt definitions to effectuate the purposes of this chapter.

The definitions for "agricultural practices," "alter," and "person" shall be included in the Nantucket Wetland Regulations, subject to future revision as set forth in § 136-7. The Commission is directed to revise its regulations pursuant to § 136-7 to incorporate the current definition for "habitat" into the definitions for "habitat" contained within the Wetland Regulations, prior to this amendment taking effect.

§ 136-2. Purpose. [Amended 4-8-1996 ATM by Art. 47, approved 7-15-1996]

The purpose of this chapter is to protect the wetlands of the Town of Nantucket by controlling activities deemed to have a significant or cumulative effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion control, storm damage prevention, water pollution, fisheries, shellfish, wildlife, rare species, including rare, threatened or endangered plant species and animals and habitats, recreation, **resiliency** and wetland scenic views (collectively, "the interests protected by this chapter"). This chapter is intended to utilize the Home Rule Authority of this municipality to protect additional resource areas for additional values, with additional standards and procedures in addition to those of the Wetlands Protection Act, MGL c. 131, § 40, and regulations thereunder, 310 CMR 10.00.

§ 136-3. Permit required; procedure.

- A. No person shall commence to remove, fill, dredge, alter or build upon or within 100 feet of any bank, freshwater wetland, coastal wetland, beach, dune, flat, marsh, meadow, bog, swamp or upon or within 100 feet of any estuary, creek, river, stream, pond or lake or upon or within 100 feet of any land subject to tidal action, coastal storm flowage, inland or coastal flooding or inundation, or within 100 feet of the hundred-year storm line or within any area located within the geographic boundaries of the resource areas listed previously that is habitat for rare/significant wildlife and/or fauna, including Department of Environmental Protection certified vernal pools, **or within 200 feet of a great pond**, without filing written application for a permit to remove, fill, dredge, alter or build upon, including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with the permit issued pursuant to this chapter. Said resource areas shall be protected whether or not they border surface waters. The application and permit required by this chapter shall not be required for maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services. **[Amended 4-8-1996 ATM by Art. 47, approved 7-15-1996; 4-10-2000 ATM by Art. 62, approved 8-2-2000]**
- B. The provisions of this section shall not apply to work performed for normal maintenance or improvement of land in agricultural use as defined under § 136-1A of this chapter.
- C. Such application may be identical in form to a notice of intent filed pursuant to MGL c. 131, § 40, shall be sent by certified mail or by hand delivery to the Town of Nantucket Conservation Commission (the "Commission") and must be filed concurrently with or after applications for all other variances and approvals required by the Zoning Bylaw,¹ the Subdivision Control Law or any other bylaw or regulation have been obtained. The Commission shall set filing fees for filings pursuant to this chapter by regulation, but no filing fee is required when the Town or County of Nantucket or Nantucket Islands Land Bank files an application for a permit. The Commission is authorized to require an applicant to pay the costs and expenses of any expert consultant deemed by the Commission necessary to enable the Commission to evaluate the application. This provision shall apply to all expert consultants providing services to the Commission with respect to the effects of the proposed work or activities on the environment, including, without limitation, services in the fields of environmental engineering and marine biology. The costs and expenses assessed to an applicant shall reflect the actual costs and expenses incurred by the Commission for such services. If the proposed project meets the definition of a "major commercial development," as defined in § 139-11B of the Code of the Town of Nantucket, or if such project includes more than four lots, the costs and expenses assessed to the applicant shall not, in any event, exceed \$5,000 per application. In all other instances, the costs and expenses assessed to the applicant shall not, in any event, exceed \$2,500 per application. Copies of the application shall be sent, at the same time, by certified mail, to the Select Board, the Planning Board and the Board of Health. **[Amended 5-17-1988 ATM by Art. 95, approved 9-28-1988; 4-10-1989 ATM by Art. 126, approved 7-4-1989; 4-8-1996 ATM by Art. 47, approved 7-15-1996; 4-15-2003 ATM by Art. 26, approved 8-27-2003; 6-25-2020 ATM by Art. 70, approved 10-27-2020]**
- D. Any person who desires a determination as to whether this Nantucket wetlands chapter applies to land or to work that may affect an area subject to protection under this chapter may submit to the Conservation Commission by certified mail or hand delivery a written request which may be identical in form to a request for determination filed pursuant to MGL c. 131, § 40, Form 1 of 310 CMR 10.99. The Commission shall within 21 days of receipt make a written determination to such request which may be identical in form to Form 2 of 310 CMR 10.99. Notice of the time and place of the public

1. Editor's Note: See Ch. 139, Zoning.

meeting at which the determination is to be made shall be given by the Commission at the expense of the applicant, not less than five days prior to the public meeting, by publication in a newspaper of general circulation in Nantucket. At least five days prior to the public meeting, by certified mail, return receipt requested, the applicant shall send a copy of the notice of the public meeting, supplied by the Commission, to all abutters, as certified by the Assessor from the Town's most recent Assessor's list. Postmarked mailing receipts and the certified abutter's list shall be presented to the Commission at the opening of the public meeting. The Commission may determine that the work described in a request is in an area subject to this chapter but will not alter the wetland and, because the work is of a limited extent, does not require a permit, notwithstanding the other provisions of this chapter. **[Added 5-17-1988 ATM by Art. 95, approved 9-28-1988; amended 6-27-1989 STM by Art. II, approved 10-17-1989]**

