

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

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www.nantucket-ma.gov

C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE SELECT BOARD JANUARY 15, 2025 - 5:30 PM PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD AND REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

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

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_NzfVtFCtTdmCpZ8RcmjJ6w

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. UPDATE 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 January 8, 2025 at 5:30 PM; January 9, 2025 at 9:00 AM.
2. Approval of Treasury Warrants for January 15, 2025.

VIII. CONSENT ITEMS

1. Gift Acceptances: Human Services (Revised Acceptance from November 6, 2024); Fire Department.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Coastal Resilience Advisory Committee: 3rd and 4th Quarter Reports.

X. TOWN MANAGER'S REPORT

1. Update on Baxter Road Alternative Access Project.
2. Review of Draft Town Meeting and Election Warrant for 2025 Annual Town Meeting, Including Specific Discussion on:
 - Potential Amendments to Chapter 58 of the Town Code (Car Rental Agencies, Registration of)
 - Draft Zoning Bylaw Amendments, Including "Cottage Communities"

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

CONSENT AGENDA ITEMS FOR 1/15/2024 SELECT BOARD MEETING

1. Gift Acceptances

Recommend the acceptance of the following gifts to Town agencies:

- Human Services:
 - o Correction of gift from Hal Miller for the Saltmarsh Senior Center from 11/6/2024 - gift was \$500 not \$200
- Fire Department:
 - o Gift of \$1,000 from The Sternlicht Foundation for training initiatives led by the Fire Department

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

Town Administration will ensure that letters of thanks are sent.

From: [Laura Stewart](#)
To: [Erika Mooney](#)
Subject: Gift Acceptance
Date: Thursday, January 2, 2025 12:46:00 PM
Attachments: [February 21, 2024.docx](#)

I was informed I had the wrong amount on this memo. It should be \$500.00 not \$200.00.

Sorry,

What do I need to do to remedy this?

Laura

MEMO



Date: February 21, 2024

TO: Brooke Mohr, Select Board Chair

CC: Jerico Mele, Director of Human Services

FROM: Laura Stewart, Saltmarsh Senior Center, Program Coordinator

RE: Request for acceptance of gift

I am writing to request acceptance of the following gift donation:

From Hal Miller: \$500.00 gift to the Saltmarsh Senior Center

Thank you,

Laura Stewart

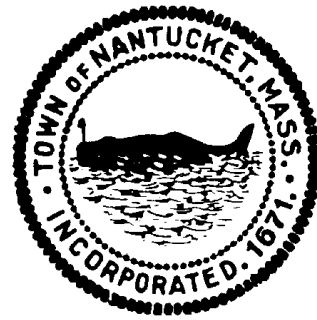
from the desk of.....

Laura Stewart
Program Coordinator,
Senior Services
81 Washington Street
Nantucket, MA 02554
508-228-4490

phone: 508-228-4490
fax: 508-325-5366
e-mail: lstewart@nantucket-ma.gov

TOWN/COUNTY OF NANTUCKET

TOWN ADMINISTRATION OFFICE



MEMO

TO: Laura Stewart, Senior Services Program Coordinator

FROM: Erika Mooney, Operations Administrator *Erika Mooney*

CC: Ive Nakova, Assistant Treasurer
Moneak Phillip, Treasury
Jerico Mele, Human Services Director

DATE: December 31, 2024

RE: Gift acceptance

At its November 6, 2024 meeting, the Select Board voted to accept the following gifts for the Saltmarsh Senior Center:

- o Gift of \$200 from Mac Davis Flooring
- o Gift of \$200 from Hal Miller
- o Gift of \$5,000 from Nantucket Energy

Laura: please be sure thank you letters are sent to the donors for their generous gifts.
Thank you.



MEMO

Date: October 18, 2024

TO: Brooke Mohr, Select Board Chair

CC: Jerico Mele, Director of Human Services

FROM: Laura Stewart, Saltmarsh Senior Center, Program Coordinator

RE: Request for acceptance of gift

I am writing to request acceptance of the following gift donations:

From Mac Davis Flooring: \$200.00 gift to the Saltmarsh Senior Center

From Hal Miller: \$200.00 gift to the Saltmarsh Senior Center

From Nantucket Energy: \$5000.00 gift to the Saltmarsh Senior Center

Thank you,

Laura Stewart

from the desk of.....

Laura Stewart
Program Coordinator,
Senior Services
81 Washington Street
Nantucket, MA 02554
508-228-4490

phone: 508-228-4490
fax: 508-325-5366
e-mail: lstewart@nantucket-ma.gov



NANTUCKET FIRE DEPARTMENT

4 Fairgrounds Road
Nantucket, MA 02554
508-228-2323 or 508-228-2324
Michael Cranson, Chief
Tim Vamosi, Deputy Chief
Nicholas Esposito, Deputy Chief



January 8, 2025

Select Board
16 Broad Street
Nantucket, MA 02554

Re: Sternlicht Foundation
Fire Department Training and Equipment

Dear Chair of the Select Board:

The Sternlicht Foundation has made a generous donation of \$1,000.00 to fund the training initiatives lead by the fire department. We are requesting that the Select Board authorize the transfer of this donation to the training account.

