

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

C. Elizabeth Gibson
Town & County Manager

***AGENDA FOR THE MEETING OF THE
SELECT BOARD
JANUARY 8, 2025 - 5:30 PM
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS
AMENDED JANUARY 8, 2025***

YOU TUBE LINK FOR VIEWING ONLY:
<https://youtube.com/live/rSFmzFIWAU0>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_Qt-rT5cWQ7SPEEgA-8tNwg

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio and Video Recorded.
2. The Select Board is Hosting a Public Information Zoom Webinar with the Bureau of Safety and Environmental Enforcement (BSEE) Regarding the Vineyard Wind Turbine Blade Failure on **MONDAY, FEBRUARY 3, 2025** at 5:00 PM.
NOTE NEW LINK:
https://us06web.zoom.us/webinar/register/WN_EaDasr7vTR6jx-g1DE6JTA
3. Master Plan Update: Help Shape Nantucket's Future!

Share your Thoughts in the Master Plan Community Survey, Open until January 24, 2025. Your Input is Essential to Updating the 2009 Master Plan. Take the Survey Today: www.nantucket-ma.gov/masterplan.

Host a Kitchen Conversation—A Small-Group Discussion You Can Facilitate from Your Kitchen, Office, Coffee Shop, or Anywhere. Share Ideas with Friends and Neighbors about Nantucket's Strengths and Challenges to Help Update the Master Plan. To Learn More, Email Megan Trudel at mtrudel@nantucket-ma.gov.

4. 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 18, 2024 at 5:30 PM - Joint Meeting with County Commission and Nantucket Planning and Economic Development Commission (NP&EDC); December 18, 2024 at 5:30 PM - Select Board.
2. Approval of Payroll Warrants for December 22, 2024; January 5, 2025.
3. Approval of Treasury Warrants for December 25, 2024; January 1, 2025; January 8, 2025.
4. Approval of Pending Contracts for January 8, 2025 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Applicant Introduction/Review of Applications and Appointments to Capital Program Committee; Real Estate Assessment Committee; Zoning Board of Appeals, Pursuant to Select Board Committee Appointment Policy.

IX. PUBLIC HEARINGS

1. Public Hearing Regarding Proposed FY 2026 General Fund Budget.

X. TOWN MANAGER'S REPORT

1. Review of Draft Town Meeting and Election Warrant for 2025 Annual Town Meeting.

XI. SELECT BOARD REPORTS/COMMENT

1. 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

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
January 8, 2025

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Contractual Services						
Professional Services Agreement	Fire	Stryker Medical	\$24,254	Renewal contract for preventative maintenance & field repair services on all Stryker ambulance rescue equipment	Ambulance Reserve: Professional Services	Jan 1, 2025 - Dec 31, 2025
Purchase Agreement	Fire	Northeast Rescue Systems	\$131,354	Purchase of grip hoist rescue equipment for trench rescues	Article 10 2023 ATM	Jan 1, 2025 - Jun 30, 2025
Contract Amendment	Health & Human Services	Visiting Nurse Cape	Add \$3,750 to the existing amount of \$15,000 for a new total of \$18,750	Amend contract amount to cover increase in number of individuals receiving services	Rural Health Grant	Jul 1, 2024 - Jun 30, 2025
Police Academy Training Agreement	Police	Colin Black	N/A	Police Academy Employment Agreement	N/A	Jan 8, 2025 - Jan 7, 2026
Police Academy Training Agreement	Police	Justin Johansen	N/A	Police Academy Employment Agreement	N/A	Jan 8, 2025 - Jan 7, 2026
Police Academy Training Agreement	Police	Jill Johnson	N/A	Police Academy Employment Agreement	N/A	Jan 8, 2025 - Jan 7, 2026
Police Academy Training Agreement	Police	Isabelle LaRochelle	N/A	Police Academy Employment Agreement	N/A	Jan 8, 2025 - Jan 7, 2026
Professional Services Agreement	Sewer Dept	Weston & Sampson	\$2,340,000	Somerset Needs Area/Sewer Extension Project - Design Engineering	Article 22 2024 ATM	Jan 8, 2025 - April 30, 202

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:

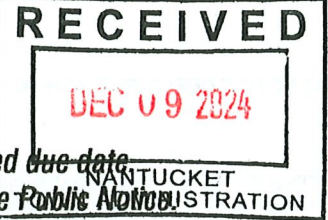
VACANT (as of last Dec '24 mtg)	2025
Elisa H. Allen	2026
Susan McCarthy	2027
Joe Marcklinger	2028
John B. Brescher	2029

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

Caroline.Baltzer@gmail.com

Alternate Phone: _____

12/6/24

Email Address: _____
Capital Committee

Date Submitted: _____

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



Town Administration Fiscal Year 2026 General Fund Budget Recommendations

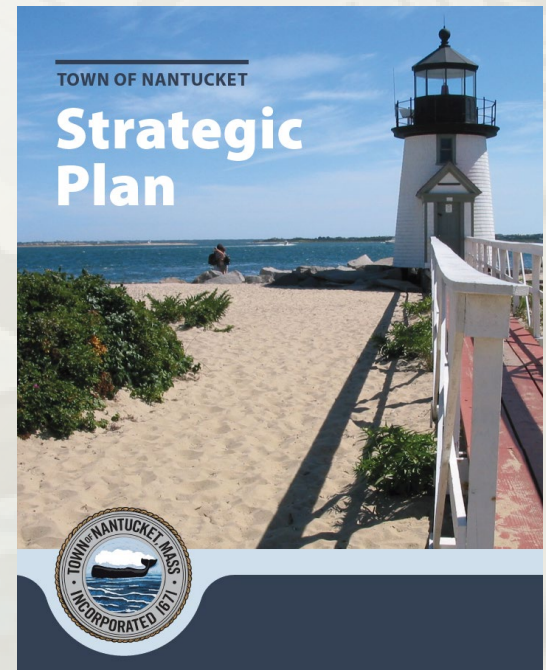
*December 11, 2024
Select Board Meeting*

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

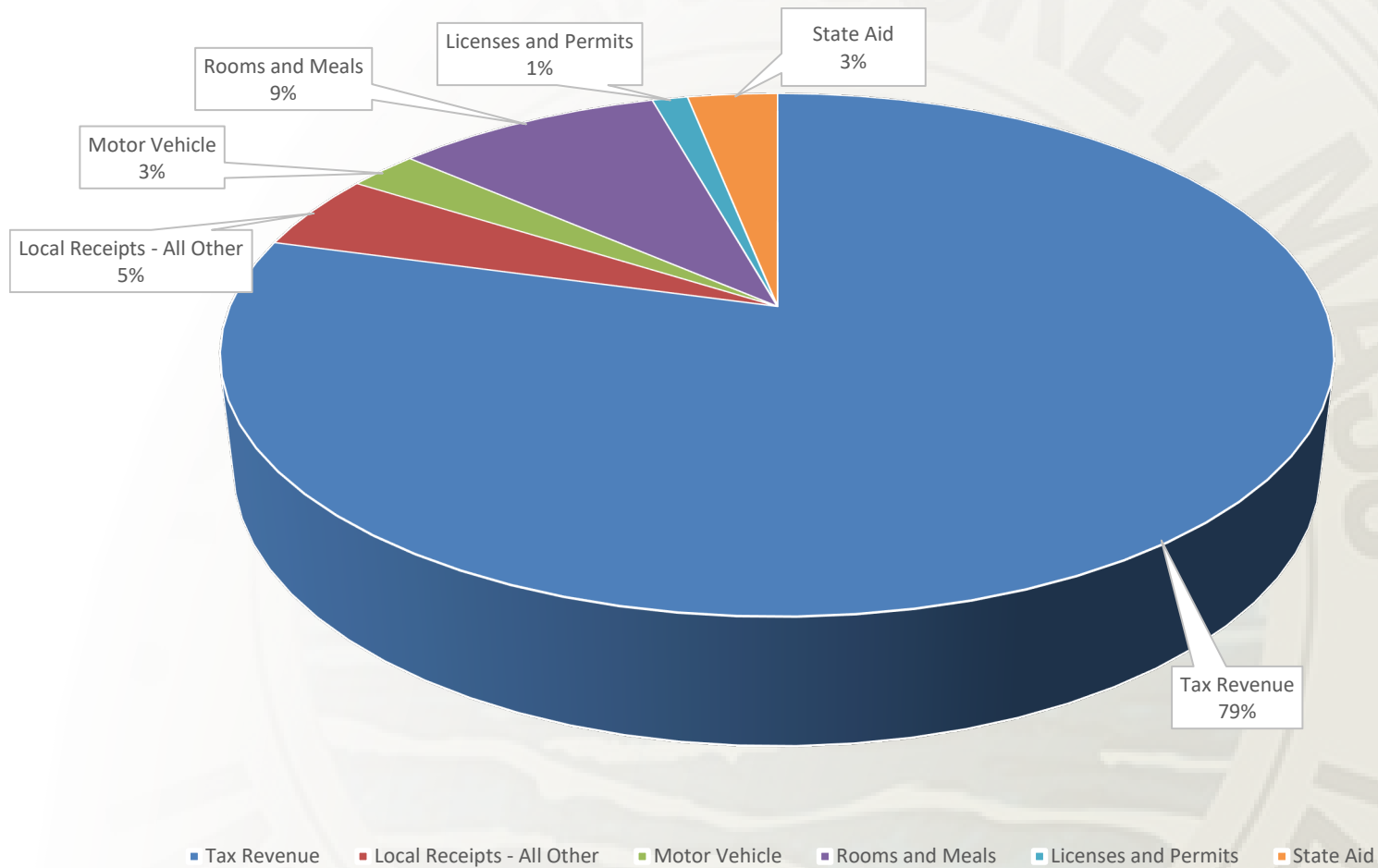
FY 2026 General Fund Budget Summary Comparison

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%

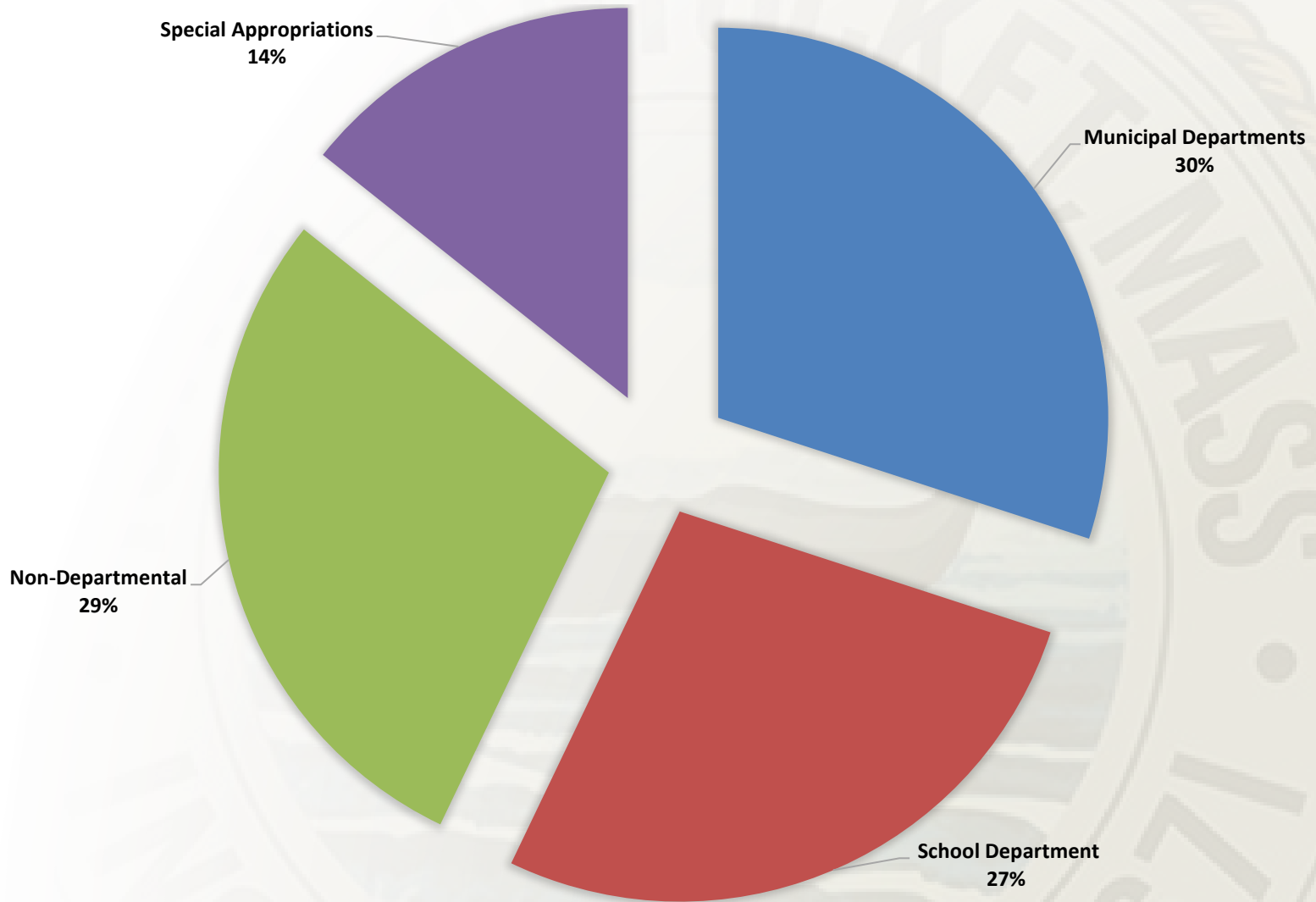
See Appendix A in Budget Message for detailed breakdown

(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	per established schedule
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 health 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

[illegible]

**Urgent Support Needed for
Nantucket Island!**

*NOAA North Atlantic Right Whale
Vessel Strike Reduction Rule*

EMAIL OUR FEDERAL DELEGATION TODAY!

www.noanantucket.ma.gov/vesselstrike



Special Edition: Offshore Wind

NEWSLETTER FROM THE DESK OF TOWN MANAGER LIBBY GIBSON

ber 13, 2024

energy is a complex issue, involving multiple corporate groups, government agencies, making it challenging for the public to understand who's role, who is responsible for and the possible outcomes of decisions. In this newsletter, we aim to provide you informed of offshore wind developments near Nantucket and clarify the topics that have received the most public feedback.

so want to keep you updated on new 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

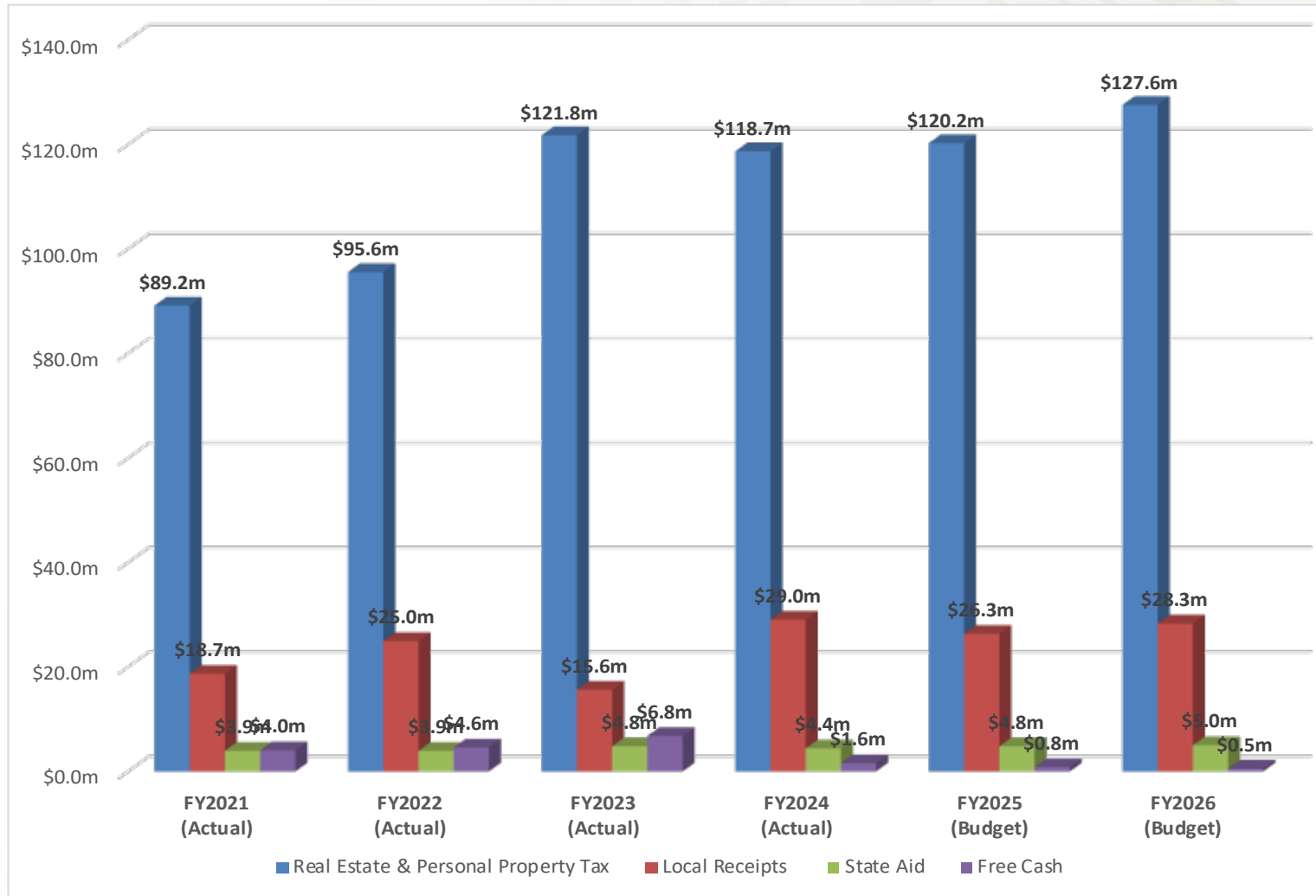
- January 7: Town Administration FY 2026 Budget presentation to School Committee
- January 8: Select Board public hearing; endorsement of recommended FY 2026 General Fund Budget
- Mid-January – mid-March: Finance Committee review of General Fund and Enterprise Fund budgets; other financial appropriations
- 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