- E. Members of the Commission, its employees and agents may enter upon privately owned land to perform their duties under this section and may, in furtherance thereof, take samples and photographs and made examinations, inspections and surveys. **[Added 4-10-1989 ATM by Art. 126, approved 7-4-1989]**
- F. Permit and waiver rehearing limit. No permit or waiver which has been unfavorably and finally acted upon by the Commission shall again be eligible for consideration on a new application within three years after the date of final unfavorable action unless the Commission finds, by a favorable vote of a majority of the members then present and voting, specific and material changes in the circumstances upon which the previous unfavorable action was based and describes such changes in the records of its proceedings. **[Added 4-12-1999 ATM by Art. 61, approved 8-10-1999]**

§ 136-4. Hearing; determination; enforcement orders; appeals; plan changes or modifications.

- A. The Commission shall hold a public hearing on the application within 21 days of its receipt. Notice of the time and place of the hearing shall be given by the Commission at the expense of the applicant, not less than five days prior to the hearing, by publication in a newspaper of general circulation in Nantucket and by mailing a notice to the applicant, the Board of Health, the Select Board, the Planning Board, all abutters, the property owner if different from the applicant and to such other persons as the Commission may by regulation determine. At least five days prior to the public hearing, by certified mail, ~~return receipt requested~~, the applicant shall send a copy of the notice of the public hearing, supplied by the Commission, to all abutters, as certified by the Assessor from the Town's most recent Assessor's list. Postmarked mailing receipts and the certified abutter's list shall be presented to the Commission at the opening of the public hearing **time of filing**. ~~Return receipt cards shall be presented to the Commission before the hearing can be closed.~~ The Commission, its agents, officers and employees, may enter upon privately owned land for the purpose of performing their duties under this chapter. **[Amended 5-17-1988 ATM by Art. 95, approved 9-28-1988; 6-27-1989 STM by Art. II, approved 10-17-1989; 6-25-2020 ATM by Art. 70, approved 10-27-2020]**
- B. Permit and conditions. If, after the public hearing, the Commission determines that the area which is the subject of the application is significant to the interests of this chapter, the Commission shall, within 21 days of such hearing, issue or deny a permit for the work requested. If it issues a permit after making such determination, the Commission shall impose such conditions as it determines are necessary or desirable for protection of those interests, and all work shall be done in accordance with those conditions. If the Commission determines that the area which is the subject of the application is not significant to the interests protected by this chapter or that the proposed activity does not require the imposition of conditions, it shall issue a permit without conditions within 21 days of the public hearing. Permits shall expire three years from the date of issuance unless renewed prior to expiration. Permits may be extended for three one-year periods. The Commission may determine by regulation

standards for the granting or denial of an extension. **[Amended 5-17-1988 ATM by Art. 95, approved 9-28-1988; 4-9-2001 ATM by Art. 44, approved 8-4-2001]**

- C. Relationship to MGL c. 131, § 40. Since the Wetlands Protection Act, MGL c. 131, § 40, establishes minimum standards, the Commission shall not impose additional or more stringent conditions in an order pursuant to MGL c. 131, § 40, than it imposes pursuant to this chapter; nor shall it require a notice of intention filed under MGL c. 131, § 40, to provide additional materials or data to those required under this chapter.
- D. The Commission may continue or adjourn a public hearing for a permit in the following situations: **[Added 5-17-1988 ATM by Art. 95, approved 9-28-1988]**
 - (1) With the consent of the applicant, to an agreed-upon date which shall be announced at the hearing; or
 - (2) Without the consent of the applicant, to a date certain for the reasons stated at the hearing, including receipt of additional information from the applicant or others.
- E. The Commission may deny or revoke a permit at any time, even after commencement or completion of work, if the applicant fails to comply with the requirements of this chapter, fails to comply with the regulations promulgated pursuant to this chapter, fails to comply with the conditions of a permit issued pursuant to this chapter or if the applicant fails to submit necessary information or plans requested by the Commission. The inaccuracy or incompleteness of plans or other information required to be submitted to the Commission shall be grounds for denial or revocation of an application. This provision shall apply even if such inaccuracy or incompleteness is not apparent until after a permit has been issued and shall apply whether or not such inaccuracy or incompleteness is the result of intentional or willful conduct. **[Added 5-17-1988 ATM by Art. 95, approved 9-28-1988; amended 4-10-1989 ATM by Art. 126, approved 7-4-1989]**
- F. When the Commission determines that any work is performed in violation of this chapter, the regulations promulgated pursuant to this chapter or the conditions specified in a permit issued pursuant to this chapter, the Commission may issue an enforcement order. The Commission may promulgate regulations to effectuate the purposes of this section. **[Added 5-17-1988 ATM by Art. 95, approved 9-28-1988]**
- G. Any party aggrieved by a permit issued pursuant to this chapter may file a complaint seeking relief in the Superior Court of the County of Nantucket not more than 20 days after the issuance of the permit by the Commission. **[Added 5-17-1988 ATM by Art. 95, approved 9-28-1988]**
- H. Prior to the commencement of any work permitted or required by a permit issued pursuant to this chapter, the permit shall be recorded by the applicant in the Nantucket Registry of Deeds or with the Nantucket Registry of the Land Court, within the chain of title of the affected property. Certification of recording shall be sent to the Commission. **[Added 5-17-1988 ATM by Art. 95, approved 9-28-1988]**
- I. Persons applying for or holding a valid permit who wish to make plan changes shall request in writing permission to do so. The Commission may determine that the plan changes are not significant and no further action is required or that the plan changes are significant and a new application for a permit or notice of intent must be filed in writing. Within 21 days of the issuance of an occupancy permit by the Building Inspector for any work or activity covered by a permit issued by the Commission, the applicant shall apply for a certificate of compliance from the Commission certifying that the work or activity has been completed as authorized and in compliance with the permit. As a condition to