Please let us know if you have any questions or need anything further.

Thank you,
Michael Cranson
Fire Chief



Agenda Item Summary

Agenda Item #	IX. 1.
Date	1/15/2025

Staff

Leah Hill, Coastal Resilience Coordinator

Subject

Coastal Resilience Advisory Committee

Executive Summary

This quarterly report covers the third and fourth quarters of 2024 from July to December. The purpose of the quarterly report is to provide a brief summary to the Select Board on quarterly activities of the Coastal Resilience Advisory Committee and on activities on Coastal Resilience Plan implementation efforts. It also provides a regular platform for SB & CRAC to communicate and assist each other with coastal resilience direction.

Staff Recommendation

Background/Discussion

Impact: Environmental ☒ Fiscal ☐ Community ☒ Other ☐

Board/Commission Recommendation

Public Outreach

Discussed in Coastal Resilience Advisory Committee meetings and in various public presentations.

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

Implementation of the Coastal Resilience Plan.

Attachments

Click or tap here to enter textUpdate attached.



Coastal
Resilience
Advisory
Committee
(CRAC)

3rd & 4th QUARTER
REPORT TO
SELECT BOARD
FOR JULY-
DECEMBER 2024

**COASTAL
RESILIENCE
ADVISORY
COMMITTEE**

Francis St. Beach Improvement Project

FRANCIS STREET BEACH
IMPROVEMENT PROJECT AREA

TOWN OR LAND BANK
OWNED PROPERTY

ABUTTER
PROPERTY

- Finishing the pre-design phase
 - Soil borings
 - Percolation tests
 - Stormwater investigation
- Starting schematic design phase (November – March)
- Over the summer held abutter and community engagement events
- Virtual community open house Jan. 13th and Jan. 15th to refine design alternatives
- Washington St. Collaborative Workgroup meets 2nd & 4th Fridays at 11am

SALT MARSH
CENTER TO REMAIN

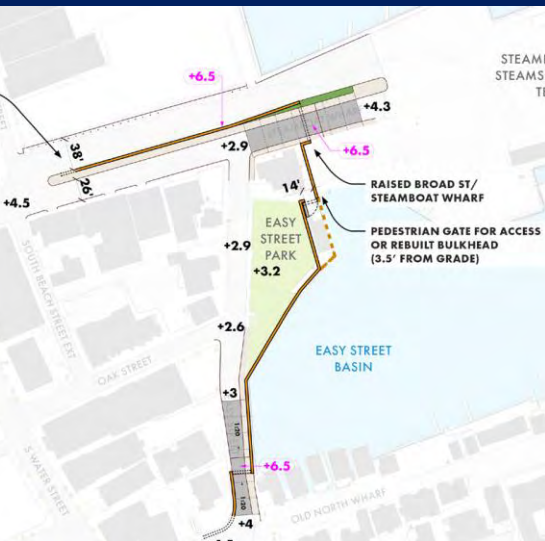


Presentation on Easy St. Flood Mitigation Project by Arcadis staff



- Reviewed risk assessment findings
- Arcadis developed 5 concept design alternatives to reduce flooding on Easy St. that consider design flood elevation (level of protection), access, feasibility, permitting requirements, cost, adaptability, integration, fit for funding, and co-benefits
- Through Town departments, community and stakeholder engagement these are being refined
- Second open house this winter- virtual