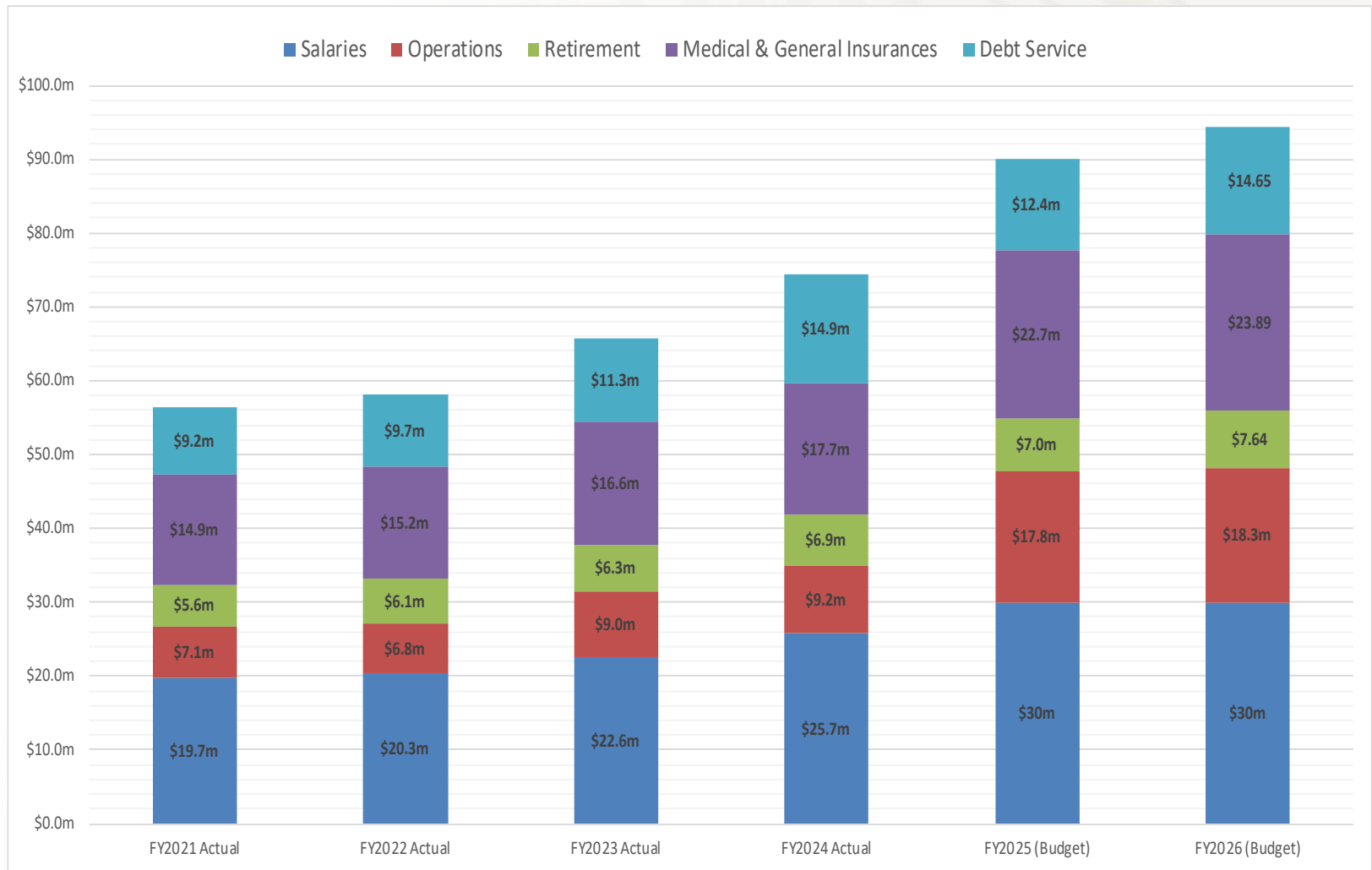
General Fund Revenue Breakdown

FY 2021 – FY 2026



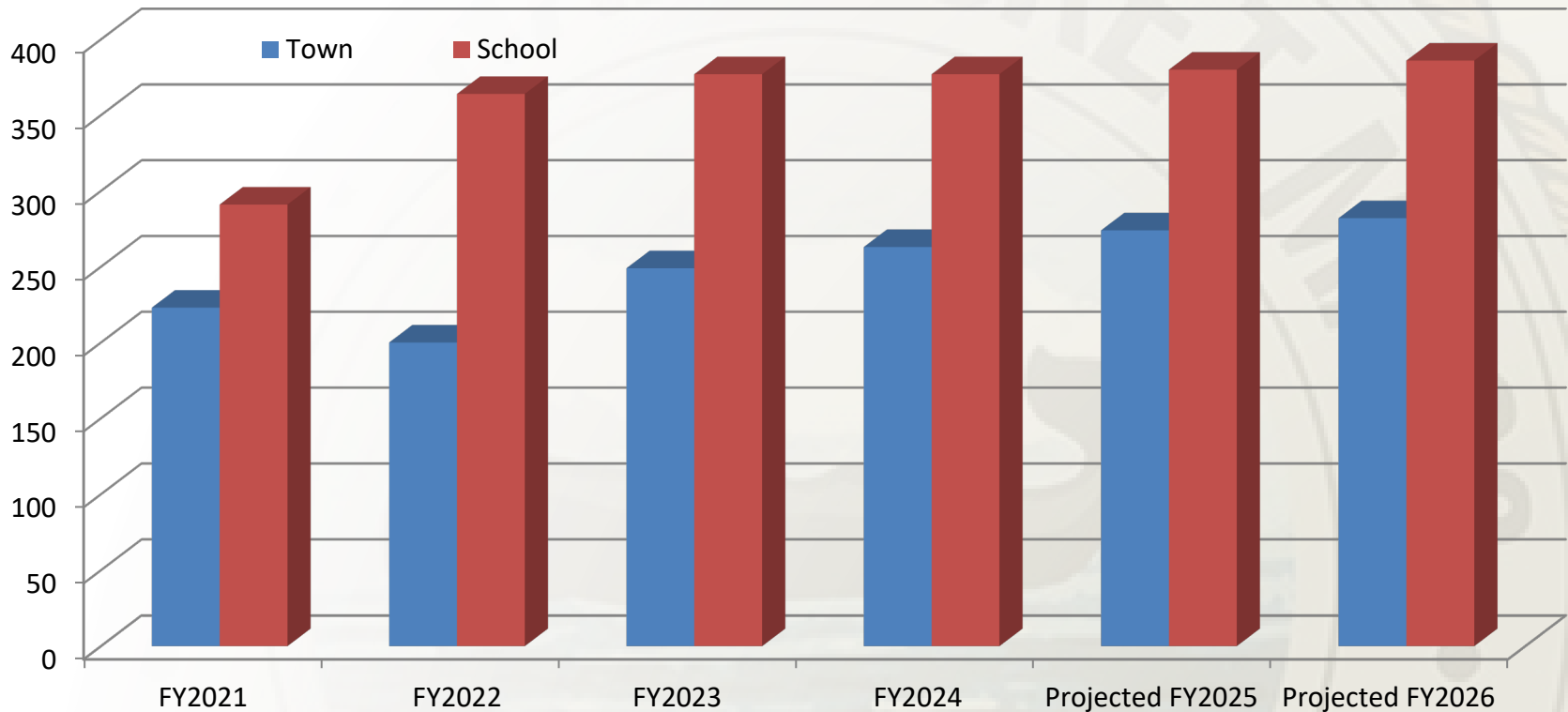
Town Expense Breakdown

FY 2021 – FY 2026



General Fund Personnel History

FY 2021 – FY 2026



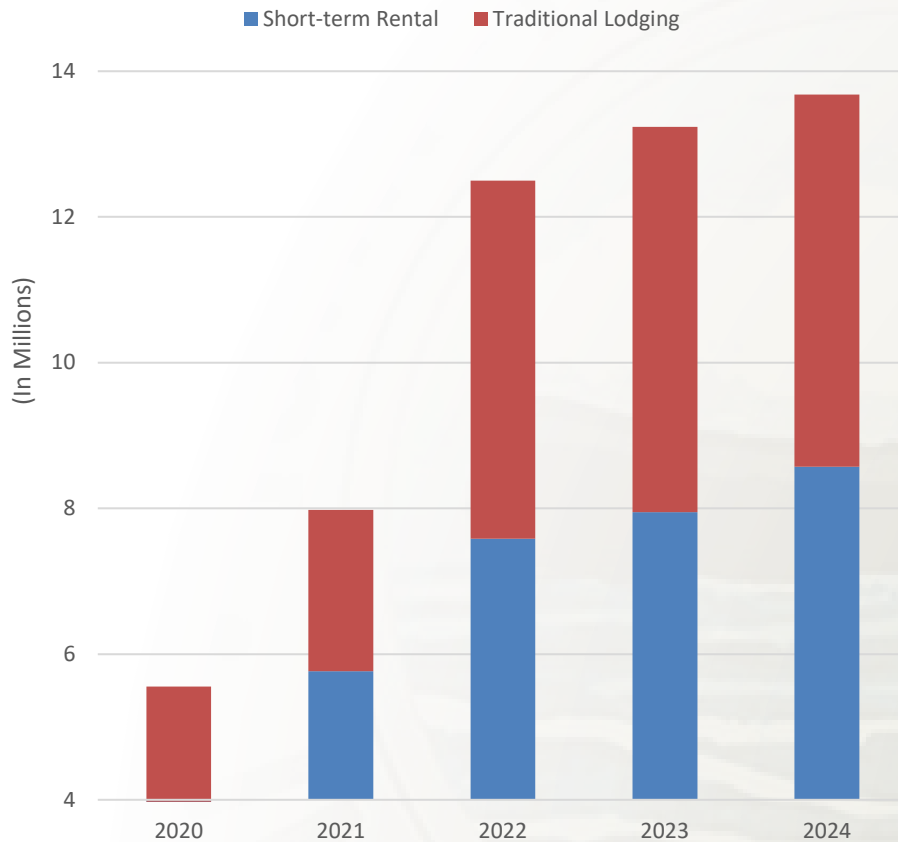
* Full Time Equivalent Calculation = 33-40 Hrs 1.0; 20-32 Hrs 0.50; Seasonal = 0.25

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

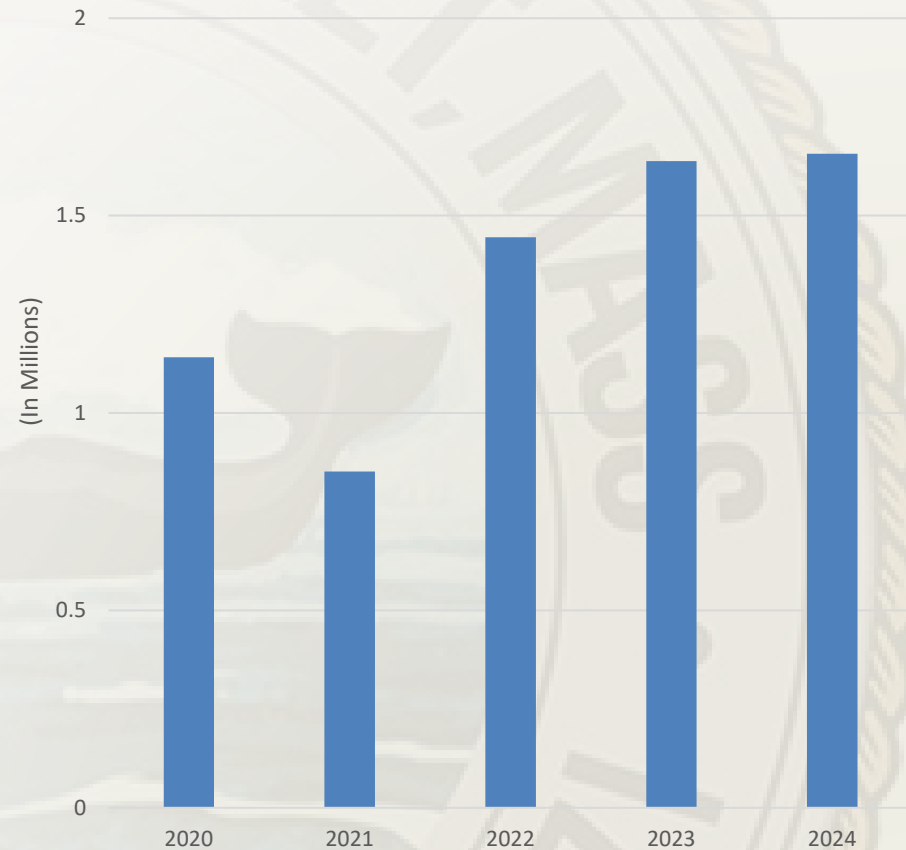
*** Education Personnel History includes Community School Employees

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%

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.

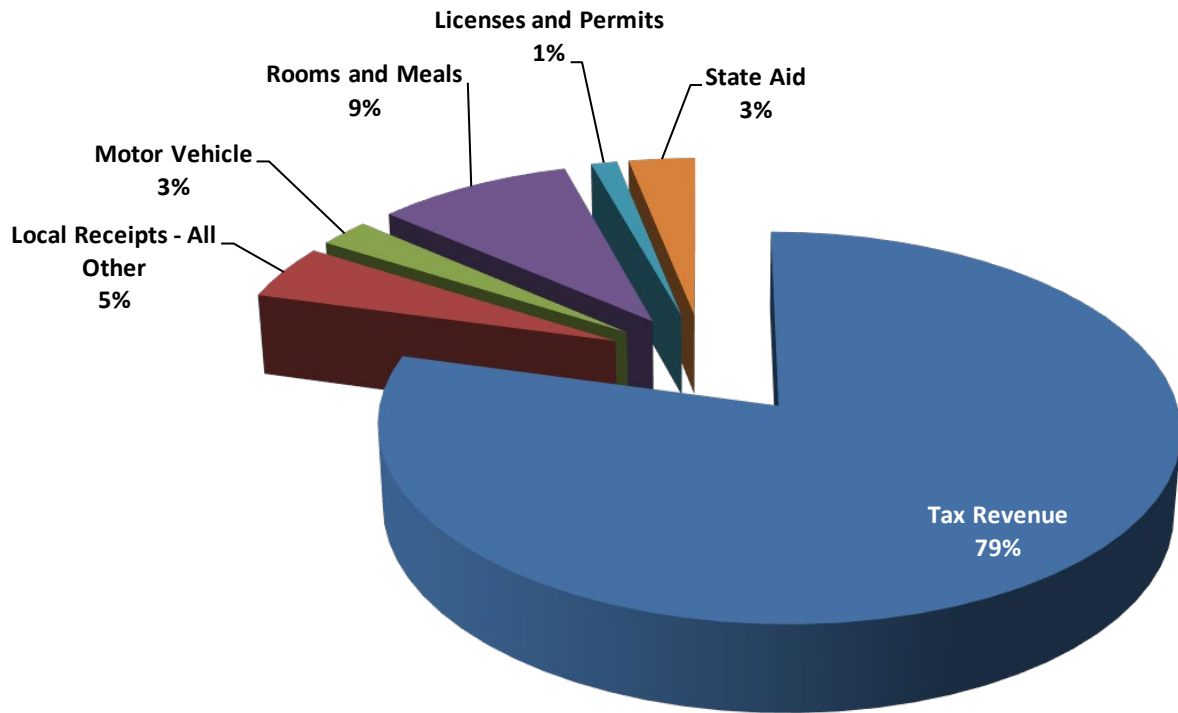
The budget is essentially a plan of service for the community and each year we attempt to budget prudently and cautiously. Not all requests and needs can be met to the degree desired by individual groups and departments. As we strive to meet as many demands as possible, we must also model for the impact 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.

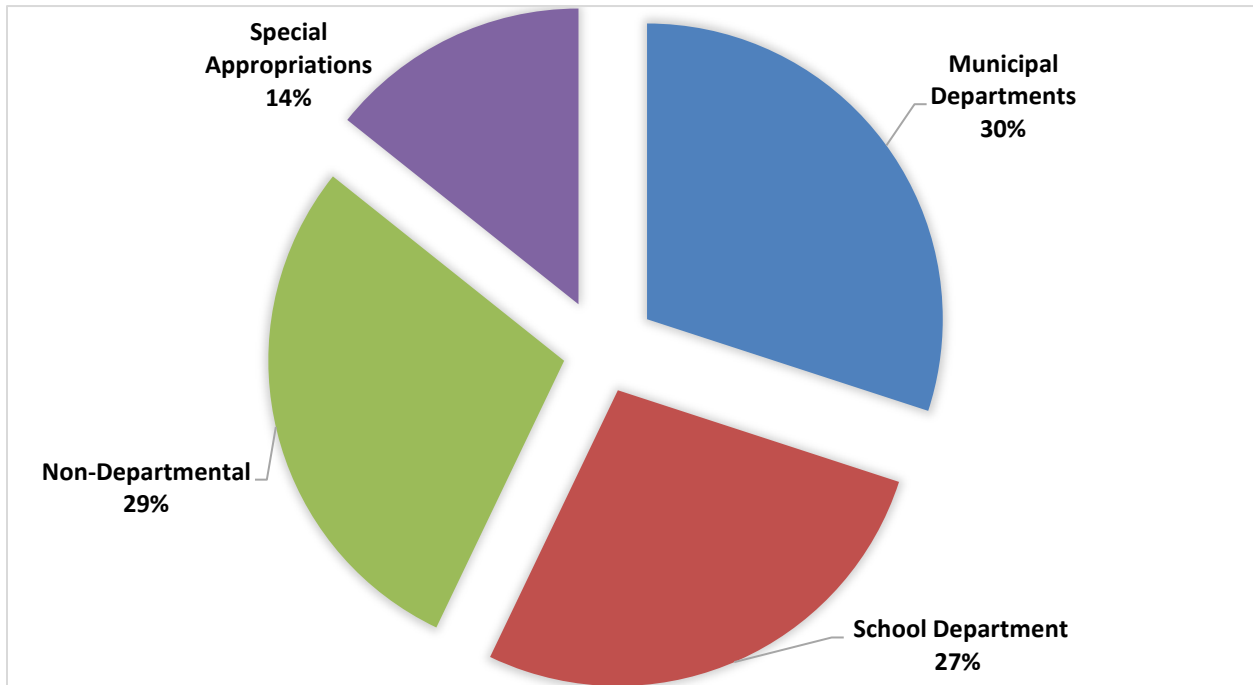
III. Overview of FY 2026 General Fund Budget Projection

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

****DRAFT AS OF 010625****

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET**



WARRANT FOR

**2025 ANNUAL TOWN MEETING
Nantucket High School
Mary P. Walker Auditorium
Saturday, May 3, 2025 - 8:30 AM**

AND

**ANNUAL TOWN ELECTION
Nantucket High School
Tuesday, May 20, 2025
7:00 AM - 8:00 PM**

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

DRAFT

To the Constables of the Town of Nantucket:

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs, to meet and assemble themselves at the Mary P. Walker Auditorium at Nantucket High School at 10 Surfside Road in said Nantucket, on

**SATURDAY, MAY 3, 2025 AT 8:30 AM
THEN AND THERE TO ACT ON THE ARTICLES
CONTAINED WITHIN THE ENCLOSED WARRANT:**

NON-BINDING SENSE OF THE MEETING QUESTION

To see if the Town will vote to direct the Town Council Study Committee to propose a Charter Revision in the form of a Home Rule Petition to be voted on at a future Town Meeting which would create a Town Council/Town Manager Form of Government; or to take any other action relative thereto.

Background:

The Town Council Study Committee, appointed by the Select Board in response to a positive vote taken under Article 81 of the 2023 Annual Town Meeting, is proposing consideration of a new charter establishing a Town Council/Town Manager form of government to replace the current Town Manager/Select Board/Town Meeting form of government. Town Council/Town Manager is a representative form of municipal governance. Town Councils operate continuously, as opposed to one or two Town Meetings per year.

The proposed Town Council would:

- *serve as the legislative body of the Town and be composed of 9 members, elected at large, for three-year rotating terms, who would be compensated at a rate to be determined by a local bylaw.*
- *As contemplated, the proposal makes no change to the currently elected multiple member bodies (except that the Select Board would be abolished). It would provide for the Town Manager to appoint all other multiple-member bodies, subject to the disapproval of the Town Council, and appoint most other Town employees within the Town Administration department.*
- *The proposal would provide several avenues for public access and participation in government, including open comment at Town Council meetings, citizen petitions for proposal of local laws by initiative and referendum for repealing local laws, as well as for recall of Town Councilors.*

Approval of this non-binding sense of the meeting vote would be the first step in moving forward with the process for adoption of a new Charter, provided, however, that the proposal as described above is not final, and that in order to formally revise the Charter

Commented [LG1]: This is missing a word or words - or should say "within Town Administration as currently defined in the Town Charter"

Commented [LG2]: Is "open comment" different from "public comment"?

there will likely be three additional steps: approval at a Town Meeting, approval by the General Court, and acceptance by the voters of the Town at an election.

A YES vote would indicate interest in 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.

**ARTICLE 1
(Receipt of Reports)**

To receive the reports of various departments and committees as printed in the Fiscal Year 2024 Annual Town Report or as may come before this meeting; or to take any other action related thereto.

(Select Board)

**ARTICLE 2
(Appropriation: Unpaid Bills)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds for the payment, pursuant to Chapter 44 section 64 of the Massachusetts General Laws, of unpaid bills from previous fiscal years, including any bills now on overdraft; or to take any other action related thereto.