issuance of such certificate, the Commission, its members, employees or agents may enter on privately owned land and take samples and photographs and make examinations, inspections and surveys. If the Commission determines that the work or activity has in fact been completed as authorized and in compliance with the permit, it shall issue a certificate of compliance to the applicant. Failure of the applicant to comply with this provision shall constitute a violation within the meaning of § 136-10A and shall be punishable as provided therein. **[Added 5-17-1988 ATM by Art. 95, approved 9-28-1988; amended 4-10-1989 ATM by Art. 126, approved 7-4-1989]**

- J. For any project which the Commission determines will have a detrimental effect on a wetland scenic view, the Commission may require that the project be modified in a manner that mitigates the effect on the wetland scenic view. Such requirements may include but are not limited to: **[Added 5-17-1988 ATM by Art. 95, approved 9-28-1988]**
- (1) Building size or height restrictions.
 - (2) Imposition of distance restrictions between existing structures and proposed new structures.
 - (3) Landscaping and revegetation requirements.
- K. The Conservation Commission may deny or revoke a permit at any time where the proposed activity or previously permitted activity poses a reasonably foreseeable threat to the public health and safety as certified by the Chief of Police, Fire Chief, Health Inspector, Marine Superintendent, or Building Commissioner. **[Added 4-12-2004 ATM by Art. 50, approved 9-3-2004]**

§ 136-5. Emergency projects. [Amended 4-12-2004 ATM by Art. 51, approved 9-3-2004]

An emergency project is an activity in a resource area or its buffer that is necessary to protect the public health and safety, and which, because of the conditions giving rise to the emergency, to be performed effectively cannot await compliance with the notice requirements and appeal periods associated with the filing of a notice of intent or request for determination of applicability. An emergency project may proceed only upon the issuance of an emergency certification from the Conservation Commission, which shall comply with the following procedures:

- A. Any person requesting to undertake an emergency project shall specify why the project is necessary for the protection of the public health and safety and which agency or subagency of the Commonwealth of Massachusetts is to perform the project or has ordered the project to be performed;
- B. An emergency certification shall be issued only for the protection of public health or safety;
- C. If the project is certified to be an emergency by the Conservation Commission, the certification shall include a description of the work which is to be allowed and shall not authorize work different or more extensive than that necessary to abate the emergency which gave rise to that certification;
- D. An emergency permit shall be issued only following a site inspection by a member of the Conservation Commission, or an authorized representative thereof;
- E. All work performed pursuant to an emergency certification shall be completed within 30 days of issue;
- F. Within 21 days of commencement of an emergency project, a notice of intent, or, where appropriate, a request for determination of applicability, shall be filed with the Conservation Commission for review as provided by this chapter. In the event that such a filing is not timely received by the Conservation Commission, or is incomplete, or such filing is denied for any reason, the Commission

may revoke or modify an emergency project certification and/or order appropriate restoration and mitigation measures.

§ 136-6. Preacquisition violation. [Amended 5-17-1988 ATM by Art. 95, approved 9-28-1988]

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this chapter or in violation of any permit issued pursuant to this chapter shall forthwith comply with any such order or restore such land to its condition prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such person unless commenced within three years following the date of acquisition of the real estate by such person or five years after the violation, whichever is earlier.

§ 136-7. Promulgation of rules and regulations.

After due notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purposes of this chapter. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this chapter.

§ 136-8. Burden of proof.

The applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application shall not harm the interests protected by this chapter. Failure to provide adequate evidence to the Commission supporting a determination that the proposed work will not harm the interests protected by this chapter shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions or, in the Commission's discretion, to continue the hearing to another date to enable the applicant or others to present additional evidence.

§ 136-9. Security.

The Commission may require, as a permit condition, that the performance and observance of other conditions be secured by one or both of the following methods:

- A. By a bond or deposit of money or negotiable securities in an amount determined by the Commission to be sufficient and payable to the Town of Nantucket. The bond shall be released by the Commission only after the Commission issues a certificate of compliance. **[Amended 5-17-1988 ATM by Art. 95, approved 9-28-1988]**
- B. By a conservation restriction, easement or other covenant running with the land, executed and properly recorded (or registered, in the case of registered land).