Alternative 1



Alternative 2



Alternative 3



Alternative 4



Alternative 5



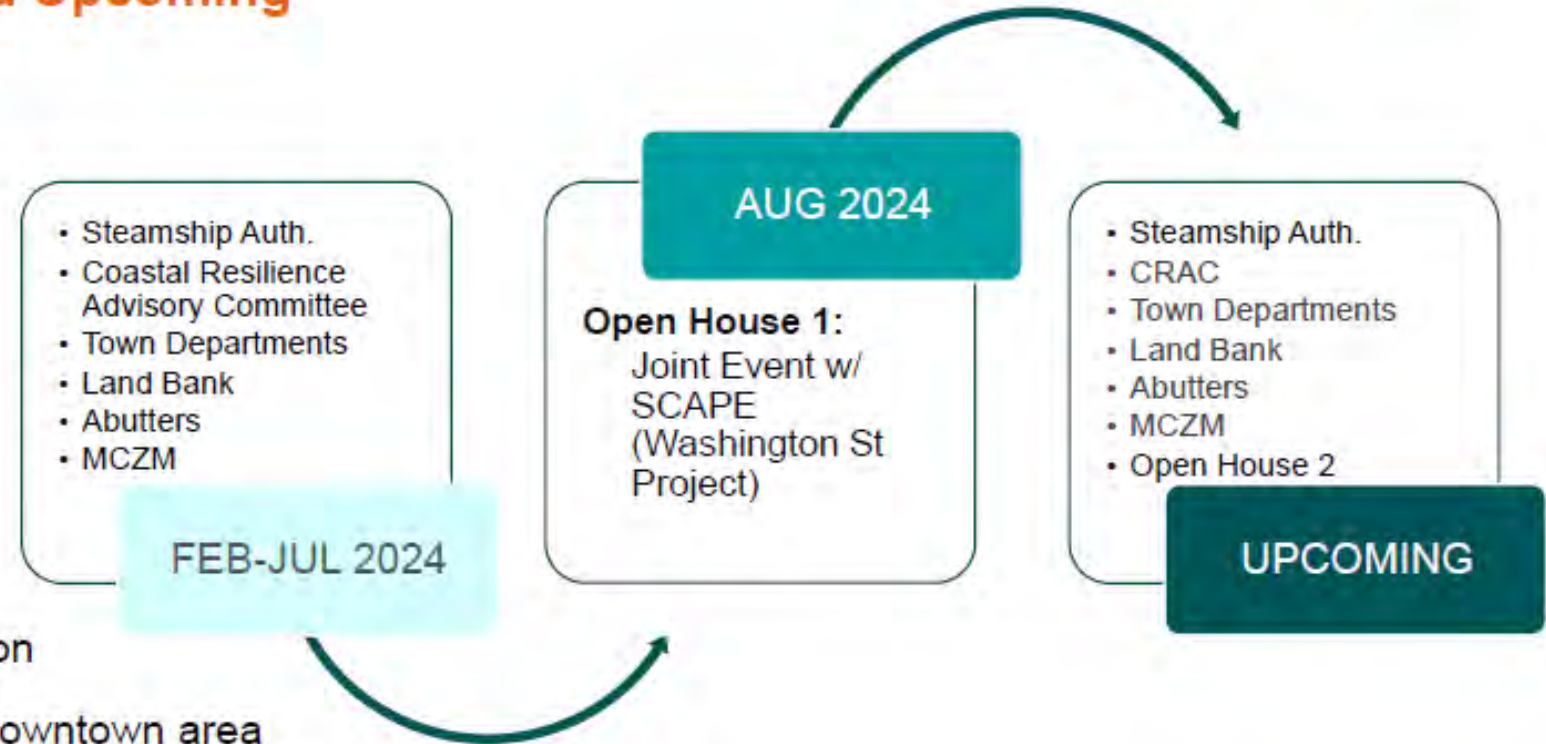


Engagement Previous and Upcoming



What we heard...

- Water quality and ecological restoration
- Historical aspects and aesthetics in Downtown area
- Role of the “working waterfront”
- Co-benefits beyond flood mitigation
- Seek win-wins that align with Land Bank, Steamship Authority, and Town objectives



Downtown Resilience Planning Community Open House

Open House 1

AUG 7, 2024

- Whaling Museum- thank you NHA!!
- 2 Drop in sessions
- Spanish interpreters
- Free food and drinks
- Approx 115 attendees



Source: (all 3 photos) Town of Nantucket

HIGHLIGHTS FROM THE QUARTER

- Chair: Peter Brace, Vice-Chair: Dr. Sarah Bois, Co-Secretaries: Tim Braine & Rachael Freeman (now Doug Rose)
- Approved September as Climate Change Awareness Month
- Article in Yesterday's Island
- Multiple presentations
- Discussions revolving around updating the Town's zoning bylaw on how to incorporate coastal resiliency



Presentation on “New Tools for Visualizing, Communicating, and Assessing Sea Level Rise and Coastal Flooding” by Climate Central

- Climate central is policy neutral nonprofit made up of scientists and communicators who research and report facts about the changing climate and how it affects people’s lives.
- Edge of America Tour: Maine to Texas
- Flood Vision vehicle came to the island this summer to collect video, laser and elevation data
Photorealistic flood and sea level rise photos are generated to
 - enhance risk communication,
 - identify threats to evacuation routes and critical facilities,
 - integrate science-based data into municipal plans
 - help the media show compelling visuals to communicate risk during an approaching storm among other examples





Modeled Visualization

MC-FRM 2050 Flood Depths for 1% chance storm (i.e. 100 yr storm)

Water height 5ft above high tide line=
1ft 4 inches above road



NANTUCKET COASTAL RESILIENCE PLAN

FINAL REPORT

NOVEMBER 2021

Status Update on
CRP
Recommendations

In development = 6

Underway = 7

Complete/ongoing =
7

**Since 2022
half of the
recommendat
ions are in
development,
underway or
complete/ong
oing**



COASTAL
RESILIENCE
ADVISORY
COMMITTEE



● one architecture



 In development

 Underway

 Complete/
Ongoing

ISLAND-WIDE (section 06)