(Select Board)

**ARTICLE 3
(Appropriation: Prior Year Articles)**

To see what sums the Town will vote to appropriate and transfer from available funds previously appropriated pursuant to Articles voted in prior years; or to take any other action related thereto.

(Select Board)

**ARTICLE 4
(Revolving Accounts: Spending Limits for FY 2026)**

To see what spending limits the Town will establish for revolving accounts established pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws and Section 19-21 of the Town Code for Fiscal Year 2026; or take any other action related thereto.

(Select Board)

**ARTICLE 5
(Appropriation: Reserve Fund)**

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of establishing a Reserve Fund pursuant to Chapter 40 section 6 of the Massachusetts General Laws, to provide for the extraordinary and unforeseen expenditures which may arise during Fiscal Year 2026; said sum not to exceed five (5) percent of the Fiscal Year 2025 tax levy; or to take any other action related thereto.

(Select Board)

ARTICLE 6
(Fiscal Year 2025 General Fund Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2025 General Fund operating budget from other line items of said budget and from other available funds; or to take any other action related thereto.

(Select Board)

ARTICLE 7
(Personnel Compensation Plans for Fiscal Year 2026)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2026:

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	\$32.00
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to \$80.00
Certified Nurse's Aide/Our Island Home (Per Diem – hourly)	\$26.00 \$28.00
Dietician/Our Island Home (hourly)	\$43.00 \$45.00
Election Warden (hourly)	\$35.00
Election Worker (hourly)	\$32.00
Exercise Instructors/Senior Center (hourly)	Up to \$40.00 \$45.00
EMT, Call (hourly)	\$32.00
Fire Captain, Call (yearly)	\$150.00
Fire Fighter, Call (hourly)	\$32.00
Fire Lieutenant, Call (yearly)	\$125.00
Fire Chief, Second Deputy (yearly)	\$5,000.00
Fire Chief, Third Deputy (yearly)	\$5,000.00
Licensed Practical Nurse/Our Island Home (Per Diem – hourly)	\$33.50 \$35.50
Our Island Home Ancillary (Per Diem – hourly)	\$23.50 \$25.50
Paramedic, Certified (Per Diem – hourly)	\$32.00
Registered Nurse/Our Island Home (Per Diem – hourly)	\$49.00 \$51.00
Registrar of Voters (yearly)	\$600.00
Registrar, Temporary Assistant (hourly)	\$32.00
Reserve Police Officer (hourly)	\$32.00
Student Police Officer (hourly)	\$38.65

Commented [LG3]: Check with HR on these strikeouts

Seasonal Assistant Harbormaster (hourly)	\$32.00 \$34.00
Seasonal Lifeguard Supervisor (hourly)	\$32.00 \$34.00
Seasonal Maintenance Supervisor/Public Works (hourly)	\$25.00 \$27.00
Seasonal Health Inspector	\$32.00
Temporary Employee	various rates of pay
Veterans' Agent (hourly)	\$32.00

Schedule B – Seasonal Employee Compensation Schedule
(Spring, Summer, Fall, Winter/Effective May 4, 2025)

Commented [AP4]: Increased A-E by \$2.00

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$20.00 \$22.00	\$21.00 \$23.00	\$22.00 \$24.00	\$23.50 \$25.50
B-Hourly*	\$21.00 \$23.00	\$22.00 \$24.00	\$23.00 \$25.00	\$24.00 \$26.00
C-Hourly*	\$22.00 \$24.00	\$23.00 \$25.00	\$24.00 \$26.00	\$25.00 \$27.00
D-Hourly*	\$24.00 \$26.00	\$24.50 \$26.50	\$25.00 \$27.00	\$25.50 \$27.50
E-Hourly*	\$25.00 \$27.00	\$26.00 \$28.00	\$27.00 \$29.00	\$28.00 \$30.00

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

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

Schedule C -- Compensation Schedule for Elected Officials*

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

Commented [LG5]: Suggest this be increased to at least \$1,000

Commented [LG6]: This should increase in accordance with other non union staff (4%?)

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 8

(Appropriation: Fiscal Year 2026 General Fund Operating Budget)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of supporting the offices, departments, boards and commissions of the Town of Nantucket for Fiscal Year 2026 or to take any other action related thereto.

(Select Board)

ARTICLE 9

(Appropriation: Health and Human Services)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the Council for Human Services to be used by the Council to contract with various health and human services, not-for-profit corporations to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket; further, that all such sums be expended on the condition that grant agreements be executed by and between the Select Board and the respective private, not-for-profit agency for Fiscal Year 2026, which grant agreements shall stipulate mutually agreed upon terms and conditions; or to take any other action related thereto.

(Select Board)

ARTICLE 10

(Appropriation: General Fund Capital Expenditures)

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

(Select Board)

Commented [LG7]: Check on any other Stand Alone Capital

ARTICLE 11

(Appropriation: Town Employee Housing Design, Owner's Project Manager and Construction Costs)

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

(Select Board)

Commented [LG8]: REVISED (still needs bond counsel review)

(Select Board)

ARTICLE 12

(Supplemental Appropriation: Public Works Facility Improvements - Design

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, to make design improvements to the Department of Public Works facility at 188 Madaket Road, 10 Sun Island Road, and/or 1 Shadbush Road, including the costs of professional services for design, permitting, and engineering, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

Commented [LG9]: Drew/Brian - we should change this to 1 Shadbush and 188? Take out Sun Island Rd?

Commented [LG10]: Is this really a debt exclusion

(Select Board)

ARTICLE 13

(Appropriation: Our Island Home)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, to construct a new Our Island Home facility at 40 Sherburne Commons Lane, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE

(Appropriation: Affordable Housing Trust Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of supporting the Affordable Housing Trust Fund in the Town of Nantucket for Fiscal Year 2026; or to take any other action related thereto.

Commented [LG11]: BRIAN - is this an annual article?

(Select Board)

ARTICLE 21

(Appropriation: Fiscal Year 2026 Enterprise Funds Operations)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the operation of the Enterprise Funds of the Town of Nantucket for Fiscal Year 2026, out of anticipated

revenues of the designated funds, for the purposes set forth above; or to take any other action related thereto.

(Select Board for the Various Departments Indicated)

ARTICLE 22

(Appropriation: Enterprise Funds Capital Expenditures)

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

(Select Board for the Various Departments Indicated)

ARTICLE 23

(Enterprise Funds: Fiscal Year 2025 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2025 Enterprise Fund operating budgets from other line items of said budgets and/or from Enterprise Surplus Reserve Funds; or to take any other action related thereto.

(Select Board)

ARTICLE 24

(Appropriation: Waterways Improvement Fund)

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 25

(Appropriation: Ambulance Reserve Fund)

To see what sum the Town will vote to appropriate from the Ambulance Reserve Fund for the purchase of ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for ambulances, and other such related costs to operate the Town's ambulance services, including up to seven (7) full-time firefighter/EMT and/or paramedic

positions. All expenditures to be made by the Fire Department, subject to the approval of the Town Manager; or to take any other action related thereto.

(Select Board)

ARTICLE 26

(Appropriation: Ferry Embarkation Fee)

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 27

(Appropriation: County Assessment)

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

Commented [LG12]: Confirm #

(Select Board/County Commissioners)

ARTICLE 28

(Appropriation: Finalizing Fiscal Year 2026 County Budget)

To see if the Town will vote to overturn any denial of approval by the Nantucket County Review Committee, of any item of the County budget for Fiscal Year 2026 by appropriating a sum of money for such County budget and authorizing the expenditure of estimated County revenues, County reserve funds, County deed excise fees or other available County funds including the Town assessment for County purposes; further, to see if the Town will vote to overturn any denial by the Nantucket County Review Committee of the establishment of a County Reserve Fund, from which transfers may be made to meet extraordinary or unforeseen expenditures with the approval of the County Commissioners acting as the County Advisory Board Executive Committee within the meaning of Chapter 35 section 32 of the Massachusetts General Laws; or to take any other action related thereto.

(Select Board/County Commissioners)

**COMMUNITY IMPACT FEE REVENUE/APPROPRIATION ARTICLE?
OPIOID SETTLEMENT PROCEEDS APPROPRIATION ARTICLE?**

ARTICLE 29

(Rescind Unused Borrowing Authority)

To see what action the Town will take to amend, appropriate or reappropriate, transfer, modify, repeal or rescind unused borrowing authority authorized by previous town meetings.

Or to take any other action related thereto.

(Select Board)

Commented [LG13]: John and Brian - need these please -

Commented [LG14]: BRIAN - do we have anything to rescind

ARTICLE 30

(Appropriation: Other Post-Employment Benefits Trust Fund)

To see what sum the Town will vote to appropriate and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to deposit into the Other Post-Employment Benefits Liability Trust Fund established pursuant to Mass. General Law chapter 32B, section 20, for Fiscal Year 2026.

Or to take any other action related thereto.

(Select Board)

ARTICLE 31

(Appropriation: Fiscal Year 2026 Senior Work-off Program)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purpose of supporting the Senior Work-off Program pursuant to Massachusetts General Laws Chapter 59, section 5K for the Town of Nantucket for Fiscal Year 2026; or to take any other action related thereto.

(Select Board)

Commented [LG15]: Need an accounting of this: how many people did it in FY 24 and FY 25

ARTICLE 32

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

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

Commented [LG16]: Is this needed?

(Select Board for Airport Commission)

ARTICLE 33
(Appropriation for Special Purpose Stabilization Fund for Town Employee Accrued Liabilities)

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

Commented [LG17]: Is this needed

(Select Board)

ARTICLE 34
(Appropriation: Fiscal Year 2026 Community Preservation Committee)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year; or to take any other action relative thereto.

(Select Board for Community Preservation Committee)

ARTICLE 35
(Community Preservation Committee: Fiscal Year 2025 Budget Transfers)

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

(Select Board for Community Preservation Committee)

ARTICLE
(Rescind Unused Borrowing Authority for Affordable Housing Trust)

To see what action the Town will take to repeal or rescind unused borrowing authority authorized by Article 18 of the 2023 Town Meeting, or to take any other action related thereto.

For information of voters 2023 ARTICLE 18 provided as follows:

Appropriation: Affordable Housing Trust Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow

pursuant to any applicable statute, or transfer from available funds, for the purposes of supporting the Affordable Housing Trust Fund in the Town of Nantucket for Fiscal Year 2024; provided such appropriation shall be contingent on the passage of a Proposition Two and One-half override ballot question; or to take any other action related thereto.

FINANCE COMMITTEE MOTION: Moved to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, the sum of Six Million Five Hundred Thousand Dollars (\$6,500,000) for the purposes of supporting the Affordable Housing Trust Fund in the Town of Nantucket for Fiscal Year 2024; provided such appropriation shall be contingent on the passage of a Proposition Two and One-half override ballot question.

(Toby Brown, et al)

ARTICLE

(Appropriation: Teenage Recreation Center Program)

To see if the Town will vote to: transfer from available funds, \$300,000. For the purpose of providing a grant to help launch a teenage recreation center pilot program with mentorship and coaching for all 600 high school students aged 13-18.

Subject to a grant agreement between the town and PRXM inc. or any other action relative thereto.

(Emma Raith, et al)

ARTICLE__

(Zoning Map Change: R-40 to ROH - 0 Fair Street, Portion of)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing a portion of the following property currently located in the Residential-40 (R-40) in the Residential Old Historic (ROH) district:

Map	Lot	Number	Street
42.3.1	152.1 (portion of)	0	Fair Street

All as shown on a map entitled "2025 Annual Town Meeting Warrant Article R-40 to ROH" filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE__

(Zoning Map Change: RC-2 to R-5 - Surfside Road and Miacomet Avenue)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial (RC-2) in the Residential-5 (R-5) district:

Map	Lot	Number	Street
67	223.7	2	Miacomet Avenue
67	223.8	61	Surfside Road

All as shown on a map entitled "2025 Annual Town Meeting Warrant Article RC-2 to R-5" filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE__

(Zoning Map Change: RC-2 to CTEC - Old South Road *aka Van Gilder Avenue*)

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

Lots 1-13 on Plan 2024-16 on file with the Nantucket Registry of Deeds (formerly/currently known as 86A and 88 Old South Road).

All as shown on a map entitled "2025 Annual Town Meeting Warrant Article RC-2 to CTEC" filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE__

(Zoning Map Change: RC-2 to R-5 or CTEC - Old South Road)

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

Map	Lot	Number	Street
-----	-----	--------	--------

69	20	1	Rosemary Way
69	275	3	Rosemary Way

All as shown on a map entitled "2025 Annual Town Meeting Warrant Article RC-2 to R-5 or CTEC" filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE__

(Zoning Map Change: RC-2 to R-5 or CTEC - Appleton Road)

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

Map	Lot	Number	Street
66	431	20	Appleton Road
66	23	22	Appleton Road
66	24	24	Appleton Road

All as shown on a map entitled "2025 Annual Town Meeting Warrant Article RC-2 to R-5 or CTEC" filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE__

(Zoning Map Change: RC-2 to CTEC - Teasdale Circle)

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

Map	Lot	Number	Street
69	75	3	Teasdale Circle

All as shown on a map entitled "2025 Annual Town Meeting Warrant Article RC-2 to CTEC" filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE__

(Zoning Map Change: RC to CN - 103 Washinton Street)

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

Map	Lot	Number	Street
55.1.4	37	103	Washington Street

All as shown on a map entitled "2025 Annual Town Meeting Warrant Article RC to CN" filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE__

(Zoning Map Change: RC-2 to R-10 or CN - Surfside Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial (RC-2) in the Residential-10 (R-10) district or the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
67	120.4	48	Surfside Road
67	220	50	Surfside Road
67	221	52R	Surfside Road
67	557	54	Surfside Road
67	559	54R	Surfside Road
67	560		Surfside Road
67	561		Surfside Road

All as shown on a map entitled "2025 Annual Town Meeting Warrant Article RC-2 to R-10 or CN" filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE__

(Zoning Map Change: R-40 to CN - 23 Airport Road)

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

Map	Lot	Number	Street
-----	-----	--------	--------

68	55	23	Airport Road
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All as shown on a map entitled "2025 Annual Town Meeting Warrant Article R-40 to CN" filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE __

(Zoning Map Change: ROH to CDT - North Water Street)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Old Historic (ROH) in the Commercial Downtown (CDT) district:

Map	Lot	Number	Street
42.4.2	87	7	N Water Street
42.4.2	103	9	N Water Street
42.4.2	54.1	11	N Water Street

All as shown on a map entitled "2025 Annual Town Meeting Warrant Article ROH to CDT" filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLACE HOLDER

ARTICLE __

(Zoning Map Open Space Parcels)

Or to take any other action related thereto.

(Select Board for Planning Board)

PLACEHOLDER FOR ANY AFFORDABLE HOMES ACT ARTICLES (x 7+)

Commented [LG18]: PLUS: not clear how many are already in

ARTICLE __

(Zoning Bylaw Amendment: Accessory Dwelling Unit)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket as follows *(NOTE: new language is shown as highlighted text,*

language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket);

Amend section 2 (Definitions- Accessory Dwelling)

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

Accessory Dwelling Unit - a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a primary dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the primary dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; (iii)

Commented [MT19]: Include an STR prohibition?

Amend section 7A (Use-Chart) as follows:

"Accessory dwelling unit"

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE __

(Zoning Bylaw Amendment: Definitions - Attainable Housing)

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

Amend Section 2 by inserting a definition for a new term "Attainable Housing" as follows:

Attainable Housing

Dwelling unit(s) restricted to occupancy by households who earn at or below 240% of the median annual household income for Nantucket County as reported by the U.S. Department of Housing and Urban Development (HUD) or the Massachusetts Executive Office of Housing and Livable Communities (EOHLC), whichever is the most current, adjusted for household size. The calculation for 240% of the Nantucket County AMI shall use the 50% Nantucket AMI as reported by HUD or the EOHLC, whichever is the most current.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE ____
(Zoning Bylaw Amendment: Cottage Community)

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

Amend Section 8 by inserting a new subsection "G" (Cottage Community) as follows:

G. Special permit to create a cottage community for year-round residents.

(1) Purpose: to create, make available, and maintain ownership housing opportunities that are attainable to those who earn at or below 240% of the Nantucket County median household; to help households to continue to reside on Nantucket; to generate and preserve attainable housing in the Town of Nantucket in perpetuity, all in order to maintain Nantucket's diversity and unique sense of community while not significantly altering the character of any particular area(s) or neighborhood(s).

(2) Requirements

- a. A Cottage Community may be permitted in the following zoning districts: ROH, R-5, R-10, R-20, R-40, VR, LUG-1, LUG-2, LUG-3, VN, CN, and CTEC.
- b. The lot(s) shall not be subject to any covenants, restrictions or similar encumbrances, whether appearing in a deed, easement, land-use permit or any other instrument, pertaining to the prohibition of the number of dwelling units allowed on the lot.

- c. The lot must be at least the minimum lot size required for the underlying zoning district.
- d. All units must be single family detached dwelling units.
- e. All dwelling units must be owner occupied. will be subject to a year-round deed restriction and must be sold to an owner that earns at or below 240% of the Nantucket County median household income.
- f. The monitoring and enforcement agent shall be assigned by the Nantucket Affordable Housing Trust, and may change from time to time through a Regulatory Agreement.

(3) A Cottage Community may be constructed at the following density (For all density calculations that result in a fractional number, only fractions equal to or greater than 0.51 should be rounded to the next highest whole number):

Zoning District	Max. Number of Units per lot
ROH	1 per 1,250 sq ft of lot area
R-5	1 per 1,250 sq ft of lot area
R-10	1 per 2,500 sq ft of lot area
R-20	1 per 3,500 sq ft of lot area
R-40	1 per 5,000 sq ft of lot area
VR	1 per 5,000 sq ft of lot area
LUG-1	1 per 5,000 sq ft of lot area
LUG-2	1 per 8,000 sq ft of lot area
LUG-3	1 per 10,000 sq ft of lot area
VN	1 per 2,000 sq ft of lot area
CN	1 per 1,875 sq ft of lot area
CTEC	1 per 2,000 sq ft of lot area

- a. Any newly constructed unit shall not exceed 24 feet in height.

- b. A single dwelling unit may not exceed three bedrooms. The Planning Board may grant a waiver to accommodate dwellings that were already in existence prior to granting the Special Permit.
- c. Groundcover and setbacks of the underlying district shall apply.
- d. There shall be a minimum separation of 5 feet between dwelling units.
- e. Requirements for a secondary dwelling, tertiary dwelling, apartment, and apartment building contained within § 139-2 of this chapter shall not apply.

(4) Off Street Parking Requirements

- a. Off street parking requirements as quantified in § 139-18 of this chapter shall not apply.
- b. All two bedrooms and three bedroom units shall require a minimum of two off street parking space per unit.
- c. All studio and one-bedroom units shall require a minimum of one off street parking space per unit.
- d. The Planning Board may waive these requirements.

(5) A Cottage Community shall be subject to Site Plan Review as contained within § 139-23 of this chapter.

(6) Relevant legal documents such as a homeowners association and exclusive use areas must be submitted to the Planning Board for review and approval prior to the issuance of any building permit.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE __
(Zoning Bylaw Amendment: Inclusionary Housing)

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

Insert a new section: 9. "Inclusionary Housing" with language as follows:

A. Purpose and Intent

The purpose of this Bylaw is to outline and implement a coherent set of policies and objectives for the development of so-called attainable housing that supports a diverse population in compliance with the Nantucket Master Plan, Housing Production Plan and ongoing housing programs and housing development efforts within the Town of Nantucket.

B. Definitions

1. Attainable Dwelling Unit. A dwelling unit for which occupancy is restricted to an Eligible Household at or below 240% of the Nantucket County Area Median Income (AMI) as reported by the U.S. Department of Housing and Urban Development (HUD) or the Massachusetts Executive Office of Housing and Livable Communities (EOHLC), whichever is the most current.

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

The calculation for 240% of the Nantucket County AMI shall use the 50% Nantucket AMI as reported by HUD or the EOHLC, whichever is the most current.