§ 136-10. Violations and penalties; enforcement. [Amended 4-10-1989 ATM by Art. 126, approved 7-4-1989]

- A. Any person who violates any provision of this chapter or of any condition of a permit issued pursuant to it shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. The fine set forth herein is in addition to any fine levied under the Wetlands Protection Act, MGL c. 131, § 40. This chapter may be enforced pursuant to MGL c. 40, § 21D, by a Town police officer or other officer having police powers.
- B. Upon request of the Commission, the Select Board and Town Counsel shall take such civil legal

actions, including the bringing of actions for injunctive and monetary relief, as may be necessary to enforce this chapter and permits issued pursuant to it. Upon request of the Commission, the Chief of Police shall take such legal actions under the criminal law as may be necessary to enforce this chapter and permits issued pursuant to it. **[Amended 6-25-2020ATM by Art. 70, approved 10-27-2020]**

ARTICLE 67

(Home Rule Petition: Establishment of Coastal Resilience District)

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

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO ESTABLISH COASTAL RESILIENCE DISTRICTS

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

SECTION 1. It is in the best interests of the people of the Town of Nantucket to establish Coastal Resilience Districts to allow for the Town to be prepared and plan for the necessary public improvements to mitigate the effects of coastal erosion and shoreline change to the Town's coastline, sea level rise, flooding or other coastal hazards with resilience related infrastructure to reduce the threats to life, injury and property damage, utilities and infrastructure, prevent the occurrence of public emergencies, avoid the loss of roadways and utility services, reduce damage to public and private property, provide for the planning and preparation of coastal resilience measures, and to provide funding for such planning and preparation measures. The Town of Nantucket is hereby authorized to establish Coastal Resilience Districts that will enable the Town to undertake public improvement projects that will address these environmental effects and to provide funding by those property owners who will benefit from these public improvement projects. The Islands Coastal Resilience District (the "ICRD") shall be described as the geographical boundaries of the entirety of the islands of Nantucket. The establishment of the ICRD shall enable the town to undertake coastal resilience projects to mitigate against the island-wide effects of coastal erosion and shoreline change of the town's coastline, sea level rise, flooding or other coastal hazards.

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

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

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

Or to take any other action related thereto.

(Select Board)

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

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO ESTABLISH COASTAL RESILIENCE DISTRICTS

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

SECTION 1. It is in the best interests of the people of the Town of Nantucket to establish Coastal Resilience Districts to allow for the Town to be prepared and plan for the necessary public improvements to mitigate the effects of coastal erosion and shoreline change to the Town's coastline, sea level rise, flooding or other coastal hazards with resilience related infrastructure to reduce the threats to life, injury and property damage, utilities and infrastructure, prevent the occurrence of public emergencies, avoid the loss of roadways and utility services, reduce damage to public and private property, provide for the planning and preparation of coastal resilience measures, and to provide funding for such planning and preparation measures. The Town of Nantucket is hereby authorized to establish Coastal Resilience Districts that will enable the Town to undertake public improvement projects that will address these environmental effects and to provide funding by those property owners who will benefit from these public improvement projects. The Islands Coastal Resilience District (the "ICRD") shall be described as the geographical boundaries of the entirety of the islands of Nantucket. The establishment of the ICRD shall enable the town to undertake coastal resilience projects to mitigate against the island-wide effects of coastal erosion and shoreline change of the town's coastline, sea level rise, flooding or other coastal hazards.

SECTION 2. It being in the public interest of the residents of the town that the Select Board, by a majority vote, is hereby authorized to designate coastal resiliency sub-

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

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

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



December 5, 2024

Marissa J. Moshier, Historian, Section 106 Team
Bureau of Ocean Energy Management
Office of Renewable Energy Programs
45600 Woodland Road
Sterling, Virginia 20166

Re: SouthCoast Wind | Mitigation Proposal Response
Docket No. BOEM-2023-0011

Dear Ms. Moshier:

On behalf of the Town and County of Nantucket, we appreciated the opportunity to meet with you and members of your team at BOEM and others associated with SouthCoast Wind on November 21, 2024, about BOEM's proposed mitigation to resolve SouthCoast Wind's adverse effects on the Nantucket Historic District – which encompasses the entire Island of Nantucket. The Island, as you know, is a federally designated National Historic Landmark. We were surprised to receive BOEM's premature response to our discussion, on Wednesday, December 5. The Commonwealth of Massachusetts' Open Meeting Law required the Select Board and County Commissioners to review their response publicly, which could not occur until Wednesday, December 4. For legal reasons, the Select Board and County Commissioners also had to schedule an Executive Session on Thursday, December 5, to continue the discussion. Based on these meetings, our client continues to object to BOEM's proposal and incorporates previous objections to BOEM's Section 106 and Section 110(f) process for SouthCoast Wind.

We also note the futility of attempting to propose adequate mitigation in light of BOEM's failure to consider new, material information from the Vineyard Wind 1 turbine failure, which requires SouthCoast to prepare a Supplemental Environmental Impact Statement and restart the Section 106 process and Section 110(f) review with the National Park Service. This cannot occur, however, until the Bureau of Safety and Environmental Enforcement concludes its ongoing review of the turbine failure incident. BOEM will then be required to consider, among other things, the cumulative effects of future turbine failures that appear certain to occur—an adverse effect BOEM has not considered for purposes of SouthCoast Wind. As a result, BOEM should not have circulated the Section 106 Memorandum of Agreement execution because it is arbitrary, capricious, and contrary to law.