Project Priority

01

02

03

Strategy ID	Strategy or Project Title	Near-Term Strategy Project Description	Type	Estimated Cost	Estimated Benefits	Target Implementation Date
 1-1	Community Outreach on Property Owner Resilience Best Practices	Comprehensive outreach program to at risk home and business owners to raise risk awareness and provide guidance on best practices for reducing coastal risks for private properties.	Non-structural	Staff and Volunteer Time	N/A	2023, Ongoing
 1-2	Updates to Zoning By-Law	Updates to the zoning by-law to encourage resilient design and limit investment in areas of high coastal risk.	Non-structural	Staff and Volunteer Time	N/A	2025
 1-3	Updates to Wetland Ordinance and Regulations	Updates to the Nantucket wetlands by-law and regulations to encourage resilient and low impact design in resource adjacent areas while limiting impacts on resource areas.	Non-structural	Staff and Volunteer Time	N/A	2025
 1-4	Strategic Retreat and Relocation Program	Develop and administer island-wide approach for pursuing strategic retreat and relocation in areas of priority coastal risks with an ongoing focus on risk communication and property owner outreach and education.	Non-structural	Staff and Volunteer Time	N/A	2024, Ongoing
 1-5	Coastal Resilience & Sustainability Interdepartmental Working Group	Governance approach to encourage inter-departmental collaboration and coordination on issues related to coastal resilience and sustainability.	Non-structural	Staff and Volunteer Time	N/A	2022, Ongoing
 1-6	Joint Staff Review of Development Proposals	Governance approach to maximize opportunities for coordinated decision-making and consistent customer communication by Town staff, particularly for projects located in or impacting coastal areas.	Non-structural	Staff and Volunteer Time	N/A	2022, Ongoing
 1-7	Coastal Resilience and Sustainability Program	Governance approach to establish a formal program with necessary resources for managing coastal resilience and sustainability projects and programs across the island.	Non-structural	Staff and Volunteer Time	N/A	2023, Ongoing
 1-8	Shoreline Change Monitoring Program	Employ mobile technology and other tools to engage community members in the process of monitoring shoreline change at pilot projects and across the island.	Non-structural	Staff and Volunteer Time	N/A	2024, Ongoing
 1-9	Sediment Sourcing and Transport Study	Island-wide data collection and planning approach to identify sediment sources and define sediment movement across the island at various spatial and temporal scales in order to inform the design and planning of future sediment management projects.	Non-structural	High: \$1M Low: \$800K O&M: NA	N/A	2024
 1-10	Stormwater Management Plan	Planning step to evaluate stormwater management issues across the island and identify recommendations for reducing stormwater flooding and improving water quality.	Non-structural	High: \$650K Low: \$400K O&M: NA	N/A	2025
 1-11	Sediment Budget	Planning step to develop an operational sand budget for recommended shoreline projects.	Non-structural	High: \$250K Low: \$100K O&M: NA	N/A	2024
 1-12	Stormwater By-Laws Assessment	Planning step to conduct an assessment of existing by-laws for opportunities to encourage stormwater management best management practices (BMPs).	Non-structural	High: \$50K Low: \$20K O&M: NA	N/A	2025
 1-13	Stormwater By-Law and Regulations Update	Updates to stormwater management by-law and regulations to encourage best management practices (BMPs) that address water quality and quantity issues.	Non-structural	Staff and Volunteer Time	N/A	2025
 1-14	Update locally-adopted sea level rise scenarios and Best Available Flood Hazard Data	Adopt sea level rise scenarios provide by the Commonwealth of Massachusetts and Massachusetts Coastal Flood Risk Model as the best available local flood hazard data.	Non-structural	Staff and Volunteer Time	N/A	2022



In development



Underway



Complete

DOWNTOWN
(section 07)