C. Applicability

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

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

3. Exemptions and waivers:

- (a) Any municipal structure, use, or lot division shall be exempt from the requirements of Sections 1-2 above;
- (b) Any not-for-profit organizations incorporated pursuant to G.L. c 180 et seq, may be exempt from the requirements of Section 1-2 above as determined by the Zoning Enforcement Officer; and
- (c) The Planning Board may waive the requirements of Sections 1-2 above, provided that the Board finds that the proposed development

will provide a community housing benefit in compliance with the Town of Nantucket Master Plan and/or Housing Production Plan, which may be amended from time to time.

- (d) In lieu of providing Attainable Dwelling Units, an applicant may provide a monetary contribution of equivalent value to the Town of Nantucket, to be placed in a fund for the development of attainable housing administered by the Town of Nantucket's Affordable Housing Trust Fund. The amount of such contribution shall be equivalent to the average sale price of residential property with 5,000 square foot to 10,000 square foot lot sizes in the R-5 district as recorded by the Nantucket Islands Land Bank during the one-year period prior to approval of the special permit. This payment may be used only to construct or otherwise create new Attainable Dwelling Units within Nantucket County.

D. Mandatory Provision of Attainable Dwelling Units

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

(a) Division of Land. For every five (5) new buildable lots created, one (1) Attainable Dwelling Unit shall be constructed in any one or combination of methods provided for below:

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

(b) Multiple Units. For every five (5) dwelling units created, one Attainable Dwelling Unit must be constructed in any one or combination of methods provided for below:

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

The applicant may offer, and the Planning Board may accept, any combination of the options contained in Section 139-9 (D)(1)(a)&(b) above.

E. Provisions Applicable to Attainable Housing Units On- and Off-Site

1. Minimum design and construction standards for Attainable Dwelling Units. Attainable Dwelling Units within market rate developments shall be integrated

with the rest of the development and shall be compatible in size, design, appearance, construction and quality of materials of the market-rate units.

2. Timing of construction of Attainable Dwelling Units. In no event shall the development of Attainable Dwelling Units be delayed beyond constructing the required number of Attainable Dwelling Units at a ratio of one Attainable Dwelling Unit per every five market rate dwelling units.

F. Local Preference

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

G. Provision of Attainable Dwelling Units Off-Site

1. As an alternative to the requirements of Section 139-9(D), an applicant subject to the Bylaw may develop, construct or otherwise provide Attainable Dwelling Units equivalent to those required by Section 139-9(D) off-site, provided that the location of the off-site unit(s) to be provided shall be approved by the Planning Board as an element of the special permit review and approval process.

H. Preservation of Affordability; Restrictions on Resale or Rental

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

2. Attainable Dwelling Units that are Rented:

(a) The gross household income of an Eligible Household upon initial occupancy shall be determined as defined above.

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

(c) The lease agreement shall specify that should an Eligible Household's gross income exceed 240% of the area median after the first year of occupancy, the tenant will have until the expiration of the lease to

vacate the dwelling unit. Notwithstanding, said dwelling unit will not qualify as an Attainable Dwelling Unit until the dwelling unit is vacated and rented to a new Eligible Household.

3. Attainable Dwelling Units that are Sold:

- (a) The gross income of an Eligible Household upon initial purchase and occupancy of an Attainable Dwelling Unit shall be determined as defined above.
- (b) The maximum sales price of the Attainable Dwelling Unit shall be calculated by assuming a ten-percent down payment and an annual debt service (at prevailing thirty-year fixed interest rates) that is equal to 30% of the gross annual income of a household earning up to 240% of median income.

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

I. Severability

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE __

(Zoning Bylaw Amendment: Use Chart - Pickleball)

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

Amend section 7A (Use-Chart) as follows:

1. Insert "Pickleball" between "Keeping of pets for personal use" and "Retail sales"

Commented [LG20]: Made this one word

2. Insert "N" in all zoning districts

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE ____

(Zoning Bylaw Amendment: Solar Bylaw)

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

PLACE HOLDER- THIS IS STILL BEING DRAFTED

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE ____

(Zoning Bylaw Amendment: Technical Amendment - Moorlands Management District)

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

1. Amend Section 139-13C(2)(b) as follows:

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

2. Amend Section 139-13D (Site plan approval) as follows:

Site plan approval. Prior to the issuance of a building permit for structures or uses permitted as a matter of right or by special permit in the Moorlands Management District, the ~~Planning Board~~ Zoning Board of Appeals shall have the authority to review

and approve the siting of said structure(s) on the lot in accordance with the following performance standards:

- (1) To maximize the protection of endangered plant and animal species through the siting of structures and uses a maximum distance away from known or suspected habitats of such species, even when such habitats are located off-site; to minimize disturbance to such species by limiting construction activities to certain times of the year.
 - (2) To maximize the protection of scenic views through the siting of structures on lower elevations, and clustering of structures near other structures located off-site.
 - (3) To maximize protection of moorlands and heath-land vegetation and landforms through the use of various measures, including, but not limited to, limitations on grading, fencing, landscaping, driveway and parking facilities, and other physical disruptions to indigenous natural systems.
 - (4) The ~~Planning Board~~ Zoning Board of Appeals may include conditions as part of the approval of such a site plan in order to assure conformance with the standards.
3. Amend Section 139-13E (Procedures) as follows:
- (1) Failure of the ~~Planning Board~~ Zoning Board of Appeals to notify the Building Inspector of its action with respect to such application within 20 days of the application filing date shall be deemed approval of the application by the ~~Planning Board~~ Zoning Board of Appeals.
 - (2) The Building Inspector shall not accept a building or use permit application for land in the Moorlands Management District unless it contains either:
 - (a) The ~~Planning Board's~~ Zoning Board of Appeals decision on the site plan review application; or
 - (b) Documentation in a form satisfactory to the Building Inspector that 20 days have elapsed from the date of submission of the site plan review application to the ~~Planning Board~~ Zoning Board of Appeals without said Board having rendered a decision.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE __

(Zoning Bylaw Amendment: Technical Amendment - Height Limitations)

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

Amend Section 17(B) & (C) (Height limitations) as follows:

B. The following uses are permitted to exceed such height limitation to an extent reasonable and customary:

- (1) Roof structures for ornamental purposes, such as roof walks, cupolas, spires and steeples.
- (2) Penthouses on buildings to the extent necessary for mechanical purposes, not higher than eight feet and with area less than 25% of the building ground cover.
- (3) Chimneys attached to a building, provided height shall not exceed 40 feet.
- (4) Building-mounted vertical wind turbines and residential-type antennas, provided height shall not exceed 40 feet.
- (5) Lighthouses and beacons.
- (6) Residential WECS and WECS as an accessory use in the CI District, provided that maximum tower height shall not exceed 60 feet. Height shall be measured from the mean grade surrounding the support pad(s) to the base of the wind generator measured along the vertical axis of the tower.
- (7) Solar energy facilities located within the SEOD.
- (8) The height of a structure which is situated within the "Areas of one-hundred-year Flood" and/or the "Areas of 100-Year Coastal Flood with Velocity" as established by the Federal Emergency Management Agency ("FEMA") and depicted upon the Flood Insurance Rate Map promulgated by FEMA, as from time to time revised, shall not exceed 30 feet above the minimum height at which the first floor of the structure will conform with all applicable building codes and FEMA requirements, except in the CDT District where a maximum height may be determined by special permit.

C. Exceptions by special permit. The special permit granting authority may grant a special permit to allow the following structures to exceed such height limitations:

- (1) Chimneys.

- (2) Antennas.
- (3) Water towers and stand pipes.
- (4) Residential WECS greater than 60 feet in height and commercial WECS. Height shall be measured from the mean grade surrounding the support pad(s) to the base of the wind generator measured along the vertical axis of the tower.
- (5) Buildings located within the CDT Zoning District, provided that a finding is made by the special permit granting authority that the proposed height exceeding 30 feet is:
 - (a) Both necessary and desirable to the restoration or preservation of an existing, historic structure, if applicable;
 - (b) Both complementary and appropriate to the scale of the adjoining streetscape which is supported by the existence of surrounding buildings of equivalent height and the receipt of approval from the Historic District Commission; and
 - (c) Not detrimental to adjoining properties by substantially casting them in shadow or resulting in the loss of privacy, air circulation, sunlight, safe ingress and egress or overcrowding.
- (6) (Reserved)
- ~~(7) The height of a structure which is situated within the "Areas of one hundred year Flood" and/or the "Areas of 100 Year Coastal Flood with Velocity" as established by the Federal Emergency Management Agency ("FEMA") and depicted upon the Flood Insurance Rate Map promulgated by FEMA, as from time to time revised, shall not exceed 30 feet above the minimum height at which the first floor of the structure will conform with all applicable building codes and FEMA requirements, except in the CDT District where a maximum height may be determined by special permit.~~

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE __

(Zoning Bylaw Amendment: Temporary Moratorium on Recreational Marijuana Establishments)

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

numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket).

Delete section 37 in its entirety:

A. Purpose. On November 8, 2016, the voters of the commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new MGL c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and, thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of a non-medical marijuana establishments (hereinafter, a "recreational marijuana establishment," as defined in MGL c.94G, § 1) (hereinafter, a "recreational marijuana establishment"). The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of recreational marijuana establishments and address such issues, as well as to address the potential impact of the state regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of recreational marijuana establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for recreational marijuana establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

B. Definition:

RECREATIONAL MARIJUANA ESTABLISHMENT

A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

C. Temporary moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a recreational marijuana establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding recreational marijuana establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE

(Zoning Bylaw Amendment: Preexisting Nonconforming Uses, Structures and Lots)

For the protection of neighborhoods and the physical environment against detrimental expansion and alteration of buildings on preexisting nonconforming lots,

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

Amend Section 33 (A)(3) as follows:

Preexisting, nonconforming lots may be increased in area or frontage through the addition of adjoining property without the need for any relief under this bylaw. Any other alteration to a preexisting, nonconforming lot that does not increase an existing or create a new nonconformity is allowed upon determination by the Zoning Administrator that such alteration will not be substantially more detrimental to the neighborhood. ~~Lots created pursuant to MGL c. 41, § 81P, based upon the exception in the clause of MGL c. 41, § 81L for lots containing two or more structures that predate the adoption of subdivision control in the Town, shall have the same status as preexisting, nonconforming lots, and any structures thereon, which predate the adoption of subdivision control in the Town, shall have the status of preexisting nonconforming structures.~~ The removal of structures to facilitate an alteration or change to an existing structure, the relocation of the structure upon the lot, or the construction of a new structure, shall not cause the lot to be merged with an abutting lot in common ownership, provided that the lot remains vacant for less than one year.

Notwithstanding a lot(s) or structure(s) status as preexisting nonconforming or the provisions of Section 139-33(E)(1)(a), any new structure or expansion of volume, area or height of the structure(s) located on said lot or lots greater than the volume, area or height that existed when the lots were first shown on a plan endorsed pursuant to c.41 s. 81-P, shall require a special permit from the Zoning Board of Appeals and said special permit shall contain a finding that the proposed new or expanded structure(s) will not result in an increase of dwelling units or an increase in any nonconformity due to ground cover on the lot or lots endorsed pursuant to c.41 s.81-P.

; or otherwise act thereon.

(Emily Molden, et al)

ARTICLE

(Zoning Map and Zoning Bylaw Change: LUG-1 to R-20 and Town and Country Overlay District Change - 25 Monohansett Road)

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

1. Amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Commercial Trade Entrepreneurship and Craft (CTEC) district in the Residential 5 (R-5) district:

Map	Lot	Number	Street
79	112	25	Monohansett Road

2. Amend the map entitled "Town and Country Designations" and referenced in Chapter 139 of the Code of the Town of Nantucket, section 5E, by placing the following property currently located in the Country Overlay District (COD) in the Town Overlay District (TOD):

Map	Lot	Number	Street
79	112	25	Monohansett Road

All as shown on a map entitled "2024 Annual Town Meeting Warrant Article ____ LUG-1 to R-20 and Country Overlay District to Town Overlay District" dated _____ and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Peter MacKay, et al)

ARTICLE

(Zoning Map Change: R-20 to R-10 - 32 Appleton Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following property currently located in the Residential-20 (R-20) district in Residential-10 (R-10) district:

MAP	LOT	NUMBER	STREET
66	37	32	Appleton Road

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

Or to take any other action related thereto.

(Jennifer Larrabee, et al)

ARTICLE

(Zoning Bylaw Amendment: Regulating Short-Term Nantucket Vacation Rentals)

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

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

SHORT-TERM NANTUCKET VACATION RENTAL (NVR)

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

2. Amend § 139-7A (Use Chart) by inserting Short-Term Nantucket Vacation Rental (NVR) between Tertiary Dwelling and Apartment Building in the Use column and inserting the designation Y in all columns, except inserting N in the Commercial Industrial (CI) District column.

3. Insert the following new §139-38 SHORT-TERM NANTUCKET VACATION RENTALS (NVR)

Commencing on November 1, 2026, the operator of any Short-Term Nantucket Vacation Rentals must obtain and maintain a valid Certificate of Registration for such from the Nantucket Health Department for and during the period of use, pursuant to the regulations set forth in Section 123 of the Code of the Town of Nantucket, and § 338-7 and shall bear responsibility for ensuring compliance at the Short-Term Nantucket Vacation Rental, including compliance by renters, with all applicable statutes, by-laws and regulations.

Or to take any other action related thereto.

(Caroline Baltzer, et al)

ARTICLE

(Zoning Bylaw Amendment: Short-Term Rental Use)

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

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

SHORT-TERM RENTAL

A dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least one room or dwelling unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance. Rental periods

with a change in occupancy in excess of 31 calendar days shall not be considered a short-term rental. The rental of property for a total of 14 days or less in any calendar year shall not be considered a short-term rental.

ACCESSORY SHORT-TERM RENTAL

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

2. Amend § 139-7A (Use Chart) by inserting "Accessory Short-Term Rental" between "Tertiary Dwelling" and "Apartment Building" in the Use column and inserting the designation "A" in all columns with a "Note: Subject to the requirements of §139-38."
3. Add a new section to Chapter 139 as follows:

§139-38 ACCESSORY SHORT-TERM RENTALS

1. In residential districts, each Lot may be used as an Accessory Short-Term Rental as a permitted Accessory Use to a Principal Use, subject to the following conditions:
 - a. The Lot is used primarily for residential use by the Owner (see Paragraph 4 below) at least 30 days per calendar year (which need not be consecutive).
 - b. The Lot is used as an Accessory Short-Term Rental for a maximum of one day less than number of days that the Lot is occupied by the Owner (see Paragraph 4 below).
 - c. No owner shall engage in an Accessory Short-Term Rental use on more than one Lot at any one time. On Lots with multiple Dwelling Units, the Accessory Short-Term Rental limits set forth herein are cumulative of all Dwelling Units on a Lot, and there shall be only one Dwelling Unit used as an Accessory Short-Term Rental at any one time. Sublets are prohibited.
 - d. All Accessory Short-Term Rentals shall be registered with the Town and operated in accordance with General Bylaw § 123 of the Town Code.
 - e. If any provision in § 139-38 shall be held to be invalid by a court of competent jurisdiction, such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.
2. Accessory Short Term Rentals during the months of July and August shall have a minimum stay of 7-days and a minimum stay of 3-days the remainder of the calendar year.
3. All other Short-Term Rentals in residential districts are prohibited.

4. For the purpose of this Section only, residential use by the Owner shall include non-commercial use by family or friends, and residential rentals of at least six months (without sublet).

Or to take any action relative thereto.

(Frederick McClure, et al)

ARTICLE

(Bylaw Amendment: Short-Term Rentals)

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

1. Amend § 123-2 (Definitions) by revising it as follows:

ACCESSORY SHORT-TERM RENTAL

A Short-Term Rental use on a Lot in a Residential District that is occupied by the Owner at least 30 non-consecutive days per calendar year; provided, however, that such short term rental use is allowed for a maximum of one day less than total number of days that the Lot is occupied by the Owner. All non-commercial use of the Lot by friends and family of the Owner shall count as occupied by the Owner.

2. Amend § 123-3 (Registration, permitting, inspection and fees) by revising subsection E as follows:

E. Operators are subject to inspection of the short-term rental by the Board of Health upon reasonable notice via consent or administrative warrant, or without such notice in the event of an imminent threat to public health or safety. In order to facilitate such inspections, at the time of Registration, each operator shall provide a floor plan showing the STR layout and exits.

3. Add a new Section § 123-3A (Limitations on Accessory Short Term Rentals) as follows:

Accessory Short Term Rentals during the months of July and August shall have a minimum stay of 7-days and a minimum stay of 3-days the remainder of the calendar year.

Or to take any action relative thereto.

(Patricia Wright, et al)

ARTICLE

(Bylaw Amendment: Short-Term Rentals)

To See if the Town will vote to amend Chapter 123 of the Town Code (Short-Term Rentals) as follows: *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):*

Short-Term Rentals

§ 123-1. Purpose and Intent.

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

- (1) provide for an orderly process for identifying, registering, and regulating Short-Term Rentals within the Town so as to ensure that such Short-Term Rentals do not create or cause any nuisance conditions within the Town.
- (2) prevent the further growth of residential dwellings owned by Corporations and other financial and commercial entities used for the purpose of Short-Term Rentals.
- (3) Continue to permit the operation of Short-Term Rentals by natural persons in order to protect the time-honored tradition of home rentals in Nantucket.
- (4) Allow the Town to implement the Short-Term Rental registration process and to collect sufficient data to accurately assess the practice of Short-Term Rentals including the impact (if any) this practice may have on affordable/attainable housing and to substantially develop additional regulations, if such data demonstrates additional regulation is necessary.
- (5) Collect and analyze comprehensive and comparable locally collected data across a sufficient time period to provide residents and voters an accurate factual foundation to inform their future decisions regarding the number of Short-Term Rentals that can be sustainably accommodated on Nantucket.
- (6) Use collected and analyzed local data to anticipate and minimize further adverse impacts of Short-Term Rentals on Nantucket's economy, fragile environment, infrastructure, local taxation, housing alternatives, and preservation of community and residential quality of life.

§ 123-2. Definitions.

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

CORPORATION

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

OPERATOR

A person or other legal entity operating a short-term rental including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such short-term rental. It is the intent of this bylaw that the operator shall have the same meaning as set forth in General Laws c. 64G, § 1.

OWNER

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

SHORT-TERM RENTAL

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

~~TIME SHARING OR TIME INTERVAL OWNERSHIP DWELLING UNIT OR DWELLING~~

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

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

- A. No person or other legal entity shall operate a short-term rental without having first obtained a certificate of registration from the Board of Health. An application for a certificate of registration shall be on a form provided by the Town and shall contain the Department of Revenue identification number or proof of exemption

under G.L. c. 64G. The operator shall provide with the application a certificate of registration issued by the Department of Revenue in accordance with § 67 of Chapter 62C of the General Laws.

- B. The annual fee for such certificate of registration shall be set forth in the regulations issued pursuant to § 123-4.
- C. The application for the certificate of registration shall include an attestation that the owner and/or operator is in compliance with all applicable federal, state and local laws, including but not limited to G.L. c. 64G and the Fair Housing Act, G.L. c. 151B, and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, and that the owner and/or operator of the property is current with all Town taxes, water, and sewage charges and other fees, subject to the requirements of Chapter 19, §§ 13 through 18, of the Town Code. Any property offered for a short-term rental shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders. Nothing contained herein shall relieve the owner or operator from complying with all local permits, rules and regulations issued by the Board of Health and other Town boards generally applicable to resident dwelling units.
- D. The Board of Health shall not issue any certificate of registration unless the Operator has:
 - (1) submitted a complete application and paid all associated fees;
 - (2) Provided contact information for the operator and persons designated to address any issues at the short-term rental within two hours' notice; and
 - (3) Provided the Town with a certificate of insurance evidencing liability insurance coverage for the short-term rental in an amount to be determined by the regulations issued pursuant to § 123-4.
- E. Operators are subject to inspection of the short-term rental by the Board of Health upon reasonable notice via consent or administrative warrant, or without such notice in the event of an imminent threat to public health or safety.
- F. Certificates of registration are valid for one year and may be renewed at the discretion of the ~~Town Board of Health~~ Board of Health, provided that the operator has complied with the provisions of this chapter and any associated regulations issued by the Board of Health during the preceding year. An application for renewal of a certificate of registration shall be submitted along with the annual fee no later than November 1 of the next year. A renewal application shall include an attestation that the Short-Term Rental was operated in accordance with all bylaws and regulations of the Town during the previous year.