Subject to these objections, although we concur as a general proposition with BOEM's determination that mitigation is needed to offset adverse effects that will not be avoided—and have expressed our preference for avoidance measures so that SouthCoast will not be visible from Nantucket—we disagree with BOEM's approach to provide \$300,000 for historic property surveys and archaeological assessments. This proposed mitigation is not sufficient to offset the harm that SouthCoast is expected to cause the Nantucket Historic District for at least the next thirty years.

The Town also objects to the so-called “alternative” mitigation proposal that would allow SouthCoast to redirect this funding to the Town—at SouthCoast’s election—for coastal resiliency projects because of its wholly inadequate and indeterminate nature. BOEM has also not provided any justification to show why the proposed mitigation amount is reasonable considering the adverse effects that SouthCoast Wind, again, is expected to cause to Nantucket for at least the next 30 years.

Although BOEM will need to help the Town determine appropriate pricing, as it should for any consulting party since BOEM has never undertaken the research on its own or provided the results of such research, the following categories of mitigation taken together as a package, and if they are fully funded, would offer more meaningful mitigation than what BOEM has proposed:

- Because BOEM’s existing requirements are not adequate, funding to guarantee complete decommissioning if BOEM plans to allow a delay in bonding requirements based on number of turbines and anticipated turbine failure rate, and actual cost of removal
- Contrary to BOEM’s opinion, turbine failure cannot be considered “non-routine” because turbine failure could occur annually at rates up to 10%, if not more, nor has BOEM required turbine safety testing. In addition, BOEM has not considered new and material information from the Vineyard Wind 1 turbine failure, which requires BOEM to prepare a Supplemental Environmental Impact Statement for SouthCoast Wind so that BOEM and the public can understand the full range of environmental risks that SouthCoast will create. Thus, BOEM must provide funding to guarantee restoration of all Town beaches during SouthCoast Wind’s lifetime in the event of turbine failure(s) or other types of failures that could impact Nantucket
- Heritage tourism economy mitigation funding to offset losses to business owners and property owners
- Funding to support implementation of island-wide coastal resiliency projects (*e.g.*, shoreline maintenance and shoreline restoration). Representative examples include:
 - **Tom Nevers Park Debris Removal and Erosion Control /Coastal Resiliency**
Tom Nevers Park is a municipal property with recreational facilities. It is also a former federal Naval Base. The site is about 20 acres and has a coastal bluff a little over 1,000 feet long on an east-west alignment. The bluff face is eroding like all the south and east coastline of Nantucket. This continuous erosion has caused debris to erode out of the bluff face littering the beach. Material ranges from very large building materials to pipes, large and small masonry chunks, gravel, old holding tanks and similar - all associated with the former Naval Base. To rectify this situation, the Town of Nantucket is developing a project to remove debris from the beach, remove debris from the coastal bank inland a set distance, backfill with clean material, and create a resilient bank face. This resilient bank face will slow erosion using coir logs and natural plantings, keeping the park usable for a longer period of time. When it does erode, it will only contribute clean bank sands to the beach. Permitting, remediation, and construction is estimated at \$8 million to \$9 million.

- **Erosion Control/Coastal Resiliency at Surfside Wastewater Treatment Facility**

The Surfside Wastewater Treatment Facility (WWTF) is located at the end of South Shore Road. It is an ideal location with 15 beds that percolate gray water extremely efficiently in sandy soil and reduce the effects on surrounding habitats. When the WWTF went through upgrades around 2012, this location was still ideal, when the beds were not in an erosion zone, but in one of the few stable, and slightly accreting zones on the South shore. However, over the last 4-5 years the area has begun to erode, and over the last two years the pace of erosion increased considerably. The Natural Resources Department and Sewer Department began to monitor the erosion, recording about 110 feet of coastal bank retreat from December of 2021 to November 2024. This led to the beginning phases of considering how to respond. Currently, the Town is working with Weston & Sampson to develop a feasibility assessment for different protection methods and retreat methods to increase the longevity of the beds. There is no plan yet, and the general direction is that it may be a combination of retreating some beds and working to protect others, but as of yet, protection methods are unfinalized. This study continues and we are waiting on an estimate of services. Cost estimates will depend on the selected strategy and methods. Considering that beds may have to retreat at a minimum, the cost is likely to be several million dollars.

- **Erosion Control/Coastal Resiliency at Ames Ave/Madaket Rd**

Options for a vulnerable area in Madaket at Chicago Street and Ames Avenue have long been discussed. The Town's Coastal Resilience Plan (CRP) recommends dune nourishment and bank stabilization measures. These efforts would protect Chicago Street to Macy Road, the end of Madaket Road, Ames Avenue and Ames Bridge (better known as Millie's Bridge). The corner of Chicago Street and Macy Road was lost earlier in 2024. The corner of Madaket Road and Ames Avenue is only about 40 feet from the edge of the coastal bank. Possible solutions have been discussed with state agencies and with other groups as part of possible grants based on the CRP proposal. This area has the highest erosion rate of any continuously populated area in the County. Erosion rates in Madaket are around 10 feet per year. The CRP project to slow erosion in the Madaket and Smith's Point area is listed at \$91 million.