Project Priority

Strategy ID	Strategy or Project Title	Near-Term Strategy Project Description	Type	Estimated Cost	Estimated Benefits	Target Implementation Date
 2-1	Steamboat Wharf Resilience	Work with the Steamship Authority to develop adaptation plan for Steamboat Wharf with the preferred option of elevating the pier above future mean monthly high water. Building scale measures can be implemented on the wharf over time to reduce risk from coastal storms. The strategy should be integrated with the design of the Downtown Coastal Flood Barrier System (Strategy 2-2) to maintain access from Broad Street onto the Wharf. Final approach will need to be planned and design by the Steamship Authority but close coordination with Town resilience planning will be critical to a successful resilience strategy.	Structural	High: \$120M Low: \$110M O&M: \$1.3M	\$19,000,000	2030
2-2	Downtown Neighborhood Flood Barrier - Later Project Phases	The barrier system, which includes the first phase project described as Strategy 2-6, includes a number of elements to be implemented over time to provide comprehensive effective flood risk reduction against future mean monthly high water. The elements include raised roadways, raised bulkheads, reinforced dunes, and flood walls. The overall approach recommends passive measures that are integrated with the existing built environment, while maintaining access to key waterside facilities such as the Children's Beach Boat Ramp, Steamboat Wharf, Straight Wharf, and the Town Pier. Implementation of the approach can be phased over a period of 10 to 15 years, focusing on the lowest lying areas first, such as Easy Street (Strategy 2-6). As the project is implemented, stormwater management needs will need to be studied and addressed via new drainage infrastructure.	Structural	High: \$170M Low: \$150M O&M: \$1.9M Note that these cost estimates include costs for the Phase 1 project (Project 2-6)	\$320,000,000	2050
2-3	Easton Street and Hulbert Avenue Road Raising	Road raising project to prolong service life of Easton Street and Hulbert Avenue for emergency and everyday access in Brant Point	Structural	High: \$140M Low: \$130M O&M: \$1.6M	Not quantified; qualitative benefits include prolonging emergency and everyday access for Brant Point	2050
2-4	Washington Street Extension and Consue Springs Walkway Raising	Road raising to prolong service life of Washington Street Extension and public access in Consue Springs	Structural	High: \$65M Low: \$58M O&M: \$720K	Not quantified; qualitative benefits include prolonging public access to Consue Springs natural area	2050
2-5	Building Scale Resilience at 37 Washington Street	Pilot project to showcase building-scale resilience best practices on a Town-owned facility, including potentially elevation of critical systems, protection of sensitive equipment and documents, and deployable flood risk reduction measures. The first step in this recommendation is a site-specific study to determine the appropriate risk mitigation approaches for this structure.	Structural	High: \$150K Low: \$50K O&M: NA	Not quantified; benefits are dependent on risk mitigation strategy developed through recommended site-specific study.	2024
 2-6	Downtown Neighborhood Flood Barrier - Phase 1 Project	Phase 1 project to advance through feasibility and design a near-term project focused on the most vulnerable location along the planned extent of the Downtown Neighborhood Flood Barrier. The Phase 1 project should focus on the coastal segment located along Easy Street from Straight Wharf to Steamboat Wharf and may include raised bulkheads, sidewalks,	Structural	High: \$13M Low: \$12M O&M: \$150K Note that these cost estimates	\$120,000,000	2025

Up to date as of 9-10-24

 In development

→ Underway

✓ Complete

MADAKET

(section 07)

Project Priority

01

02

03

Appendix 3: Resilience Strategies for the City of Long Beach						
Strategy ID	Strategy or Project Title	Near-Term Strategy Project Description	Type	Estimated Cost	Estimated Benefits	Target Implementation Date
3-1	Madaket Road Raising and Bridge Conversion	Road raising project with conversion of existing culverts with bridges, with goal of prolonging service life of Madaket Road to provide access to and from Madaket, while advancing ecological restoration objectives for Long Pond.	Structural	High: \$40M Low: \$36M O&M: \$440K	\$6,200,000 – \$17,600,000	2030
3-2	Ames Avenue Bridge Resilience	Maintain bridge for access to Smith's Point while protecting it from coastal erosion and flooding through dune restoration (see project 3-4). Continue maintenance and monitoring of existing Ames Avenue Bridge, with future elevation or relocation if necessary based on service population.	Nature-Based	See strategy 3-4	See strategy 3-4	2025
3-3	F Street Boat Ramp	Prolong service life of public boat ramp by elevating the top of the boat ramp, surrounding infrastructure, and access from F Street. Consolidate Madaket boat ramps in this location once loss of service is experienced at Jackson Point boat ramp.	Structural	High: \$5.1M Low: \$4.5M O&M: \$57K	Not quantified; qualitative benefits include prolonging public boating access to Hither Creek and Madaket Harbor	2050
3-4	Madaket Erosion Management Pilot and Ames Avenue Bridge Protection	Dune restoration along shoreline from Madaket Road / Ames Avenue intersection to Esther's Island. Project involves natural dune construction techniques of sand and vegetation with fencing as needed. Project includes need for ongoing nourishment and maintenance of the dune at an interval determined through the design process.	Nature-Based	High: \$96M Low: \$86M O&M: \$1.1M	\$51,000,000	2025
3-5	Department of Public Works Facility and Landfill Resilience	Building scale resilience and operational resilience planning to reduce risk of damage and limit disruption to core operations at the facilities. The first step in this recommendation is a site-specific study to determine the appropriate risk mitigation approaches for the facility.	Structural	High: \$300K Low: \$150K O&M: NA	Not quantified; benefits are dependent on risk mitigation strategy developed through recommended site-specific study.	2024

-  In development
-  Underway
-  Complete

NANTUCKET

HARBOR & COATUE

(section 07)