- G. The certificate of registration is issued to the operator and does not run with the land. If the short-term rental is sold or transferred out of ownership, a new application for a certificate of registration shall be filed by the new operator before short-term rentals can continue or resume.
- H. In order to collect and assess data pertaining to the number of Nantucket's Short-Term Rentals and their impact on the Island, the Town shall, for a period of 36 months beginning January 1, 2026, based upon applications received by the Town's Board of Health by November 1, 2025, limit the number of Nantucket Short-Term Rental certificates of registration issued to 1350 per calendar year.
- I. During this period, the Board of Health shall, by regulation, establish and operate an approval process for the issuance of certificates of registration which, should the applications for certificates of registration exceed the temporary limit, prioritizes applications based on the number of prior years of continuous Short-Term rental history under the same ownership as evidenced by the payment of occupancy tax to the Commonwealth of Massachusetts, or other certifiable documentation, and then by the date of application. Applications for an annual renewal of any certificate of registration must be filed by the preceding November 1st for each subsequent calendar year during this period.
- J. During this period, no owner or operator shall engage in a Short-Term Rental for a single Dwelling Unit on a Lot for which a certificate of registration has been issued for more than 70 days in the calendar year. For Lots containing more than one Short-Term Rental Dwelling unit, no owner or operator may receive a Nantucket Short-term Rental certificate of registration for more than two, and the total number of rental days for the calendar year for both dwellings combined shall not exceed 70. Each of the two Dwelling Units must receive a separate certificate of registration and each will be included in the total number of Short-Term Rentals allowed for the Town under Section H above. Owners of more than one Lot may apply for a certificate of registration for no more than two Lots, and the combined total number of rental days for both Lots may not exceed 70 days in a calendar year.
- ~~H-K.~~ Short-Term Rentals are prohibited in dwelling units owned by a Corporation. Short-Term Rentals are permitted in dwelling units owned by an LLC, Trust, or S Corporation only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration.
- ~~I-L.~~ Short-Term Rentals are prohibited in dwelling units designated as affordable or otherwise income-restricted, which are subject to an affordability restriction or are otherwise subject to housing or rental assistance under local, state, or federal programs or law. Any Short-Term Rental in any sub-leased Dwelling Unit which has not received a separate certificate of registration under the name of the sublessee for that specific property is also prohibited and shall be subject to the penalties set forth in Sections 123-5(D) below.

- J. ~~No Time Sharing or Time Interval Ownership Dwelling Unit or Units may engage in Short Term Rental activities or be eligible to receive a certificate of registration for such unit; except that this section shall not apply to the creation of mortgages, liens, easements or other similar interests encumbering the residential property as a whole to secure a loan or for any other legitimate purposes; and this section shall not apply to natural persons or non-commercial groups, such as families, partnerships, associations, or trusts with divided interests or agreements in which the real estate is held and transferred within the family, partnership, association or trust, as opposed to sold on the open market. In addition, Time Share or Time Interval Ownership Dwelling Units shall be exempt from Sections H, I, J, and K, provided that the owner obtains a certificate of registration and provides sufficient evidence that the Unit was rented to one or more third parties for at least one period of less than 30 days prior to January 1, 2024.~~
- K. ~~Any person or other legal entity, except Corporations, but including LLC's, Trusts, and S Corporations, which paid the rooms excise tax on a Short Term Rental dwelling unit in any calendar quarter prior to January 1, 2024 and which owned the property prior to May 7, 2024, shall be exempt from the requirements of Sections H, I, and J of this Chapter until the dwelling unit is transferred or conveyed, or the Rental Certificate is not renewed or is revoked by the Board of Health. If a property is bequeathed to a person or other beneficiary through a will, trust, or other instrument, the new owner may continue to engage in Short Term Rental activities in accordance with this section.~~
- M. During this 3-year period, beginning January 1, 2026, the Town will publish by March 1, 2026, and retain on its web site for the entire 36-month period, the Short-Term Rental statistical data for the preceding calendar year which shall include, at a minimum, (1) the number of applications received to Short-Term rent, (2) the number of certificates of registration granted, (3) the number of Short-Term Rental contracts and Short-Term Rental days by month, (4) the fees, fines, occupancy tax, and penalties collected in that calendar year, and (5) the number of applications on the Town's Short-Term Rental waiting list, should one be needed.

§ 123-4. Regulations.

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

§ 123-5. Enforcement.

- A. Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by indictment or on complaint brought in the district

court. The Town may seek to enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

- B. Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, § 21D and the Town's non-criminal disposition bylaw (Chapter 1 of the Town Code). If noncriminal disposition is elected, then any person who violates any provision of this bylaw or regulation shall be subject to a penalty in the amount of \$100 for the first offense; \$200 for the second offense; and \$300 for a third and subsequent offense. Each day or portion thereof shall constitute a separate offense. The Board of Health or its agent, or any police officer of the Town, shall be the enforcing authority.
- C. If a notice of violation of this bylaw or any regulation promulgated hereunder or other order is issued to the operator or the owner of the property by the Board of Health or its designee, after a certificate of registration is issued, the Board of Health, after a hearing, may suspend for a period of time determined by the Board of Health or revoke said certificate of registration until the violation has been cured or otherwise resolved. Multiple violations by any operator may, at the discretion of the Board of Health and after a hearing, disqualify that operator from obtaining a certificate of registration for a period of up to three years.
- D. In accordance with G.L. c. 64G, § 14(v), the Town may assess a civil penalty not to exceed \$5,000 for any violation of this bylaw or a regulation issued hereunder. Each day a violation continues shall be considered a separate offense.

§ 123-6. Severability.

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

Or take any other action relative thereto.

(Matthew Peel, et al)

ARTICLE

(Bylaw Amendment: Finances/Rename Revolving Account/Add Revolving Account)

To see if the Town will vote to amend Chapter 19 (Finances), Article XIII (Revolving Accounts), §19-21 (Revolving accounts established) of the Code of the Town of Nantucket by renaming a Revolving Account; and adding a Revolving Account as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw*

Commented [LG21]: BRIAN/JOHN -pls review

be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):

Fund	Revenue Source	Authority to Spend	Use of Funds
Lifeguard Seasonal Employee Housing	Rental payments	Town Manager with approval of the Select Board	Defrayment of maintenance/upkeep of lifeguard seasonal employee housing facilities
Employee Housing	Rental payments	Town Manager with approval of the Select Board	Defrayment of maintenance/upkeep of Town employee housing facilities/houses

Or to take any action relative thereto.

(Select Board)

ARTICLE

(Bylaw Amendment: Streets and Sidewalks)

To see if the Town will vote to amend Chapter 127 (Streets and Sidewalks), Article VII (Road Construction), §127-19 and 20 (Limitations on road improvements and construction; Exceptions) of the Code of the Town of Nantucket as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

§ 127-19. Limitations on road improvements and construction.

- 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:
- (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.
- 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.
- F. Installation of warning signs in a school zone. Temporary installation of warning signs during construction.

- 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.
- 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.

(Select Board)

ARTICLE 64

(Bylaw Amendment: Car Rental Agencies, Registration of)

To see if the Town will vote to amend Chapter 58 (Car Rental Agencies, Registration of) of the Code of the Town of Nantucket as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

§58-1. Definitions.

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

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

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

Commented [LG22]: This is from 2024 ATM (for recollection purposes). ATTACHED ARE TWO OTHER VERSIONS: ONE THAT ALLOWS PEER-TO-PEER CAR SHARING AND ONE THAT DOES NOT -

vehicle listed in its application beginning in 1998.

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

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

(Select Board)

BYLAW AMENDMENT TO REGULATE E-BIKES, SCOOTERS - ??

Commented [LG23]: Underway with Town Counsel & Police Chief

OUTDOOR LIGHTING BYLAW AMENDMENT - ??

Commented [LG24]: Need to check on this

ARTICLE

(Bylaw Amendment: Wetlands)

To see if the Town will vote to amend Chapter 136 (Wetlands) of the Code of the Town of Nantucket as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by ~~strikeout~~; these methods to denote changes are not meant to become part of the final text; and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket)*:

§ 136-2. Purpose.

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.

NOTE: Remaining provisions of this section (B - F) remain unchanged

§ 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.

NOTE: Remaining provisions of this section (B - K) remain unchanged

(Select Board for Conservation Commission)

ARTICLE

(General Bylaw Amendment: Chapter 124 - Signs; Satellite Dishes; Rooflines)

To see if the Town will vote to:

Modify "Chapter 124 Signs; Satellite Dishes; Rooflines" to strengthen, and create a more easily readable and understandable chapter and sub-text.

Note:

1. Intent of this submission is to open a path for the Nantucket Historic District Commission to, itself and through its Organizational Focus Committee, directly address the matters outlined above, with the following assistance.

2. Proponents of this submission seek adoption and support by applicable Town Leadership as follows: Their review and, as may be necessary, modification of to-be-provided language (supplied by the initial proponent), within the established timeline for Town-sponsored articles to be presented to 2025 ATM for vote; and, their submission of the same for a 2025 ATM vote.

(Stephen Welch, et al)

ARTICLE

(Zoning Bylaw Amendment: Ground Cover Allowance)

To see if the Town will vote to:

Allow a modest increase in the allowable ground coverage on lots and modification of lot setback requirements, on a case-by-case basis, and with protections in place for community goals to support relocation and re-use of prior existing, third-party residential structures that may otherwise be carted to the dump.

Note:

1. Intent of this submission is to kick-start discussion and action leading to a path for re-use of structures on lots that would (due to ground cover and/or setback requirements) otherwise be precluded from any allowance for re-use structures of a certain size or configuration. This, in exchange for relatively minuscule additional residential density (scattered organically) around the island.

2. An organized process, referencing established review and approval processes (e.g., by waiver, variance, special permit, or site plan review--by an existing regulatory authority) requiring relevant documentation (such as at minimum site plans and architectural drawings) is anticipated and encouraged.

3. Proponents of this submission seek adoption and support by applicable Town Leadership as follows: Their review and, as may be necessary, modification of to-be-provided language (supplied by the initial proponent), within the established timeline for Town-sponsored articles to be presented to 2025 ATM for vote; and, their submission of the same for a 2025 ATM vote.

4. Not worst case, proponents intend to open discussion of the topic to 2025 ATM.

(Stephen Welch, et al)

ARTICLE

(Zoning Map Change: LUG-1 to VR - Rachel Drive and South Shore Road)

To see if the Town will vote to

Map	Lot	Number	Street
80	53.6	1	Rachel Drive
80	53.3	2	Rachel Drive
80	53	3	Rachel Drive
80	53.4	4	Rachel Drive
80	53.5	5	Rachel Drive
80	53.8	5R	Rachel Drive
80	53.7	6	Rachel Drive
80	53.2	43	South Shore Road
80	53.1	47	South Shore Road

- (1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties, currently located in the Limited Use General - 1 (LUG-1) district, to the Village Residential (VR) district:

As shown on the attached map.

Or to take any other action related thereto.

(David F. Visco, et al)

ARTICLE

**(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change
- Rachel Drive, South Shore Road and Felcon Drive)**

To see if the Town will vote to amend the Town Sewer District map to include the following propertie, currently outside of the district, to within the district:

Map	Lot	Number	Street
80	53.6	1	Rachel Drive
80	53.3	2	Rachel Drive
80	53	3	Rachel Drive
80	53.4	4	Rachel Drive
80	53.5	5	Rachel Drive
80	53.8	5R	Rachel Drive
80	53.7	6	Rachel Drive
80	53.2	43	South Shore Road
80	53.1	47	South Shore Road
80	294	1	Felcon Drive
80	329	5	Felcon Drive
80	330	9	Felcon Drive
80	331	11	Felcon Drive

All as shown on the attached map.

Or to take any other action related thereto.

(David F. Visco, et al)

ARTICLE

**(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change
- 42 Monohansett Road)**

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

Map	Lot	Number	Street
79	55	42	Monohansett Road

All as shown on a map entitled "2024 Annual Town Meeting Warrant Article ____" dated _____ and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Christopher Fraker, et al)

ARTICLE

(Zoning Map Change: LUG-2 to R-20 - Portion of 13 Woodland Drive)

To see if the Town, in order to bring the parcel into alignment with the Surfside Area Plan - specifically item 2.4, which states:

"The Surfside Area Plan Workgroup (SAPWG) recommends cleaning up and 'rationalizing' areas where zoning district boundaries within the Surfside Area are inconsistent with property boundaries. In some cases, these boundaries bisect individual parcels. Realigning zoning district boundaries to follow property boundaries more appropriately would prevent individual parcels from being subject to multiple zoning district requirements."

and in support of the Nantucket Select Board's Strategic Plan goal related to housing:

"Through a variety of approaches, promote affordable and attainable home ownership opportunities for the year-round community, which will meet housing needs at all income levels and lessen the burdens of government,"

and recognizing that at no cost to the Town of Nantucket, the property owners have made a binding commitment through a recorded deed restriction - effective upon passage of this article and the related article adding this property to the Town Sewer District - to permanently require that all dwellings on the property be used for year-round occupancy, with sale and resale prices capped annually to ensure affordability for individuals earning up to 240% of the Area Median Income (AMI) for Nantucket, along with other restrictive covenants, will vote to take the following action:

To amend the Zoning Map of the Town of Nantucket by placing the portion of 13 Woodland Drive, currently located in the Limited Use General 2 (LUG-2) zoning district, in the Residential 20 (R-20) zoning district.

Map	Lot	Number	Street
79	208	13 (portion of)	Woodland Drive

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

Or to take any other action related thereto.

(Stephen Maury, et al)

ARTICLE

(Zoning Map Change: R-20 to R-10 - 13A and Portion of 13 Woodland Drive)

To see if the Town, in support of the Nantucket Select Board's Strategic Plan goal related to housing:

"Through a variety of approaches, promote affordable and attainable home ownership opportunities for the year-round community, which will meet housing needs at all income levels and lessen the burdens of government,"

and recognizing that at no cost to the Town of Nantucket, the property owners have made a binding commitment through a recorded deed restriction - effective upon passage of this article and the related article adding this property to the Town Sewer District - to permanently require that all dwellings on the property be used for year-round occupancy, with sale and resale prices capped annually to ensure affordability for individuals earning up to 240% of the Area Median Income (AMI) for Nantucket, along with other restrictive covenants, will vote to take the following action:

To amend the Zoning Map of the Town of Nantucket by placing 13A Woodland Drive, currently in the Residential 20 (R-20) zoning district, and the portion of 13 Woodland Drive currently located in the Residential 20 (R-20) zoning district, to the Residential 10 (R-10) zoning district.

Map	Lot	Number	Street
79	208	13	Woodland Drive
79	8	13A	Woodland Drive

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

Or to take any other action related thereto.

(Stephen Maury, et al)

ARTICLE

(Town and Country Overlay District Change: Portion of 13 Woodland Drive)

To see if the Town, in order to maintain conformance with § 139-3 (Districts Enumerated) of the Town Code and Chapter 2 of the Nantucket Master Plan ("Land Use"), will vote to amend the "Town and Country Designations" map referenced in Chapter 139, Section 5E, of the Code of the Town of Nantucket by placing the portion of 13 Woodland Drive currently located in the Limited Use General 2 (LUG-2) zoning district and within the Country Overlay District (COD), into the Town Overlay District (TOD), contingent upon the passage of a related article that proposes a zoning change for this property.

Map	Lot	Number	Street
79	208	13 (portion of)	Woodland Drive

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

Or to take any other action related thereto.

(Stephen Maury, et al)

ARTICLE

(Town and Country Overlay District Change: 13A Woodland Drive and a Portion of 13 Woodland Drive)

To see if the Town, in order to maintain conformance with § 139-3 (Districts Enumerated) of the Town Code and Chapter 2 of the Nantucket Master Plan ("Land Use"), will vote to amend the "Town and Country Designations" map referenced in Chapter 139, Section 5E, of the Code of the Town of Nantucket by placing 13A Woodland Drive, currently located in the Country Overlay District (COD), in the Town Overlay District (TOD) and the portion of 13 Woodland Drive, currently located in the Residential 20 (R-20) zoning district and in the Country Overlay District (COD), in the Town Overlay District (TOD).

Map	Lot	Number	Street
79	208	13 (portion of)	Woodland Drive
79	9	13A	Woodland Drive

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

Or to take any other action related thereto.

(Stephen Maury, et al)

ARTICLE

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change - 13A Woodland Drive and a Portion of 13 Woodland Drive)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding 13A Woodland Drive and the portion of 13 Woodland Drive currently located in the Residential 20 (R-20) zoning district, which are located within the "Town Wellhead Protection Zone" and designated as a Special Area Recommended for Sewer under the Comprehensive Wastewater Management Plan adopted in October 2014, to the Town Sewer District.

Map	Lot	Number	Street
79	208	13 (portion of)	Woodland Drive

79	8	13A	Woodland Drive
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All as shown on a map filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Stephen Maury, et al)

ARTICLE

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change - a Portion of 13 Woodland Drive)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding the portion of 13 Woodland Drive currently located in the Limited Use General 2 (LUG-2) zoning district, and which lies within the "Town Wellhead Protection Zone" and is designated as a Special Area Recommended for Sewer under the Comprehensive Wastewater Management Plan adopted in October 2014, to the Town Sewer District.

Map	Lot	Number	Street
79	208	13 (portion of)	Woodland Drive

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

Or to take any other action related thereto.

(Stephen Maury, et al)

ARTICLE

(Zoning Map and Zoning Bylaw Change: LUG-2 to R-20 and Town and Country Overlay District Change - 44 Skyline Drive)

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

- (1) To amend the Zoning Map of the Town of Nantucket by placing the portion of 13 Woodland Drive, currently located in the Limited Use General 2 (LUG-2) zoning district, in the Residential 20 (R-20) zoning district:

Map	Lot	Number	Street
79	990	44	Skyline Drive

- (2) To amend the map entitled "Town and Country Designations" and referenced in Chapter 139 of the Code of the Town of Nantucket, section 5E, by placing the following property currently located in the Country Overlay District (COD) in the Town Overlay District (TOD):

Map	Lot	Number	Street
79	990	44	Skyline Drive

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

Or to take any other action related thereto.

(Clifford J. Williams, et al)

ARTICLE

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change - 44 Skyline Drive)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding the following property to the Town Sewer District.

Map	Lot	Number	Street
79	990	44	Skyline Drive

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

Or to take any other action related thereto.

(Clifford J. Williams, et al)

ARTICLE 68

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

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

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

Or to take any other action related thereto.

(Select Board)

Commented [LG25]: In or out? Request to revise per S Cohen

Commented [LG26R25]: Revision request info: "I would ask that this language be simplified and restated as "erosion protection measures subject to an Order of Conditions approved by the Conservation Commission." The concern is that a license or lease for geotubes only may not reflect the full (and more complex) terms of the OOC that is likely to be issued which may have other erosion protection measures in it -- things like sand mitigation and other dune protection measures... all kinds of things that aren't geotubes" Language under review by Town Counsel

ARTICLE

(Acceptance of Massachusetts General Law: Effect of Military Service on Salary, Seniority and Leave Allowances of Public Employees)

To see if the Town Will vote to: acceptance of Mass General Law Part I, Title 5, Chapter 33 Section 59; or otherwise act thereon.