- **Airport Runway Erosion Control**

The CRP investigated the risk to the Airport fence, runway, and FAA-required installations which are located on the South shore not far from Nobadeer Beach. The CRP found that the fence and some lighting installations will be in jeopardy in the coming decades and that the runway may be impacted close to the end of this century. The CRP recommended a dune enhancement system with an estimated cost of \$28 million. In discussions with the Airport leadership after the CRP was published, some points were made clear. First, the runway has scope to expand north, and the fence and FAA installations can be moved piecemeal as dictated by erosion over time. Second, the FAA is undertaking a study of coastal

hazards on airports and will make its own recommendations. The Airport will follow those recommendations and will need funding to implement them. Cost is unknown but likely to run in the millions of dollars range.

- **Nonantum Road Erosion at Lovers Lane**

This intersection is at risk of erosion in the next several years to decades and is listed as a priority 2 project in the CRP. The coastal bank lost about 60 feet in early 2024 and about 50 feet remain. This lack of remaining bank elevates the risk to this area and warrants study sooner than later. Alternative methods of continuing east-west movement are possible as there are paper roads nearby that could be improved to continue access. Options include using Dunham Street or Myles Standish Street for access. This is a relatively straightforward project and could be resolved for a few tens to low hundred thousand dollars.

- **Codfish Park Dune Restoration**

The CRP described a dune restoration project for the area in front of Gully Road and Codfish Park – an area extremely vulnerable to coastal flooding and erosion. This project would have an estimated cost of \$15 million.

- **Baxter Road Alternative Access**

Recommended in both the CRP (2021) and the Baxter Road Long Term Planning Memo (2021), alternative access represents the Town's long term planning initiative for this road. Baxter Road runs parallel to the coastal bank known as the Sconset Bluff and the northern part of Baxter Road has sections that are as little as 36 feet from the edge of the road to the edge of the coastal bank. Once the bank is within 25 feet of the road, an engineering review will be triggered. Other plans for toe stabilization of the Bluff are in planning with the Town and a homeowner group. Should these efforts fail, alternative access planning is prudent. The access tracks as well as Town sewer and water services are planned to cross private property with easements to continue to provide legal access and services, as well as public walking access to Sankaty lighthouse. This public access would be achieved with a series of access ways from Sankaty Road. The project is nearing final design and is estimated to cost at least \$36 million.

- **Downtown Neighborhood Flood Barrier (DNFB)**

The Town's Coastal Resilience Advisory Committee voted the DNFB the highest priority project from the CRP. The Town has responded to this priority and the critical needs for the downtown area by beginning this project which is located within in two of the most flood prone areas on the Island. The entire DNFB implementation would take decades and several phases to construct. It is valued at at least \$120 million. The two current active phases are described below.

- **DNFB - Easy Street**

Coastal flooding affects many parts of downtown Nantucket and the first place to flood is always Easy Street due to its low elevation. Easy Street is the arterial main access route to Steamboat Wharf and the Steamship

Authority as a critical access point on and off island for people, goods, supplies and services. This project is ongoing, and we are nearing the point where a design option will be selected. The current options range from flood barrier walls to raising the road and have construction costs ranging from \$30 million to \$70 million.

- **DNFB - Washington Street at Francis Street Beach**

The Town has partnered with the Nantucket Islands Land Bank and ReMain Nantucket to undertake 30% design for a reinforced dune system and public park areas around the Washington Street and Francis Street intersection. Properties include the Francis Street Beach area for a dune project, the former Artist Colony area for a water retention park and the nearby Saltmarsh Senior Center property for a resilient parking area and potential recreation area. This project is in progress and has not advanced to a selected design as yet and so no construction cost estimate is available. Operation, maintenance, and construction estimates will be completed by June 2025. A cost of over \$10 million dollars is expected.

- Funding to support independent monitoring projects to gather data on lighting impacts of off-shore wind farms, effects on local economy, and effects on property values.
- Immediate implementation of ADLS as turbines are installed, with penalties payable to the Town for non-compliance based on \$1 million per turbine.
- A community mitigation payment of \$4.1 million per year could allow the Town to extend a 10% electric rate discount to all Nantucket residential accounts; \$10.4 million per year would allow a 25% electric rate discount.

Please let us know whether BOEM will be willing to meet again to discuss how to price and administer these mitigation proposals. The Town and County of Nantucket would prefer to play a role in the distribution of funding because Nantucket will be in a better position than BOEM or SouthCoast to deploy funding as adverse effects become known and could use either use the existing Offshore Wind Community Fund (the preferred alternative because of its existing board and oversight by the Community Foundation for Nantucket) or accept a direct payment to facilitate execution of the proposals described above.

In the meantime, we urge BOEM, SouthCoast, other required signatories such as the Massachusetts and Rhode Island State Historic Preservation Officers not to execute the MOA until BOEM resolves the Nantucket's concerns.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William J. Cook". The signature is fluid and cursive, with a long horizontal stroke at the end.

William J. Cook, Partner

cc: Sarah Stokely, Bureau of Ocean Energy Management
Christopher Koeppel, Advisory Council on Historic Preservation
Christopher Daniel, Advisory Council on Historic Preservation
Birdy Budnik, U.S. Army Corps of Engineers
Emily P. Webb, Massachusetts Department of Energy Resources
Brona Simon, Massachusetts Historical Commission
Jeffrey Emidy, Rhode Island Historical Preservation & Heritage Commission
Betsy Merritt, National Trust for Historic Preservation

From: [Libby Gibson](#)
To: [Brooke Mohr](#); [Matt Fee](#)
Cc: [Erika Mooney](#)
Subject: FW: BOEM SouthCoast NHPA Section 106 – Final Memorandum of Agreement for Signature
Date: Monday, December 9, 2024 5:12:22 PM
Attachments: [20241205_SouthCoastMitigation_FINAL.pdf](#)

C. Elizabeth Gibson, ICMA-CM
Town Manager
Town of Nantucket
(508) 228-7255

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.