Project Priority

01

02

03

Strategy ID	Strategy or Project Title	Near-Term Strategy Project Description	Type	Estimated Cost	Estimated Benefits	Target Implementation Date
A-1	Polpis Road Raising and Bridge Conversion at Folger's Marsh	Road raising project with conversion of existing culverts with bridges, with goal of prolonging service life of Polpis Road, while advancing ecological restoration objectives for Folger's Marsh.	Structural	High: \$21M Low: \$18M O&M: \$230K	\$5,800,000 – \$14,250,000	2035
 4-2	Polpis Road Raising, Culvert Expansion, and Wave Attenuation at Sesachacha Pond	Road raising, expansion of culverts or replacement with bridge, and installation of living breakwaters to reduce wave exposure, with goal of prolonging service life and maintaining emergency roadway access along Polpis Road, while advancing ecological restoration objectives for Sesachacha Pond.	Structural, Nature-Based	High: \$45M Low: \$40M O&M: \$500K	\$3,000,000 – \$11,000,000	2035
 4-3	Coatue Erosion Management and Dune Resilience	Dune restoration and wetland creation/enhancement to reinforce narrow low-lying sections of barrier island, between Five Fingered Point and Bass Point and between First Point and Second Point, to prevent washover and/or breaching into the harbor. Monitor performance of approach to assess need for ongoing nourishment and/or adaptation to higher design elevations.	Nature-Based	High: \$41M Low: \$36M O&M: \$450K	Not quantified; qualitative benefits include ecological restoration and potential for reduced long-term flooding impacts in the Harbor as well as reduced impacts to fisheries, habitat, and navigation.	2025
 4-4	Numerical Modeling Study of Coatue Breaching	Numerical modeling study to evaluate the likelihood and consequences of Coatue breaching for the Harbor and surrounding communities, including impacts to habitat and navigation, in order to inform decisions about future adaption measures on Coatue.	Non-structural	High: \$250K Low: \$100K O&M: NA	NA	2026

-  In development
-  Underway
-  Complete

SCONSET
(section 07)

Project Priority

01

02

03

Strategy ID	Strategy or Project Title	Near-Term Strategy Project Description	Type	Estimated Cost	Estimated Benefits	Target Implementation Date
5-1	Sconset Bluff Dune Restoration	Dune restoration and construction to mitigate bluff erosion and increase resiliency. Natural dunes with vegetation are appropriate. Project includes need for ongoing nourishment and maintenance of the dune at an interval determined through the design process.	Nature-Based	High: \$16M Low: \$14M O&M: \$180K	Not quantified; qualitative benefits include reduced long-term risk of erosion impacts to private residences and public infrastructure in Sconset.	2030
5-2	Codfish Park Dune Restoration	Dune restoration and construction to manage and slow bluff erosion. Natural dunes with vegetation are appropriate. Project includes need for ongoing nourishment and maintenance of the dune at an interval determined through the design process.	Nature-Based	High: \$21M Low: \$19M O&M: \$240K	\$7,000,000	2030
 5-3	Baxter Road Relocation Planning	Planning for and implementation of road relocation, including acquisition of easements, access and maintenance agreements, finalization of road alignment, and development of final designs for construction.	Structural	High: \$30M Low: \$25M O&M: \$600K	N/A	2030
5-4	Sconset Bluff Nearshore Breakwaters Feasibility Study	Conduct detailed feasibility study to assess technical constraints, potential impacts, and benefits and costs of nearshore breakwaters along the Sconset Bluff. [No Title]	Non-Structural	High: \$800K Low: \$600K O&M: NA	N/A	2025



In development



Underway



Complete

NORTH SHORE
(section 07)

Project Priority

01

02

03

Strategy ID	Strategy or Project Title	Near-Term Strategy Project Description	Type	Estimated Cost	Estimated Benefits	Target Implementation Date
7-1	North Shore Dune Restoration and Nourishment	Targeted dune restoration and construction to reduce risk of erosion along the North Shore, building on dune restoration strategies adopted by existing private property owners in area. Project includes need for ongoing nourishment or installation of near-shore underwater sand berm at key locations.	Nature-Based	High: \$38M Low: \$34M O&M: \$420K	\$16,000,000	2035
7-2	Sand Pumping Feasibility Study	Study the feasibility and impacts of a sand pumping and by-pass systems to connect sand sources from inlet to the North Shore.	Non-structural	High: \$250K Low: \$100K O&M: NA	N/A	2027

[No Title]

Presentation on Building Codes, Zoning and Floodplain By-laws and maps by Shannon Hulst

- Cape Cod Cooperative Extension and Woods Hole Sea Grant's Deputy Director and Floodplain Specialist
- Gave great background and helped CRAC all be on same playing field on building codes, zoning and floodplain by-laws and maps
- Introduced the now mandatory 2020 Model Bylaw
 - Shannon went through our zoning bylaw and indicated what needs to be updated to be in compliance
- Helped CRAC develop suggestions to incorporate coastal resilience into Zoning by-laws





Discussion on Planning Board and Town Regulations with Coastal Resilience in Mind

- High priority CRP recommendation is to update the zoning-bylaw to encourage resilient design and limit investment in areas of high coastal risk
- Leslie Snell and Paul Murphy explained the zoning by-law and MA building code
- CRAC has spent many meetings discussing suggestions on how and what to include
- Next steps: refine list of suggestions
- Coastal resiliency will be added to the updated Town's master plan and discussions with CRAC will be included in the plan development

Hold Harmless Discussion with Rick Atherton



This idea was discussed at several meetings and CRAC is generally in favor of the concept



Rick explained the failed proposals in 2015 and 2019 to:

Property owners would have to sign Hold Harmless agreement to get building permits

Shift responsibility to property owners who choose to build in at-risk areas

Town wouldn't be responsible to provide sewer/water/etc.