Section 59: Effect of military service on salary, seniority and leave allowances of public employees

Section 59. (a) An employee of the commonwealth in the service of the armed forces of the commonwealth or a reserve component of the armed forces of the United States shall be entitled to receive pay without loss of ordinary remuneration as a public employee during service in the uniformed services, annual training under section 60 or drills and parades under section 61, not exceeding 40 days in any federal fiscal year, and shall not lose any seniority or any accrued vacation leave, sick leave, personal leave, compensation time or earned overtime. For the purposes of this section, "uniformed services" shall have the same meaning as defined in section 13. For the purposes of this subsection, "day" shall mean any 24-hour period regardless of calendar day.

(b) An employee of the commonwealth in the service of the armed forces of the commonwealth under sections 38, 40 or 41 shall be entitled to receive pay without loss of ordinary remuneration as a public employee and shall not lose any seniority or any accrued vacation leave, sick leave, personal leave, compensation time or earned overtime during the first 30 consecutive days of any mission. Thereafter, any such ordinary remuneration shall be reduced by any amount received either from the United States or the commonwealth as base pay for military service performed during the same pay period, and there shall be no loss of any seniority or any accrued vacation leave, sick leave, personal leave, compensation time or earned overtime. National guard duty performed under Title 32 of the United States Code shall not be deemed service in the armed forces of the commonwealth under sections 38, 40 or 41 for the purposes of this section.

(c) An employee of the commonwealth in the armed forces of the commonwealth performing duty under Titles 10 or 32 of the United States Code shall be paid the regular base salary as a public employee for each pay period of such military leave of absence, reduced by any amount received either from the United States or the commonwealth as base pay for military service performed during the same pay period, and shall not lose any seniority or any accrued vacation leave, sick leave, personal leave, compensation time or earned overtime.

(d) An employee of the commonwealth in a reserve component of the armed forces of the United States who is ordered to service for more than 30 consecutive days shall be paid the regular base salary as a public employee for each pay period of such military

leave of absence, reduced by any amount received either from the United States or the commonwealth as base pay for military service performed during the same pay period. No such employee shall lose any seniority or accrued vacation leave, sick leave, personal leave, compensation time or earned overtime.

(e) An employee of a county, city or town which, by vote of its county commissioners, city council or inhabitants at a town meeting, has accepted this section or similar provisions of earlier laws, shall be entitled to the benefits and protections of this section or the benefits of the accepted earlier law.

(f) For the purposes of this section, "base pay for military service" shall not include any housing, incentive, bonus, skills pay, allowance or other stipend or benefit paid to the employee for the employee's military service.

(Ryan B. Webb, et al)

ARTICLE (Charter Amendment: Town Meeting)

To see if the Town will vote to Amend the Town Charter of Nantucket, a copy of which is on file with the Archivist of the Commonwealth, as follows (text to be deleted is shown in strikethrough and new text is shown in highlighted text):

Section 2-1. Legislative Powers

- (a) The legislative powers of the Town shall remain vested in the Town Meeting open to all voters.
- (b) The Town Meeting shall meet in regular session not less than twice per calendar year. The first session of town meeting shall be held in March, April, or May and shall be primarily concerned with the determination of matters involving the expenditure of town funds including, but not limited to, the adoption of an annual operating budget, financing, taxation, and all other matters to be decided by the voters. The Select Board may delay the first session of town meeting, but it must be completed by June 30th of the same year.
- (c) The second session of town meeting shall be held in September, October, or November and shall be primarily concerned with matters involving real estate, zoning, land use planning, by-laws, and all other matters to be decided by the voters. The Select Board may delay the second session of town meeting, but it must be completed by December 31st of the same year.
- (d) The first and second sessions of town meeting including all adjourned sessions, shall be deemed sessions of the annual town meeting for all

purposes under the General Bylaws, this Charter, and the bylaws of the Town.

- (e) The deadline for the submission of petition articles by votes for the next calendar year shall be a date in the preceding November as determined by the Select Board. After the deadline has passed, any citizen petitions that were filed with the Town Clerk with the required number of signatures certified, the Select Board shall divide petitions between the warrants issued for either the first or second session of town meeting to be held in the next year, as the Select Board deems appropriate in its discretion. Moreover, nothing herein shall preclude the Select Board from placing additional articles, whether submitted by petition or otherwise, on either the warrant for the first or second town meeting as may be deemed necessary and appropriate by the Select Board.
- (f) Nothing herein shall limit the ability of any voter s to submit additional petitions for a special town meeting or to call a special town meeting in accordance with General Laws Chapter r39, § 10.

Notwithstanding the foregoing, certain powers of Town Meeting as to real estate acquisitions shall be vested in the select board, as specified in Section 3.3., subject to the voters' right to petition, as specified in Section 2.1(b) and 3.3, to place before Town Meeting any real estate acquisition voted by the select board under said Section 3.3

The following additional powers may be exercised by Town Meeting:

- (a) To exercise any power which a charter for the County of Nantucket may vest in Town Meeting; and
- (b) To veto any real estate acquisition voted by the select board pursuant to Section 3.3; provided, however, that a petition proposing such veto in the form of a Town Meeting warrant article is signed by at least ten registered voters and provided that the petition is timely filed with the Town Clerk. The Town Clerk shall then present the petition to the select board within the time permitted for inclusion of the article in the next Town Meeting warrant. The select board may proceed with the real estate acquisition unless the acquisition is vetoed by the Town Meeting.

Or to take any other action relative thereto.

(Campbell Sutton, et al)

ARTICLE

(General Bylaw Amendment: Notices of Public Hearings)

To see if the Town will vote to amend Chapter 2, "Administrative Procedures", Section 2-1, "Public hearing required; manner of notice", of the Code of Nantucket, by striking Paragraph A and by inserting the following new Paragraph A in its place:

- A. Publishing notice of such hearing in such manner as is specified by any law or, if no manner is specified, then in any print newspaper or electronic media, having general circulation within the Town of Nantucket.

or take other action with regard thereto.

(Jason Graziadei, et al)

ARTICLE 79

(Home Rule Petition: Community Housing Bank Real Estate Transfer Fee)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act the text of which is set forth below and to authorize the General Court, with the approval of the Select Board, to make constructive changes in the text thereto as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure passage; or to take any other action related thereto.

An Act Authorizing the Town of Nantucket to Impose a Real Estate Transfer Fee for Affordable and Workforce Housing and Related Capital Improvements

SECTION 1. For purposes of this act, the words and phrases set forth in this section shall have the following meanings:

"Affordable Housing Restriction" is a recorded instrument held by a qualified holder which encumbers and/or restricts a real property interest so that the real property interest is perpetually or for a term of at least thirty (30) years limited to use as a residence occupied by a low or moderate income household which earns less than a specified income level, the upper limit of which may not exceed two hundred forty percent (240%) of the Nantucket median income. A "qualified holder" is a governmental body or charitable corporation or trust which qualifies under the terms of chapter one hundred eight-four of the General Laws ("Chapter 184") to hold an affordable housing restriction. Without limiting the generality of the foregoing, "Affordable Housing Restriction" includes but is not limited to any instrument which conforms to the requirements of (i) a Nantucket Housing Needs Covenant as described in Chapter 301 of the Acts of 2002 and defined in the Town of Nantucket Code.

"Housing and Community Development Fund", shall refer to a discrete fund or account, established by the county treasurer of the Nantucket County under the provisions of this act.

"Eligible Applicants", shall refer to non-profit and for-profit corporations and organizations, individuals, and public entities.

"Purchaser", shall refer to the transferee, grantee or recipient of any real property interest.

"Purchase price", all consideration paid or transferred by or on behalf of a purchaser to a seller or his nominee, or for his benefit, for the transfer of any real property interest, and shall include, but not be limited to, all cash or its equivalent so paid or transferred; all cash or other property paid or transferred by or on behalf of the purchaser to discharge or reduce any obligation of the seller; the principal amount of all notes or their

Commented [LG28]: From 2024 - any revisions? Including recommended language from Sen Cyr? JOHN

Commented [LG29]: HRP's: need to see what passed (if anything) as of 12/31/24)

equivalent, or other deferred payments, given or promised to be given by or on behalf of the purchaser to the seller or his nominee; the outstanding balance of all obligations of the seller which are assumed by the purchaser or to which the real property interest transferred remains subject after the transfer, determined at the time of transfer, but excluding real estate taxes and other municipal liens or assessments which are not overdue at the time of transfer; the fair market value, at the time of transfer, of any other consideration or thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods or services paid, transferred or rendered in exchange for such real property interest.

"Real property interest", shall refer to any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property, the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a buyer or seller under a contract for purchase and sale of real property, and the transferable development rights created under chapter one hundred eighty-three A of the General Laws; but shall not include any interest which is limited to any of the following: the dominant estate in any easement or right of way; the right to enforce any restriction; any estate at will or at sufferance; any estate for years having a term of less than 30 years; any reversionary right, condition, or right of entry for condition broken; and the interest of a mortgagee or other secured party in any mortgage or security agreement.

"Seller", shall refer to the transferor, grantor or immediate former owner of any real property interest.

"Time of transfer" of any real property interest shall mean the time at which such transfer is legally effective as between the parties thereto, and, in any event, with respect to a transfer evidenced by an instrument recorded with the appropriate registry of deeds or filed with the assistant recorder of the appropriate registry district, not later than the time of such recording or filing.

"Town" shall refer to the Town of Nantucket acting by and through the Select Board.

SECTION 2. There is hereby imposed a fee equal to one half per cent ($\frac{1}{2}\%$) of the purchase price upon the transfer of any real property interest in any real property situated in Nantucket County. Said fee shall be the liability of the seller of such real property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the seller. The fee shall be paid to the Town of Nantucket, or its designee, and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative and the seller or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Town, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Nantucket County, and the assistant recorder for the registry district of Nantucket County, shall not record or register, or receive or accept for recording or registration, any

deed, except a mortgage deed, to which has not been affixed such a certificate executed by the Town or its designee. Failure to comply with this requirement shall not affect the validity of any instrument. The Town shall deposit all fees received hereunder with the Town treasurer. The treasurer shall deposit such fees in the Affordable Housing Trust Fund. The fee imposed hereunder shall be due simultaneously with the time of transfer of the transfer upon which it is imposed. Notwithstanding the foregoing, whenever there is a conveyance of real property interests and a conveyance of personalty related thereto at or about the same time, the allocations of payments between real estate and personalty agreed to by the purchaser and seller shall not determine the amount of the fee due pursuant to this section; instead, the Town may require payment of the fee referred to in real property interests so conveyed as determined by the Town.

SECTION 3. At any time within seven days following the issuance of the certificate of payment of the fee imposed by section two, the seller or his legal representative may return said certificate to the Town or its designee for cancellation, together with an affidavit signed under oath or under the pains and penalties of perjury that the transfer, with respect to which such certificate was issued, has not been consummated, and thereupon the fee paid with respect to such transfer shall be forthwith returned to the seller or his legal representative.

SECTION 4. The following transfers of real property interests shall be exempt from the fee established by section 10. Except as otherwise provided, the seller shall have the burden of proof that any transfer is exempt under this section and any otherwise exempt transfer shall not be exempt in the event that such transfer (by itself or as part of a series of transfers) was made for the primary purpose of evading the fee imposed by section 10.

(a) Transfers to the government of the United States, the commonwealth, and any of their instrumentalities, agencies or subdivisions, including but not limited to transfers to the Town of Nantucket, the County of Nantucket.

(b) Transfers which, without additional consideration, confirm, correct, modify or supplement a transfer previously made.

(c) Transfers made as gifts without consideration. In any proceedings to determine the amount of any fee due hereunder, it shall be presumed that any transfer for consideration of less than fair market value of the real property interest transferred was made as a gift without consideration to the extent of the difference between the fair market value of the real property interest transferred and the amount of consideration claimed by the seller to have been paid or transferred, if the purchaser shall have been at the time of transfer the spouse, the lineal descendant, or the lineal ancestor of the seller, by blood or adoption, and otherwise it shall be presumed that consideration was paid in an amount equal to the fair market value of the real property interest transferred, at the time of transfer.

(d) Transfer to the trustees of a trust in exchange for a beneficial interest received by the purchaser in such trust; distributions by the trustees of a trust to the beneficiaries of such trust.

(e) Transfers by operation of law without actual consideration, including but not limited to transfers occurring by virtue of the death or bankruptcy of the owner of a real property interest.

(f) Transfers made in partition of land and improvements thereto, under chapter two hundred and forty-one of the General Laws.

(g) Transfers to any charitable organization as defined in clause Third of section five of chapter fifty-nine of the General Laws, or any religious organization, provided that the real property interest so transferred will be held by the charitable or religious organization solely for its public charitable or religious purposes.

(h) Transfers to a mortgagee in foreclosure of the mortgage held by such mortgagee, and transfers of the property subject to a mortgage to the mortgagee in consideration of the forbearance of the mortgagee from foreclosing said mortgage.

(i) Transfers made to a corporation or partnership or limited liability company at the time of its formation, pursuant to which transfer no gain or loss is recognized under the provisions of section three hundred and fifty-one or seven hundred and twenty-one of the Internal Revenue Code of 1986, as amended; provided, however, that such transfer shall be exempt only in the event that (1) with respect to a corporation, the transferor retains an interest in the newly formed corporation which is equivalent to the interest the transferor held prior to the transfer, or (2) with respect to a partnership or limited liability company, the transferor retains after such formation rights in capital interests and profit interests within such partnership or limited liability company which are equivalent to the interest the transferor held prior to the transfer.

(j) Transfers made to a stockholder of a corporation in liquidation or partial liquidation of the corporation, and transfers made to a partner of a partnership or to a member of a limited liability company in dissolution or partial dissolution of the partnership or limited liability company; but the transfer shall be exempt only if (i) with respect to a corporation, the transferee receives property (including real property interests and other property received) which is the same fraction of the total property of the transferor corporation as the fraction of the corporation's stock owned by the transferee prior to the transfer or (ii) with respect to a partnership or limited liability company, the transferee receives property (including real property interests and other property received) which is the same fraction of the property of the partnership or limited liability company as the fraction of the capital and profit interests in the transferor formerly owned by the transferee.

(k) Transfers consisting of the division of marital assets under the provisions of section thirty-four of chapter two hundred and eight of the General Laws or other provisions of law.

(l) Transfers of property consisting in part of real property interests situated in Nantucket County and in part of other property interests, to the extent that the property transferred consists of property other than real property situated in Nantucket County; provided that the purchaser shall furnish the Town with such information as it shall require or request in support of the claim of exemption and manner of allocation of the consideration for such transfers.

(m) The first \$2 million of the sale price of any transfer or series of transfers of real property interests in a single transaction. Said exemption may be adjusted as determined annually by the affirmative vote of two-thirds of voters at an annual or special town meeting.

(n) Transfers of minority interests in corporations, trusts, partnerships or limited liability companies which are publicly traded, which trades are not part of a series of transfers which together constitute a transfer of control of a corporation, trust, partnership or limited liability company.

SECTION 5. (a) The Town treasurer shall keep a full and accurate account stating when, from or to whom, and on what account money has been paid or received relative to the activities of the Trust Fund and the Housing Fund. Said account shall be subject to examination by the director of accounts or his agent pursuant to section forty-four of chapter thirty-five of the General Laws.

(b) Schedules of beneficiaries of trusts, list of stockholders of corporations and lists of partnerships filed with the Trust Fund for the purpose of determining or fixing the amount of the fee imposed under section ten or for the purpose of determining the existence of any exemption under section twelve shall not be public records for the purposes of section ten of chapter sixty-six of the General Laws.

SECTION 6. A seller who fails to pay all or any portion of the fee established by section two on or before the time when the same is due shall be liable for the following additional payments in addition to said fee:

(a) Interest: The seller shall pay interest on the unpaid amount of the fee to be calculated from the time of transfer at a rate equal to fourteen per cent per annum.

(b) Penalties: Any person who, without fraud or willful intent to defeat or evade a fee imposed by this chapter, fails to pay all or a portion of the fee within thirty days after the time of transfer, shall pay a penalty equal to five per cent of the outstanding fee as determined by the Town for each month or portion thereof thereafter that the fee is not paid in full; provided, however, that in no event shall the amount of any penalty imposed hereunder exceed twenty-five per cent of the unpaid fee due at the time of transfer. Whenever the Town determines that all or a portion of a fee due under this chapter was unpaid due to fraud with intent to defeat or evade the fee imposed by this chapter, a penalty equal to the amount of said fee as determined by the Town shall be paid by the seller in addition to said fee.

SECTION 7. (a) The Town shall notify the purchaser and the seller by registered or certified mail of any failure to discharge in full the amount of the fee due under this Act and any penalty or interest assessed. The Town shall grant a hearing on the matter of the imposition of said fee, or of any penalty or interest assessed, if a petition requesting such hearing is received by the Town within thirty days after the mailing of said notice. The Town shall notify the purchaser and the seller in writing by registered or certified mail of its determination concerning the deficiency, penalty or interest within fifteen days after said hearing. Any party aggrieved by a determination of the Town concerning a deficiency, penalty or interest may, after payment of said deficiency, appeal to the district or superior court within three months after the mailing of notification of the determination of the Town. Upon the failure to timely petition for a hearing, or appeal to said courts, within the time limits hereby established, the purchaser and seller shall be bound by the terms of the notification, assessment or determination, as the case may be, and shall be barred from contesting the fee, and any interest and penalty, as determined by the Town. All decisions of said courts shall be appealable. Every notice

to be given under this section by the Town shall be effective if mailed by certified or registered mail to the purchaser or the seller at the address stated in a recorded or registered instrument by virtue of which the purchaser holds any interest in land, the transfer of which gives rise to the fee which is the subject of such notice; and if no such address is stated or if such transfer is not evidenced by an instrument recorded or registered in the public records in Nantucket County, such notice shall be effective when so mailed to the purchaser or seller in care of any person appearing of record to have a fee interest in such land, at the address of such person as set forth in an instrument recorded or registered in Nantucket County.

(b) All fees, penalties and interest required to be paid pursuant to this chapter shall constitute a personal debt of the seller and may be recovered in an action of contract or in any other appropriate action, suit or proceeding brought by the Town; said action, suit or proceeding shall be subject to the provisions of chapter two hundred and sixty of the General Laws.

(c) If any seller liable to pay the fee established by this act neglects or refuses to pay the same, the amount, including any interest and penalty thereon, shall be a lien in favor of the Town upon all property and rights to property, whether real or personal, belonging to either such purchaser or such seller. Said lien shall arise at the time of transfer and shall continue until the liability for such amount is satisfied. Said lien shall in any event terminate not later than six years following the time of transfer. Said lien shall not be valid as against any mortgagee, pledgee, purchaser or judgment creditor unless notice thereof has been filed by the Town (i) with respect to real property or fixtures, in the registry of deeds for Nantucket County, or (ii) with respect to personal property, in the office in which a security or financing statement or notice with respect to the property would be filed in order to perfect a nonpossessory security interest belonging to the person named in the relevant notice, subject to the same limitations as set forth in section fifty of chapter sixty-two C of the General Laws.

(d) Sellers applying for an exemption under subsections (a) through (n) of section four shall be required at the time of application for exemption to execute an agreement legally binding on sellers and separately legally binding upon any Legal Representative of the sellers (1) assuming complete liability for any fee, plus interest and penalties if any, waived on account of an allowed exemption subsequently determined to have been invalid, and (2) submitting to the jurisdiction of the trial court of the commonwealth sitting in Nantucket County. Fees, plus interest and penalties if any, shall be calculated as of the date of the initial property transfer. Execution of the above-described agreement shall not be required of any mortgagee, pledge, purchaser or judgment creditor unless notice of the agreement has been recorded or filed by the Town.

In any case where there has been a refusal or neglect to pay any fee, interest or penalties imposed by this act, whether or not levy has been made, the Town, in addition to other modes of relief, may direct a civil action to be filed in a district or superior court of the commonwealth to enforce the lien of the Town under this section with respect to such liability or to subject any property of whatever nature, of the delinquent, or in which he has any right, title or interest, to the payment of such liability.