From: Will Cook <will@culturalheritagepartners.com>
Sent: Friday, December 6, 2024 4:35 PM
To: Brooke Mohr <bmohr@nantucket-ma.gov>; Libby Gibson <LGibson@nantucket-ma.gov>; Matt Fee <mfee@nantucket-ma.gov>; Lauren Sinatra <lsinatra@nantucket-ma.gov>; Holly Backus <hbackus@nantucket-ma.gov>; Rick Sears <rsears@nantucket-ma.gov>
Subject: Fwd: BOEM SouthCoast NHPA Section 106 – Final Memorandum of Agreement for Signature

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.

FYI.

----- Forwarded message -----

From: Will Cook <will@culturalheritagepartners.com>
Date: Fri, Dec 6, 2024 at 4:34 PM
Subject: Re: BOEM SouthCoast NHPA Section 106 – Final Memorandum of Agreement for Signature
To: Moshier, Marissa J <Marissa.Moshier@boem.gov>, Bruna.Simon@sec.state.ma.us <Bruna.Simon@sec.state.ma.us>, Jeffrey Emidy <jeffrey.emidy@preservation.ri.gov>, Chris Daniel <cdaniel@achp.gov>, Christopher Koeppel <ckoeppel@achp.gov>
Cc: SouthCoast_Section106@icf.com <SouthCoast_Section106@icf.com>, Brune, Genevieve K <Genevieve.Brune@boem.gov>, Stokely, Sarah C <Sarah.Stokely@boem.gov>

On behalf of the Town and County of Nantucket, we urge the Advisory Council on Historic Preservation, Massachusetts SHPO, and Rhode Island SHPO, not to execute the Section 106 MOA for SouthCoast Wind for the reasons set forth in the attached letter. This MOA is arbitrary, capricious, and contrary to the letter and intent of the National Historic Preservation Act. If BOEM continues to refuse to consider Nantucket's concerns, consultation should be terminated in accordance with the Section 106 regulations.

Will Cook, Partner
Cultural Heritage Partners, PLLC

On Wed, Dec 4, 2024 at 1:44 PM Moshier, Marissa J <Marissa.Moshier@boem.gov> wrote:

Greetings Consulting Parties,

In response to recent comments that BOEM received on the final SouthCoast Wind Project Memorandum of Agreement (MOA), BOEM has made the following changes to the MOA. In response to comments received from the Town of Nantucket, BOEM has added Stipulations III.E.3.ii.b and III.E.3.ii.c, which provide for alternative mitigation measures to resolve the visual adverse effect to the Nantucket Historic District National Historic Landmark. Attachment 9, *Historic Properties Treatment Plan for Nantucket Historic District*, has been updated with the same alternative mitigation measures. Additionally, BOEM has revised Attachment 5, *Mitigation Funding Amounts*, to increase the funding amount for the implementation of the *Historic Properties Treatment Plan for Nantucket Historic District* from \$150,000 to \$300,000. No other substantive changes have been made to the MOA. We are sharing this revised final MOA with all the required signatories, invited signatories, Tribal Nations, and the consulting parties. The link below includes a redline version of the MOA tracking these changes and a clean version of the MOA, as well as BOEM's response to comments from the Town of Nantucket.

As these files are too large to transmit via e-mail, they can be downloaded at the following OneDrive location:

Documents can be downloaded from: [BOEM_SCW_RTC4-MOA_NonConfidential_20241119](#)
Password: SCW106MOA

If your organization elects to sign the MOA, please sign the attached signature page and submit it to BOEM by responding to this email message or sending it to SouthCoast_Section106@icf.com **no later than Friday, December 13, 2024**. If you identify that any of the information on your signature page requires revision (i.e., organization name and the name and title of signatory), please edit the attached Word version of the signature page as necessary.

Thank you for your participation throughout this NHPA Section 106 consultation for the Project. We appreciate everyone's efforts and involvement in this consultation.

Sincerely,
Marissa Moshier
Historian, Section 106 Team
U.S. Department of the Interior | Bureau of Ocean Energy Management

Office of Renewable Energy Programs
marissa.moshier@boem.gov | (571) 373-0759

From: Moshier, Marissa J
Sent: Tuesday, November 19, 2024 1:52 PM
To: SouthCoast_Section106@icf.com
Cc: Brune, Genevieve K <genevieve.brune@boem.gov>; Stokely, Sarah C
<Sarah.Stokely@boem.gov>
Subject: BOEM SouthCoast NHPA Section 106 – Final Memorandum of Agreement for Signature

Greetings Consulting Parties,

The Bureau of Ocean Energy Management (BOEM) invites you to review and sign the final National Historic Preservation Act (NHPA) Section 106 Memorandum of Agreement (MOA) for the SouthCoast Wind Project (Project) as a concurring party. The final MOA is the result of BOEM's consultations with Tribal Nations, the Massachusetts and Rhode Island State Historic Preservation Offices, and consulting parties over the course of the NHPA Section 106 review, including the most recent consulting party review and comment period held from September 30, 2024 to October 30, 2024. BOEM is providing both the final MOA (clean and redline versions) and its responses to comments received in this last review period at the hyperlink provided below.