A way to protect the Town against Tort law claims arising from climate change developments affecting landowners and residents in risk areas

Input to the Nantucket Harbors Action Plan Update

- CRAC helped develop the coastal resilience section which includes background info, objectives, and recommendations
- Reviewed the draft and offered suggestions based on these questions
 - What issues, goals, objectives or recommendations would CRAC want to enhance, add or edit?
 - What climate impacts or resilience strategies (existing or future) does CRAC want to highlight?
 - Are there any data or information that would strengthen the coastal resilience section?
- Next step incorporate CRAC edits to draft and put out for comment to public

An aerial photograph of Nantucket, Massachusetts, showing the town's layout, harbor, and surrounding waters. The town is built on a narrow strip of land, with numerous houses and buildings. The harbor is filled with boats, and the surrounding waters are a deep blue. The sky is overcast with light clouds.

- Town of Nantucket
- Nantucket Harbors Sediment Transport and Dredge Plan

- September 2024

Committee Briefing

Discussion on Funding Mechanisms for CRP projects

- Select Board Strategic Plan objective “Incorporate the recommendations of the CRP in conjunction with other capital planning”
- Ideas generated by CRAC:
 - Needs to be a constant sustainable fee like the Land Bank fee
 - Component of a stabilization fund
 - Increase beach sticker price and a % goes into a coastal resilience fund
 - Need to put numbers to the list to see what is worth pursuing
 - Grants
 - Betterments
 - Create a resilience fund with the Community Foundation
 - Leverage private-public partnerships and make it easier/streamlined
 - Work with consultants/professionals to develop funding recommendations
- **John Giorgio went through the list and recommended setting up a special purpose stabilization fund supported by an override and potentially a revolver account but these need to be vetted by Finance Director**



Public Outreach

- Coastal resiliency posts every Thursday on NRD's social media
- Yesterday's Island article about CRAC and coastal resiliency
- Multiple discussions with ACKclimate regarding helping with CRAC's social media campaign
 - They received funding to create short videos about CRAC members and coastal resiliency
 - Shared on NRD (@NRDACK), ACKclimate (@ackclimatenantucket) , and occasionally Town Instagram



REQUESTS AND RECOMMENDATIONS

- View Shannon Hulst's presentation minute 8
https://www.youtube.com/watch?v=xjg6P6j8wLY&list=PL49sKqpy7VAiUk-g5h2jluAn_2jqocl2L&index=3
- Hire professionals to explore funding mechanisms for CRP
- Request \$50,000 to hire grant consultant to be added to the Natural Resources budget for FY26 for the purpose of submitting state and federal grants for coastal resiliency

Are there current or upcoming issues for which the Select Board would like the CRAC's advice?

The Coastal Resilience Advisory Committee generally meets on the **second** and **fourth Tuesday** of each month at 10 am via Zoom. Meeting notices and agendas are posted on the Town's website at:
<https://nantucket-ma.gov/1391/Coastal-Resiliency-Advisory-Committee>

Contact Leah Hill, Coastal Resilience Coordinator,
lhill@nantucket-ma.gov



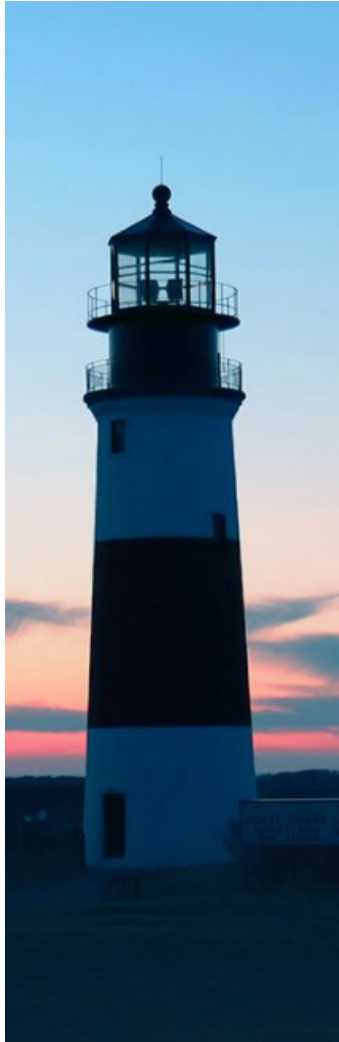
Alternative Access and Utility Relocation for Continuity of Services for Baxter Road Residents