The Town may issue a waiver or release of any lien imposed by this section. Such waiver or release shall be conclusive evidence that the lien upon the property covered by the waiver or release is extinguished.

SECTION 8. The fee described in section 2 shall be of a ten-year duration from the date this act shall take effect. This fee may continue for five-year periods by a majority vote at a Town Meeting authorizing the fee. The fee described by section 2 may be (1) decreased, or (2) eliminated by two-thirds vote of Town Meeting. In the event that Town Meeting votes to eliminate the fee, the balance of any fees previously collected shall be transferred to the Town of Nantucket and held by the treasurer in a separate account, and shall first be used to satisfy any outstanding liabilities or obligations incurred by the Town of Nantucket or the Affordable Housing Trust as a result of imposition of the fee, and the remainder may be expended without further appropriation by the Select Board for affordable housing purposes. In the event that the liabilities and obligations of the Town of Nantucket or the Affordable Housing Trust exceed the amounts transferred to the Town, the fee shall remain in full force and effect until such liabilities and obligations have been satisfied.

SECTION 9. The provisions of this act are severable, and if any provision hereof, including without limitation any exemption from the fee imposed hereby, shall be held invalid in any circumstances such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 10. If the Town has determined that a fee is due by asserting the application of the evasion of fee doctrine described in section 2 then the seller shall have the burden of demonstrating by clear and convincing evidence as determined by the Town that the transfer, or series of transfers, possessed both: (i) a valid, good faith business purpose other than avoidance of the fee set forth in section 2 and (ii) economic substance apart from the asserted fee avoidance benefit. In all such cases, the transferee shall also have the burden of demonstrating by clear and convincing evidence as determined by the Town that the asserted non-fee-avoidance business purpose is commensurate with the amount of the fee pursuant to section 2 to be thereby avoided.

SECTION 11. Pursuant to state enabling legislation pending with the General Court for the adoption of an act providing cities and towns the option to support affordable housing with a fee on certain real estate transactions, the legislative body of a city or town by a majority vote may adopt said act upon the passage of said act by the Senate and the House of Representatives of the General Court, and furthermore, a favorable majority vote of this Article by this Town Meeting is also deemed to be a vote by Town Meeting to adopt said act providing cities and towns the option to support affordable housing with a fee on certain real estate transactions, provided the provisions contained herein are consistent with the provisions of said act.

SECTION 12. This act shall take effect ninety (90) days following the date of passage.

(Select Board)

NOTE: Versions of the above home rule petition have been approved as Article 82 of the 2016 Annual Town Meeting, Article 88 of the 2017 Annual Town Meeting, Article 70 of the 2018 Annual Town Meeting, Article 79 of the 2019 Annual Town Meeting, Article 76 of the 2022 Annual Town Meeting and Article 79 of the 2024 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

ARTICLE 81

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

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

AN ACT AMENDING CHAPTER 396 OF THE ACTS OF 2008

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

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

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

Section 2. This act shall take effect upon passage.

~~Or to take any other action relative thereto.~~

(Select Board)

NOTE: This home rule petition was approved as Article 77 of the 2022 Annual Town Meeting, Article 84 of the 2023 Annual Town Meeting and Article 81 of the 2024 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

ARTICLE 82

Commented [LG30]: Seems to have passed Legislature; checking on this

Commented [LG31]: Confirming that this is now enacted; JOHN: would there need to be a confirmatory ballot question for 2025 ATE?

(Home Rule Petition: An Act Amending the Charter of the Town of Nantucket to Implement Certain Recommendations of the Town Government Study Committee)

— To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending the charter for the Town of Nantucket, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikethrough; these methods to denote changes are not meant to become part of the final text):*

Article II, Section 2.2—Town Moderator

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

Article II, Section 2.4—Clerk of the Meeting

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

Article II, Section 2.5—Town Meeting Warrant

==

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

(c) The Select Board shall publish the warrant with the recommendations of the Finance Committee by mailing a copy of such warrant to the address or postal box of each registered voter at least seven ~~fourteen~~ days prior to the Town Meeting.

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

Article II, Section 2.6 – Rights of Nonresident Property Owners

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

Article IV, Section 4.2 – Town Manager

...

(d) In particular, the Town Manager:

...

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

Article IV, Section 4.3 – Town Manager Appointments

The Town Manager:

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

...

Article V, Section 5.4 – Recall of Elected Officials

...

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

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

(e) The officer sought to be removed may seek renomination, may serve until expiration

of the current term of office unless and until a successor is sooner elected, and may not be put twice to the recall process in the same term.

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

For the recall of (name and title of officer)

Against the recall of (name and title of officer)

Article VI, Section 6.6—Time of Taking Effect

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

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

SECTION 2. Continuance of the Charter Commission.

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

SECTION 3. Ratification by the Voters.

On the official ballot to be used by the Town of Nantucket at the next annual election for Town officers at least two months after enactment of this Act by the General Court, the question shall be placed substantially as follows:

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

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

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

Ratified April 8, 1997

The form of the Special Act shall be as follows:

AN ACT AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Or to take any other action related thereto.~~

~~(Select Board)~~

~~NOTE: This home rule petition was approved as Article 78 of the 2022 Annual Town Meeting, Article 85 of the 2023 Annual Town Meeting and Article 82 of the 2024 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.~~

ARTICLE 83

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

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

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

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

Commented [LG32]: JOHN: any changes for Cyr request?

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

Section 2. The act shall take effect upon passage.

Or to take any other action related thereto.

(Select Board)

NOTE: This home rule petition was approved as Article 86 of the 2023 Annual Town Meeting and Article 83 of the 2024 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

ARTICLE 86

(Home Rule Petition: Issuance of Pension Obligation Bonds and Notes)

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

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO ISSUE PENSION OBLIGATION BONDS OR NOTES

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

SECTION 1. The town of Nantucket may issue, at one time or from time to time, bonds or notes for the purpose of funding the portion of the unfunded pension liability of the Barnstable County retirement association allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank. The proceeds of any such issuance, other than amounts to be applied to issuance costs and expenses, shall be paid by the town of Nantucket to the Barnstable County retirement association, shall be allocated solely to reduce the unfunded pension liability allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank to which the bonds or notes relate, shall be invested in any investments which are permitted under chapter 32 of the

Commented [LG33]: JOHN: any changes for Cyr request

General Laws and shall otherwise be held and expended on behalf of the town by the Barnstable County retirement association in accordance with law. The terms of any such bonds or notes shall not exceed 30 years from the date of issuance and the amount of any such bonds or notes shall be outside the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws. Upon the authorization of the issuance of pension obligation bonds by the town, the town shall submit the vote and a plan demonstrating how the town will finance and allocate the debt service associated with the bonds or notes to the executive office for administration and finance, and no bonds or notes authorized to be issued by this act shall be issued until the secretary for administration and finance has approved the plan and the issuance of such bonds or notes. Except as otherwise provided in this act, such bonds or notes shall be subject to said chapter 44.

SECTION 2. The aggregate principal amount of the bonds or notes issued during any calendar year under authority of this act shall not be greater than the amount sufficient to extinguish the unfunded pension liability of the Barnstable County retirement association allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank as of a particular date as determined in accordance with this section, plus an amount to provide for issuance costs and other expenses necessary or incidental thereto. The Barnstable County retirement association shall first determine the amount sufficient to extinguish the unfunded pension liability of the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank in accordance with the report of a nationally recognized independent consulting firm, which may be the consulting actuary generally retained by the Barnstable County retirement association, and which amount shall be approved by the public employee retirement administration commission. The report shall also set forth the present value savings to the town reasonably expected to be achieved as a result of the issuance of such bonds or notes.

SECTION 3. The maturities of such bonds or notes shall be scheduled so that the annual combined payments of principal and interest for each issue shall be as nearly equal as practicable in the opinion of the town Treasurer, in any manner that shall provide for a more rapid amortization of principal, or in accordance with any other manner consistent with the town's approved funding schedule, as the secretary for administration and finance shall approve. In granting the approval, the secretary may require the establishment of a reserve to be created from a portion of the amount of the annual savings used to calculate the present value savings. Any such reserve shall be held and controlled by the town and shall be separate from any other reserve or fund of the town allowed or required by statute. The secretary shall establish a method to calculate both the required amount of annual contribution to the reserve and the minimum value to be maintained in the reserve and shall prescribe conditions for expenditure from the reserve, including its use if necessary to prevent or limit any future unfunded actuarial pension liability, and the conditions under which all or a portion of the funds in the reserve may be available for unrestricted purposes in which case such funds or portions thereof shall be transferred to the town treasury. Any funds in the reserve shall be trust funds within the meaning of section 54 of chapter 44 of the General Laws and, expected as otherwise provided in this act, shall be subject to the provisions of said section 54.

SECTION 4. If the unfunded pension liability to be funded with the proceeds of an issue of bonds or notes issued under this act relates in part to employees of Nantucket County or the Nantucket Islands Land Bank, each of such entities shall be responsible for reimbursing the town of Nantucket for such proportion of the annual debt service expense paid by the town of Nantucket for bonds or notes issued hereunder as is equal to the proportion of the total unfunded pension liability to be funded with the proceeds of the bonds or notes as relates to each of such entities. Notwithstanding any general or special law to the contrary, the Public Employee Retirement Administration Commission shall increase the annual amount to be certified under section 22 of the General Laws as the amount necessary to be paid by Nantucket County and the Nantucket County Land Bank as its proportionate share of the annual debt service expense as determined herein. The town of Nantucket shall have the same legal rights and authority as the retirement board of the Barnstable County retirement association to collect any amount so assessed to Nantucket County or the Nantucket Islands Land Bank.

SECTION 5. Notwithstanding chapter 70 of the General Laws or any other general or special law to the contrary, the portion of the annual debt service paid by the town of Nantucket for bonds or notes issued under this act applicable to school department personnel who are members of the Barnstable County retirement association shall be included in the computation of net school spending for the purposes of said chapter 70 or any other law.

SECTION 6. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

NOTE: This home rule petition was approved as Article 95 of the 2021 Annual Town Meeting, Article 89 of the 2023 Annual Town Meeting and Article 86 of the 2024 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

ARTICLE 88

(Home Rule Petition: Conveyance of Properties from County to Town)

To see if the Town will vote to authorize the Select Board to petition the General Court to enact a special act to authorize the transfer and conveyance of all or portions of certain parcels of land situated in the Town of Nantucket and the County of Nantucket owned by the County of Nantucket held for bicycle path purposes as described in more detail below and as shown on a map filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance described below on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may

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be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE COUNTY OF NANTUCKET TO CONVEY CERTAIN LAND SITUATED IN THE TOWN AND COUNTY OF NANTUCKET FOR PURPOSES OF CONVEYANCE TO THE TOWN OF NANTUCKET

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

Section 1. The County of Nantucket is hereby authorized to convey the following parcels of land, owned by the County of Nantucket to the Town of Nantucket for purposes of conveyance:

- Parcels 23, 24, 25, and 28 shown on Plan File 49- O recorded with the Nantucket County Registry of Deeds.

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map filed with the Office of the Town Clerk.

Section 2. The provisions of Chapter 30B of the Massachusetts General Laws and any rights of first refusal in the Commonwealth under the provisions of Section 14 of Chapter 34 of the Massachusetts General laws shall not be applicable to any conveyance authorized hereunder.

Section 3. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

NOTE: This home rule petition was approved as Article 91 of the 2023 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

(Select Board)

ARTICLE 89

(Home Rule Petition: Conveyance of School Street from County to Town)

To see if the Town will vote to authorize the Select Board to petition the General Court to enact a special act to authorize the transfer and conveyance of all or portions of School Street situated in the Town of Nantucket and the County of Nantucket owned by the County of Nantucket held for highway purposes as described in more detail below and as shown on a map entitled "Conveyance of School Street from County to Town" dated January, 2024 and filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance described below on any terms and conditions the Select Board

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deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE COUNTY OF NANTUCKET TO CONVEY SCHOOL STREET SITUATED IN THE TOWN AND COUNTY OF NANTUCKET FOR PURPOSES OF CONVEYANCE TO THE TOWN OF NANTUCKET

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

Section 1. The County of Nantucket is hereby authorized to convey School Street, as shown on a plan of land entitled "Plan of Taking for Nantucket County Commissioners School Street in Nantucket (Surfside) MA.," dated May 26, 1981, prepared by John J. Shugrue, Inc., recorded with Nantucket County Registry of Deeds in Plan Book 12-C-1, owned by the County of Nantucket to the Town of Nantucket for purposes of conveyance.

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map on file with the Office of the Town Clerk.

Section 2. The provisions of Chapter 30B of the Massachusetts General Laws and any rights of first refusal in the Commonwealth under the provisions of Section 14 of Chapter 34 of the Massachusetts General laws shall not be applicable to any conveyance authorized hereunder.

Section 3. This act shall take effect upon its passage.

Or to take any other action related thereto.

NOTE: This home rule petition was approved as Article 89 of the 2024 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

(Select Board)

ARTICLE 90

(Home Rule Petition: Real Estate Conveyances from Town of Nantucket to Nantucket Islands Land Bank and/or Sconset Trust, Inc.)

To see if the Town will vote to authorize the Select Board to petition the General Court to enact special legislation consistent with the requirements of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts to authorize the transfer and conveyance of a certain parcel of land situated at 35 Grove Lane in the

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Town of Nantucket owned by the Town of Nantucket under the care, custody, control and management of the Conservation Commission for open space and conservation purposes as described in more detail below and as shown on a map filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance described below on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, and further to authorize the transfer and conveyance of certain parcels of land owned by the Inhabitants of the Town of Nantucket held for open space, conservation or passive recreational purposes, which may include the reservation of any easements or restrictions with regard to the properties, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE TOWN OF NANTUCKET CONSERVATION COMMISSION TO CONVEY A CERTAIN PARCEL OF LAND SITUATED IN THE TOWN FOR PURPOSES OF CONVEYANCE TO THE TOWN OF NANTUCKET UNDER THE CARE, CUSTODY, MANAGEMENT AND CONTROL OF THE SELECT BOARD AND THE TOWN OF NANTUCKET TO CONVEY CERTAIN LAND IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE, PASSIVE RECREATION OR CONSERVATION PURPOSES TO THE NANTUCKET ISLANDS LAND BANK FOR THE PURPOSES PURSUANT TO ITS LEGISLATION AND/OR TO THE SCONSET TRUST, INC. FOR OPEN SPACE, CONSERVATION AND PASSIVE RECREATION PURPOSES

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

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding any provisions of any general or special law to the contrary, the Town of Nantucket acting by and through its Conservation Commission, is hereby authorized to convey a certain parcel of land situated at 35 Grove Lane, as shown on a plan of land recorded with the Nantucket County Registry of Deeds in Plan File 8A of land entitled "Plan of Taking for Nantucket County Commissioners School Street in Nantucket (Surfside) MA.," dated May 26, 1981, prepared by John J. Shugrue, Inc., recorded with Nantucket County Registry of Deeds in Plan Book 12-C-1, owned by the Town of Nantucket pursuant to a Deed recorded with the Nantucket County Registry of Deeds in Book 164, Page 228, to the Town of Nantucket acting by and through its Select Board for purposes of conveyance.

Section 2. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding any provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of all or portions of certain parcels of land situated in the Town of Nantucket to the Nantucket Islands Land Bank for the purposes pursuant to its enabling legislation and/or to the Sconset Trust, Inc. for open space, conservation and passive recreation purposes, and described as follows:

- Tax Assessor's Map 74 as Parcel 71, Low Beach Road (portion of former railroad bed)
- Unnamed way bounded by the eastern sideline of Low Beach Road to the Atlantic Ocean and bounded by 2 Low Beach Road, shown on Tax Assessor's Map 74 as Parcel 74 and 6 Low Beach Road, shown on Tax Assessor's Map 74 as Parcel 76, Siasconset
- Hawthorne Avenue (between Ocean Avenue and the Atlantic Ocean)
- 35 Grove Lane, shown on Tax Assessor's Map 71 as Parcel 342

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map filed with the Office of the Town Clerk.

Section 3. This act shall take effect upon its passage.

Or to take any other action related thereto.

NOTE: This home rule petition was approved as Article 90 of the 2024 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

(Select Board)

ARTICLE 91

(Home Rule Petition: An Act Amending the Charter of the County of Nantucket)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending the Nantucket County Charter by striking out, in every instance in which they appear, the words "Board of Selectmen" and inserting in place thereof the words "Select Board," and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage:

AN ACT MAKING THE CHARTER OF THE COUNTY OF NANTUCKET GENDER NEUTRAL

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

SECTION 1. The first sentence of section 2.2 of article II of the charter of the county of Nantucket is hereby amended by striking out the word "Selectmen," and inserting in place thereof, in each instance, the following words:- select board members.

SECTION 2. Section 2.2 of said article II of said charter is hereby further amended by adding the following clause:-

Commented [LG38]: JOHN: any changes for Cyr request

The select board shall have the full role of and all of the powers and authority of a board of selectmen under any general or special law and its members and officers shall have the full role of and all of the powers and authority of the members and officers of a board of selectmen under any general or special law.

SECTION 3. The first paragraph of section 2.3 of said article II of said charter is hereby amended by striking out the words "Board of Selectmen," in each instance in which they appear, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 4. Subsection (d) of section 2.8 of said article II of said charter is hereby amended by striking out the words "Board of Selectmen" and inserting in place thereof the following words:- select board.

SECTION 5. This act shall take effect upon its passage.

Or take any other action related thereto.

NOTE: This home rule petition was approved as Article 91 of the 2023 Annual Town Meeting and Article 91 of the 2024 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

(Select Board)

ARTICLE

(Real Estate Disposition: Long-term Lease Authorization of Portion of 48 Sparks Avenue with Access and Utility Rights)

To see if the Town will vote to authorize the Select Board to lease for a term not to exceed ninety-nine (99) years to the Nantucket Education Trust, Inc. a portion of 48 Sparks Avenue, Nantucket, being a portion of Town-owned property located on Town Assessor's Map 55 as Parcel 242, containing 40,049± square feet, and as shown as "Proposed Lease Area" on a plan entitled "Conceptual Lease Plan, 48 Sparks Avenue and Cow Pond Lane dated December 30, 2024," a copy of which is on file with the Office of the Town Clerk, for year-round housing for Nantucket Public Schools staff, and with such lease to also provide for non-exclusive rights in the Access Areas, containing 1,154± and 967± square feet respectively, for access and utility purposes located over portions of the Town-owned property at 8 Cow Pond Lane, all as shown on said Conceptual Lease Plan, the lease being on such terms and conditions as the Select Board deems appropriate, and the reservation of any restrictions or other provisions in regard to the subject property.

Or to take any other action related thereto.

(Select Board)

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Commented [LG40]: What about other Town staff if units are available? Do not want language to be too restrictive (should check on prior language)

Commented [LG41]: Where is this plan

ARTICLE

(Real Estate Disposition: Utility Easement - Portion of 10 Sun Island Road/Airport Housing)

To see if the Town will vote to authorize the Select Board in its capacity and also acting through its Airport Commission to convey a perpetual non-exclusive easement to Nantucket Electric Company/National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of intelligence, an underground electric distribution system in, through, under, over, across, and upon certain portions of a parcel of Town-owned land being Land described in deed dated January 23, 1980 and recorded as Document No. 22105, Certificate of Title No. 9094, being a portion of Lot 66 on Land Court Plan 26984-U, filed with the Nantucket Registry District for the Land Court, and designated by the Town of Nantucket Tax Assessor's office as Map 69, 3.1; as more particularly shown on an Easement Sketch Plan dated November 3, 2023 prepared for: Nantucket Airport Commission and filed with the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Nantucket Memorial Airport Commission)

ARTICLE

(Real Estate Disposition: Utility Easements/Airport)

To see if the Town will vote to authorize the Select Board in its capacity and also acting through its Airport Commission to convey perpetual non-exclusive easements to Nantucket Electric Company/National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, an underground electric distribution system in, through, under, over, across, and upon certain portions of three (3) parcels of Town-owned land being (i) Land described in deed dated June 12, 1941, recorded as Document No. 3850, Certificate of Title No. 2503, shown as Lot D5 on Land Court Plan 14342-C, filed with the Nantucket Registry District for the Land Court, and designated by the Town of Nantucket Tax Assessor's office as Map 78, Lot 1; (ii) Land described in Order of Taking dated September 8, 1941, recorded with Nantucket County Registry of Deeds in Book 109, Page 409, and designated by the Town of Nantucket Tax Assessor's office as Map 78, Lot 17; and (iii) Land described in Order of Taking dated March 11, 1958, recorded with Nantucket Registry of Deeds in Book 117, Page 551, and designated by the Town of Nantucket Tax Assessor's office as Map 79, Lot 12; all as more particularly shown on an Easement Sketch Plan dated July 1, 2024 prepared for: Nantucket Memorial Airport and filed with the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Nantucket Memorial Airport Commission)

ARTICLE

Commented [LG42]: Tracy - is this the South Ramp parcels?
Or?