Documents can be downloaded from: [BOEM_SCW_RTC4-MOA_NonConfidential_20241119](#)

Password: SCW106MOA

If your organization elects to sign the MOA, please complete the attached signature page and submit it to BOEM by responding to this email message or sending it to SouthCoast_Section106@icf.com **no later than Friday, December 13, 2024**. Signatories should sign the attached signature page and populate the other requested information as indicated on the page (i.e., organization name and the name and title of signatory).

Please contact me if you require additional information. Thank you for your participation throughout the NHPA Section 106 review and consultation process for the Project.

Sincerely,

Marissa Moshier

Historian, Section 106 Team

U.S. Department of the Interior | Bureau of Ocean Energy Management

Office of Renewable Energy Programs

marissa.moshier@boem.gov | (571) 373-0759

--

William J. Cook, Partner



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

December 10, 2024

Mr. William J. Cook
Partner
Cultural Heritage Partners, PLLC
2101 L Street, NW, Suite 300
Washington, DC 20037

Dear Mr. Cook:

Thank you for the response to BOEM's letter of December 4, 2024. The response from Cultural Heritage Partners (CHP) on behalf of the Town of Nantucket is dated December 5, 2024 and was received by BOEM on December 6, 2024. BOEM's letter of December 4 timely responded to the Town of Nantucket's comments from our meeting on November 21, 2024 and substantively addressed the Town's requests, including a revision to the mitigation to resolve the visual adverse effect to the Nantucket Historic District National Historic Landmark (NHL). In this letter, BOEM is responding to several items mentioned in CHP's letter dated December 5, 2024.

BOEM thanks the Town of Nantucket for providing examples of coastal resiliency projects on Nantucket. BOEM is pleased to note that the coastal erosion control project titled "Nonantum Road Erosion at Lovers Lane" could be implemented in full by the revision to the mitigation measure for Nantucket Historic District NHL and the mitigation funding in the SouthCoast Memorandum of Agreement (MOA) that was distributed on December 4, 2024, in response to the Town of Nantucket's requests expressed at our meeting on November 21, 2024. It is important to note that BOEM's revision to the MOA would allow the Town of Nantucket to prioritize the funding assistance for coastal resiliency projects and distribute the funding based on the Town's priorities as requested in CHP's December 5, 2024 letter.

CHP's letter includes additional requests from the Town of Nantucket that do not have a reasonable relationship to the undertaking's visual adverse effect on the Nantucket Historic District NHL. BOEM provided responses to these requests in the letter dated December 4, 2024. These requests included responses to the Vineyard Wind 1 turbine blade failure and BOEM's analysis of cumulative effects from the SouthCoast Wind Project, funding to guarantee future decommissioning of the Project, impacts to heritage tourism from visibility of wind turbine generators, funding to support implementation of coastal resiliency projects, and monitoring of Project impacts. CHP's letter includes an additional request to provide "a community mitigation payment of \$4.1 million per year [that] could allow the Town to extend a 10% electric rate

discount to all Nantucket residential accounts; \$10.4 million per year would allow a 25% electric rate discount.” This request is outside of reasonable potential mitigation measures to resolve the visual adverse effect to the Nantucket Historic District NHL under Section 106 of the National Historic Preservation Act.

BOEM included a visual minimization measure in the SouthCoast Wind Project MOA to require the Lessee to implement an Aircraft Detection Lighting System (ADLS) that would activate the aviation hazard lighting system on offshore Project components in response to detection of nearby aircraft. In response to the request from the Town of Nantucket for immediate implementation of the ADLS as turbines are installed, BOEM asked SouthCoast Wind to address the timing of ADLS implementation for the Project. SouthCoast Wind responded that the proper operation of the ADLS depends on managing multiple complex interfaces during construction and cannot be guaranteed until the wind farm reaches its commercial operations date. These interfaces include the offshore installation of the offshore substation platform and fiber network, as well as the implementation of IT infrastructure to meet cybersecurity requirements. Coordination challenges, such as IP address mapping and multi-stakeholder alignment, often delay system readiness. Therefore, SouthCoast Wind noted that it is not feasible to commit to immediate implementation of ADLS. During construction, SouthCoast Wind and its contractors will work to bring the ADLS online as efficiently as possible while ensuring offshore safety to the workers, and other marine and aviation stakeholders.

BOEM believes that it has fully responded to the Town of Nantucket’s comments on the SouthCoast Wind Project throughout the three-year consultation, including the recent comments received at our meeting on November 21, 2024 and in CHP’s December 5, 2024 letter. If you have any questions, please contact me at Marissa.moshier@boem.gov.

Sincerely,

Marissa Moshier

Marissa Moshier
Historian
Environment Branch for Renewable Energy
Office of Renewable Energy Programs

cc: Chair Brooke Mohr,
Nantucket Select Board

Vice Chair Matt Fee,
Nantucket Select Board

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