(Real Estate Disposition: Utility Easement/16 Broad Street)

To see if the Town will vote to authorize the Select Board to convey a perpetual non-exclusive easement to Nantucket Electric Company/National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, an underground electric distribution system in, through, under, over, across and upon a certain portion of Town-owned land known as 16 Broad Street, Assessor's Map 42.4.2, Parcel 30, shown on a sketch entitled "National Grid, 16 Broad St Nantucket, MA, Sketch to Accompany Easement for: the proposed install of (1) 3 phase switchgear module, and (2) sections of concrete encased conduit on private property; WR 30854670, Scale: NTS, Drawn By: AM, Date: 11/19/24"; said easement area being shown on a plan filed with the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE

(Real Estate Disposition: Utility Easement/Waitt Drive)

To see if the Town will vote to authorize the Select Board to convey a perpetual non-exclusive easement to Nantucket Electric Company/National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, an underground electric distribution system in, through, under, over, across and upon a certain portions of Town-owned land shown as Lot 26, Lot 27, Lot 94 and Lot 95B, and a certain portion of the public way named Waitt Drive on a Plan of Land recorded with the Nantucket County Registry of Deeds as Plan No. 2024-13, and shown on a sketch entitled "National Grid, Inst. UG Primary conductors, Inst. 300kva padmounted XFMR, 19 Waitt Dr, Nantucket, Mass, 02554, Date: 12/3/2024, Designer: VAZQUEZJ, WR 30929294"; said easement area being shown on a plan filed with the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

REAL ESTATE STILL NEED:

7 AMELIA DR - LT LEASE AUTH

ANYTHING FOR NEWTOWN CEMETARY?

AUTH FOR VALERO EASEMENT TO NAUSHOP SEWER PUMP STATION -

PENDING;

UTILITY EASEMENT AUTHS FOR NGRID - AIRPORT SEWER PUMP STATION?

Commented [LG43]: SB: this is NEW. Came in LATE.

ARTICLE

(Real Estate Acquisition: 3, 5, 7 and 8 South Shore Road)

To see if the town will vote to authorize the Town of Nantucket, acting through its Select Board, to acquire by purchase, gift or eminent domain, the land at 3, 5, 7, and 9 South Shore Road (Nantucket Assessors Map 67, Parcels 336, 336.9, 336.8, and 336.7), being 13 acres more or less, for the purposes of locating the new replacement Town-owned and town-operated nursing home Our Island Home; and for the purpose of locating a town developed affordable housing facility of 40 affordable units which the present private sector property owner has asserted that it is unable to build; and for the further purpose of locating two (2) athletic school playing fields; and finally to set aside land for open space and walking trails;

and to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money for the purposes of this acquisition, and to meet this appropriation that the Treasurer of the Town, with the approval of the Select Board be authorized to borrow, provided however, that any borrowing appropriation shall not take effect unless or until a debt exclusion ballot question is voted pursuant to Proposition Two and One Half,

or to take any other action related thereto.

(Meghan Glowacki, et al)

ARTICLE 111

(Appropriation: Stabilization Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of the Stabilization Fund in accordance with Chapter 40 section 5B of the Massachusetts General Laws, from which appropriations may be made by a two-thirds vote of an Annual or Special Town Meeting for any purpose for which a municipality may borrow money or for any other lawful purpose; said sum not to exceed ten percent (10%) of the Fiscal Year 2025 tax levy.

Or to take any other action related thereto.

(Select Board)

ARTICLE 112

(Appropriation: Free Cash)

To see what sum the Town will vote to transfer from Free Cash in the treasury to meet the appropriations for the current and/or ensuing Fiscal Year and to authorize the Assessors to use in the fixing the tax rate, pass any vote, or take any other action related thereto.

(Select Board)

ZONING

Commented [LG44]: Does this need to be updated?

139 Attachment 2

Town of Nantucket Use Chart (See § 139-7A.)

[Amended 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; 4-4-2011 ATM by Arts. 58 and 61, AG approval 9-15-2011; 3-31-2012 ATM by Art. 47, AG approval 7-12-2012; 4-2-2013 ATM by Art. 30, AG approval 7-26-2013; 4-5-2014 ATM by Art. 67, AG approval 5-7-2014; 4-6-2015 ATM by Arts. 44, 47, 61, 62, 64, AG approval 8-5-2015; 11-9-2015 STM by Art. 2, AG approval 12-29-2015; 4-2-2016 ATM by Art. 36, 52, AG approval 7-12-2016; 4-1-2017 ATM by Art. 69, AG approval 5-31-2017; 11-6-2017 STM by Arts. 2, 19, 21, AG approval 2-26-2018; 10-10-2018 STM by Art. 2, AG approval 5-8-2019; 4-1-2019 ATM by Art. 49, AG approval 8-6-2019; 6-5-2021 ATM by Art. 48, AG approval 10-7-2021; 5-2-2022 ATM by Art. 54, AG approval 10-31-2022]

A = Accessory Use as defined in § 139-15

FBED = Formula Business Exclusion District

N = No

SP = Special Permit issued by Zoning Board of Appeals, unless the Planning Board is designated as the special permit granting authority pursuant to another section of this chapter.

Y = Yes

	Use	Town Residential Districts						Town Commercial Districts						Country Residential Districts					Country Commercial Districts		
		R-1 SR-1	ROH SOH	R-5 R-5L	R-10 R-10L SR-10	R-20 SR-20	R-40	CDT	CMI	CN	CTEC	CI	RC	RC-2	V-R	LUG-1	LUG-2	LUG-3	MMD	VN	VTEC
Residential	Primary dwelling	Y	Y	Y	Y	Y	Y	A	A	A	Y	N	Y	Y	Y	Y	Y	Y	Y	A	A
	Secondary dwelling	Y	Y	Y SP R-5L	Y SP R-10L	Y	Y	Y	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N
	Accessory dwelling	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Tertiary dwelling	N	N	Y R-5	Y R-10	Y R-20	Y	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N
				N R-5L	N R-10L N SR-10	N SR-20															
	Apartment	N	N	N	N	N	N	N	Y	Y	Y	Y	SP	N	N	N	N	N	N	N	N
Apartment building	N	N	N	N	N	N	N	N	SP	SP	N	N	N	N	N	N	N	N	N	SP	N

Tiny house unit	N	N	Y R-5	Y R-10	Y R-20	Y	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N
			N R-5L	N R-10L N SR-10	N SR- 20															
Garage apartment	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Duplex	Y R-1	N	Y	Y R-10	N	N	Y	Y	A	Y	N	Y	Y	N	N	N	N	N	N	N
	N SR-1		N R-5L	N R-10L N SR-10																
Workforce rental community	N	N	N	N	N	N	N	SP	SP	N	N	N	N	N	N	N	N	N	N	N
Elder housing facilities	SP	SP	SP	SP	SP	SP	N	SP	SP	N	N	SP	SP	SP	SP	SP	SP	N	N	N
Studio	A	A	A	A	A	A	Y	Y	Y	Y	Y	Y	Y	A	A	A	A	A	Y	Y
Garage – residential	A/SP	A/SP	A/ SP	A/SP	A/SP	A/SP	N	N	A	A	N	A	A	A/ SP	A	A	A/SP	A	A	A
Shed	A	A	A	A	A	A	N	N	A	A	A	A	A	A	A	A	A/SP	A	A	A
Outbuildings – other	A	A	Y	Y	A	A	N	N	A	A	A	A	A	A	A	A	A/SP	A	A	A
Swimming pool - residential	A2	N	A2	A	A	A	A	A	A	A	N	A	A	SP	A	A	A	SP N	A	A
Hot tub/spa	A	N	A	A	A	A	A	A	A	A	N	A	A	SP	A	A	A	SP N	A	A

139 Attachment 2:1

Supp 40, Jun 2022

To act upon and transact any business relative to the foregoing subjects which may, then and there, come before said meeting.

In addition, you are directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs to go to the Nantucket High School at 10 Surfside Road in said Nantucket, on

***TUESDAY, THE TWENTIETH DAY OF MAY 2025
BETWEEN THE HOURS OF 7:00 AM and 8:00 PM***

for the following purpose:

To cast their votes in the Annual Town Election for the election of candidates for the following offices:

Commented [LG45]: Needs to be updated -

Moderator	One for a term of one year
Select Board	One for a term of three years
School Committee	Two for terms of three years
Historic District Commission	One for a term of three years
Nantucket Islands Land Bank Commission	One for a term of five years
Harbor and Shellfish Advisory Board	Two for terms of three years
Community Preservation Committee	Two for terms of three years
Planning Board	One for a term of five years
Nantucket Board of Water Commissioners	Two for terms of three years

And, to cast their vote as "YES" or "NO" on the following ballot questions:

1. Debt Exclusion: Supplemental Funding for Public Works Facility Design Improvements

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bonds issued for the purpose of making design improvements to the Department of Public Works facility at 188 Madaket Road, 10 Sun Island Road, and/or 1 Shadbush Road, including the costs of professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto?

2. Debt Exclusion for Our Island Home

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so called, the amounts required to pay for the bonds issued to construct a new Our Island Home facility located at **INSERT ADDRESS**, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

9. Capital Outlay Exclusions

Shall the Town of Nantucket be allowed to assess an additional \$**INSERT** in real estate and personal property taxes for the following purposes in the amounts as follows for the fiscal year beginning July 1, 2025?

Department	Purpose	Amount
Total Capital Exclusion		

10. Charter Amendment.

JOHN: if there is a ballot question needed re: Article 82 - can you pls provide wording?

Commented [LG46]: John - do we number this? Or?

Non-Binding Public Opinion Advisory Ballot Question

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 a future Town Meeting which would create a Town Council/Town Manager Form of Government, a fair and concise summary of which is set forth below?

The Town Council Study Committee, appointed by the Select Board in response to the vote taken under Article 81 of the 2023 Annual Town Meeting, is proposing consideration of a new charter establishing a Town Council/Town Manager form of government to replace the current Town Manager/Select Board/Town Meeting form of government. The proposed Town Council would serve as the legislative body of the Town and be composed of 9 members, elected at large, for three-year rotating terms, who would be compensated at a rate to be determined by local bylaw. As contemplated, the proposal makes no change to the currently elected multiple member bodies within the Town (except that the Select Board would be abolished.) It would provide for the Town Manager to appoint all other multiple-member bodies, subject to the disapproval of the Town Council, and appoint most other Town employees within the Town Administration department. The proposal would provide several avenues for public access and participation in government, including open comment at Town Council meetings, citizen petitions for proposal of local laws by initiative and referendum for repealing local laws, as well as for recall of Town Councilors. Approval of this non-binding question would be the first step in moving forward with the process for adoption of a new Charter, provided, however, that the proposal as described above is not final, and that in order to formally revise the Charter there will likely be three additional steps: approval at a Town Meeting, approval by the General Court, and acceptance by the voters of the Town at an election.

Commented [LG47]: Same comment as above

Commented [LG48]: Same comment as above

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting and election aforesaid.

Given under our hands this of January in the year Two Thousand Twenty-five.

Brooke Mohr, Chair

Matthew G. Fee, Vice Chair

Thomas Dixon

Dawn E. Hill Holdgate

Malcolm MacNab

SELECT BOARD OF NANTUCKET, MA

Pursuant to Chapter 39, section 10 of the General Laws of the Commonwealth and the Warrant of January ##, 2025 I have notified and warned the inhabitants of the Town of Nantucket qualified to vote in Town affairs to appear at the times and place and for the purposes within mentioned by posting said notification on _____ at the Stop & Shop on Pleasant Street, the Town and County Building at 16 Broad Street; and upon the Bulletin Boards at the corner of Main and Federal Streets, and Siasconset Square.

Sworn to under pains and penalties of perjury,

Constable

Chapter 58. Car Rental Agencies, Registration of

.....

§58-8 Peer-to-Peer Car Sharing

The provisions of this subsection shall apply to individual motor vehicle owners authorizing the use of their personal motor vehicle(s) through a peer-to-peer car sharing business or platform.

- A. Peer-to-peer car sharing shall be limited to one or two personally owned motor vehicles per individual and/or address. Any person engaging in the rental of three or more vehicles from the same address shall be deemed to be a “rental agency” as defined in this Chapter, and any such rentals shall be subject to all provisions of this Chapter and all applicable provisions of the Zoning Bylaw to “motor vehicle rental.”
- B. Individuals engaging in peer-to-peer car sharing shall annually register with the office of the Select Board. Such registration shall require providing a copy of the current motor vehicle registration and the payment of an annual fee of \$__. Such registration shall comply with this bylaw, and such individuals are not otherwise subject to the requirements of Chapter 58 regarding licensing, rental vehicle medallions, or stickers. Engaging in peer-to-peer car sharing without registering with the Select Board may subject the individual to a penalty of \$__ pursuant to §1-1 of the Town Code.

Chapter 58. Car Rental Agencies, Registration of

[HISTORY: Adopted by the Annual Town Meeting of the Town of Nantucket 5-17-1988 by Art. 109, approved 9-28-1988.⁽¹⁾ Amendments noted where applicable.]

GENERAL REFERENCES

Moped rental agencies — See Ch. 57, Art. III.

[1]

Editor's Note: The home rule petition was approved by the General Legislature 7-24-1989, Ch. 266 of the Acts of 1989.

§ 58-1. Definitions.

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

BATTERY ELECTRIC VEHICLE

A motor vehicle propelled by a motor powered by electrical energy from rechargeable batteries or other source onboard the vehicle.

[Added 4-4-2011 ATM by Art. 77, approved 7-26-2011]

MOTOR VEHICLE

The same meaning as defined in the General Laws.

RENTAL AGENCY

A person, business or corporation engaged in the Town of Nantucket in the business of renting, leasing or keeping for rent any motor vehicle **from or in a fixed location operating in a commercially zoned location.**

[Amended 4-15-2003 ATM by Art. 65, approved 6-30-2003]

RENTAL or LEASE

To grant or make available the use, possession or enjoyment of a motor vehicle for an agreed period of time in exchange for an agreed payment, whether or not such transaction is a separate agreement in itself or is part of a broader agreement between the parties thereto.

[Amended 4-15-2003 ATM by Art. 65, approved 6-30-2003]

PEER-TO-PEER CAR SHARING

The authorized use of a vehicle by an individual other than the vehicle's owner through a peer-to-peer car sharing program. "Peer-to-Peer Car Sharing" does not mean rental car or rental activity as defined in General Laws Chapter 90, §32E1/2.

§ 58-2. License required to rent or lease vehicles; sticker required on rental vehicles.

[Amended 6-25-2020 ATM by Art. 70, approved 10-27-2020]

No person, business or corporation shall engage in the business of renting, leasing or keeping for rent or lease any motor vehicle without first being licensed annually by the Select Board to do so. It shall be unlawful for any motor vehicle to be rented, leased or made available for rental or lease in the Town of Nantucket without such motor vehicle displaying a rental sticker affixed to the rear bumper pursuant to this chapter. A license pursuant to this section and Chapter 58 shall not be required for peer-to-peer car sharing.

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

[Amended 4-14-1997 ATM by Art. 54^m; 4-14-1997 ATM by Art. 55, approved 8-5-1997; 4-13-1998 ATM by Art. 54, approved 7-31-1998; 4-10-2000 ATM by Art. 53, approved 8-2-2000; 4-15-2003 ATM by Art. 65, approved 6-30-2003; 4-12-2004 ATM by Art. 53, approved 9-3-2004]

A.

Each application for a rental agency license shall be accompanied by a nonrefundable application fee as established by the Select Board. The application shall include a **current registration certificate** for each motor vehicle available or to be available for lease for the year in which the license is to be valid. **Each vehicle issued a medallion must be available for inspection by the Town.** Licenses for rental agencies shall be issued on a calendar-year basis and shall be issued after payment of an annual fee of \$100 per rental motor vehicle; provided, however, that no payment of such fee shall be required for a motor vehicle upon which an excise has been assessed, levied and paid to the Town of Nantucket under the provisions of Chapter 60A of the General Laws. The Select Board shall issue a license to each approved applicant, which shall be posted in a conspicuous manner at the place of business.

B.

The total number of motor vehicles available for lease on the island of Nantucket shall not exceed 700 **for calendar year 2026. Thereafter the distribution of up to 50 additional medallions may be issued at the discretion of the Select Board.** The Select Board **may** issue each rental agency one rental vehicle medallion (RVM) for each motor vehicle listed in its ~~1996~~ **annual** application. Each RVM constitutes the ~~nonexpiring~~ right to lease one motor vehicle **for the calendar year. No rental agency shall hold RVMs that are not issued by the Select Board to specific motor vehicles.**

C.

Upon issuance of the license, the Select Board shall provide one annual rental **sticker** for each motor vehicle listed in the approved application, which shall be affixed by the licensee to the left rear bumper of each motor vehicle so listed. Each sticker shall recite the registration number of the vehicle to which it is affixed.

D.

RVM's are **non-transferable**. Should a rental agency surrender its RVM rights to the Select Board, or should the Select Board possess surplus RVM's from any other cause, these RVM's may be retained by the Town and/or may be re-issued at a fee to be established from time to time by the Select Board. Any RVM's not obtained by any rental agency by the end of any calendar year shall be considered surplus as of January first and may be retired by the Town at that time.

[1]

Editor's Note: In accordance with MGL c. 40, § 32, these changes became effective by reason of failure of the Attorney General to act.

§ 58-3.1. Licensee to pay fees.

[Added 4-10-1995 ATM by Art. 60, approved 5-22-1995]

No license pursuant to this chapter shall be issued unless or until the applicant shall have paid to the Town all lease or rental transaction surcharges established by MGL c. 90, § 20E(i).

§ 58-4. Nontransferability.

Commented [LG1]: Is the sticker the same thing as the RVM?

The motor vehicle rental license shall not be transferable between locations of business premises. Individual motor vehicle stickers shall not be transferable between different motor vehicles or agencies, unless approved by the Select Board

§ 58-5. Violations and penalties.

[Amended 4-14-2005 ATM by Art. 56, approved 8-5-2005]

Violations of this chapter shall be punishable by a fine of \$300, each day being considered a separate offense.

§ 58-6. Vehicles with controls for disabled.

[Added 4-10-2000 ATM by Art. 52, approved 8-2-2000; amended 4-15-2003 ATM by Art. 65, approved 6-30-2003]

Any rental motor vehicle equipped with controls for the disabled and used by a disabled person shall not be required to have a rental vehicle sticker, without regard to the requirements and limitations of § 58-3B, C and D of this Code.

§ 58-7. Electric vehicles.

[Added 4-4-2011 ATM by Art. 77, approved 7-26-2011; 6-25-2020 ATM by Art. 70, approved 10-27-2020]

The Select Board may develop an exemption for up to 10 battery electric vehicles from the rental vehicle sticker, without regard to the requirements and limitations of § 58-3B, C and D of this Code.