Select Board Meeting – Project Updates

January 15, 2025

Photo courtesy of Florencia Rullo 12/10/21

Agenda



- 1 **Introductions**
- 2 **Goals for Tonight**
- 3 **100% Design Submittal Progress Update**
- 4 **Upcoming Work Items**
- 5 **Questions & Discussions**

Introductions – Project Team



C. Elizabeth Gibson
Town Manager



Vincent Murphy
Sustainability Programs
Manager



William D. Casey, Jr., PE
Project Manager



**Jennifer Kelly Lachmayr, PE,
BCEE**
Project Director



Kathryn Edwards, PE
Public Outreach Lead



Andy Elderbrock, PE
Project Engineer



Kelly Ernst, EIT
Project Engineer

Goals for Tonight

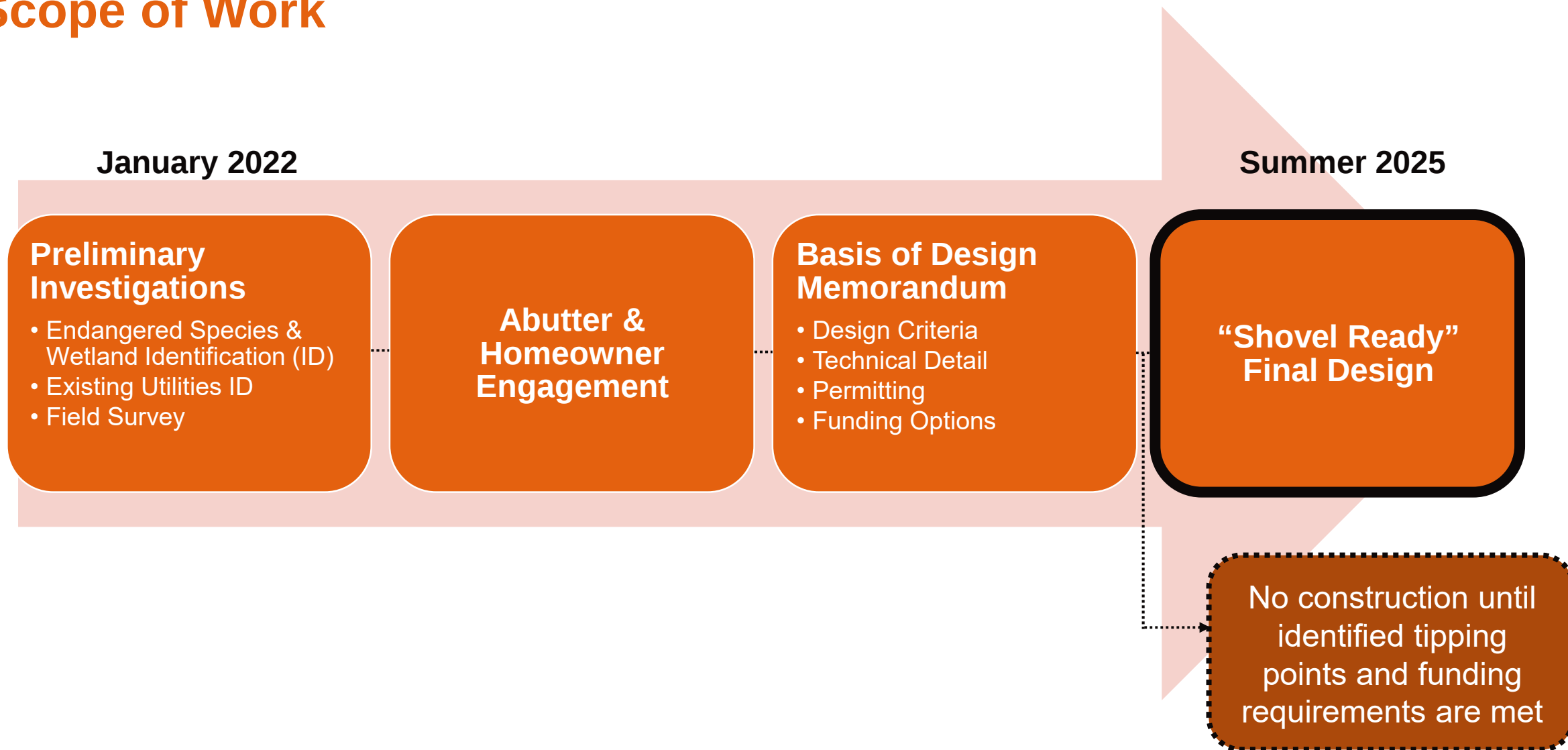
1. Update Select Board on 100% Design Submittal
2. Update Select Board on next steps & permitting



Baxter Road – Alternative Access

Progress Update – 100% Design

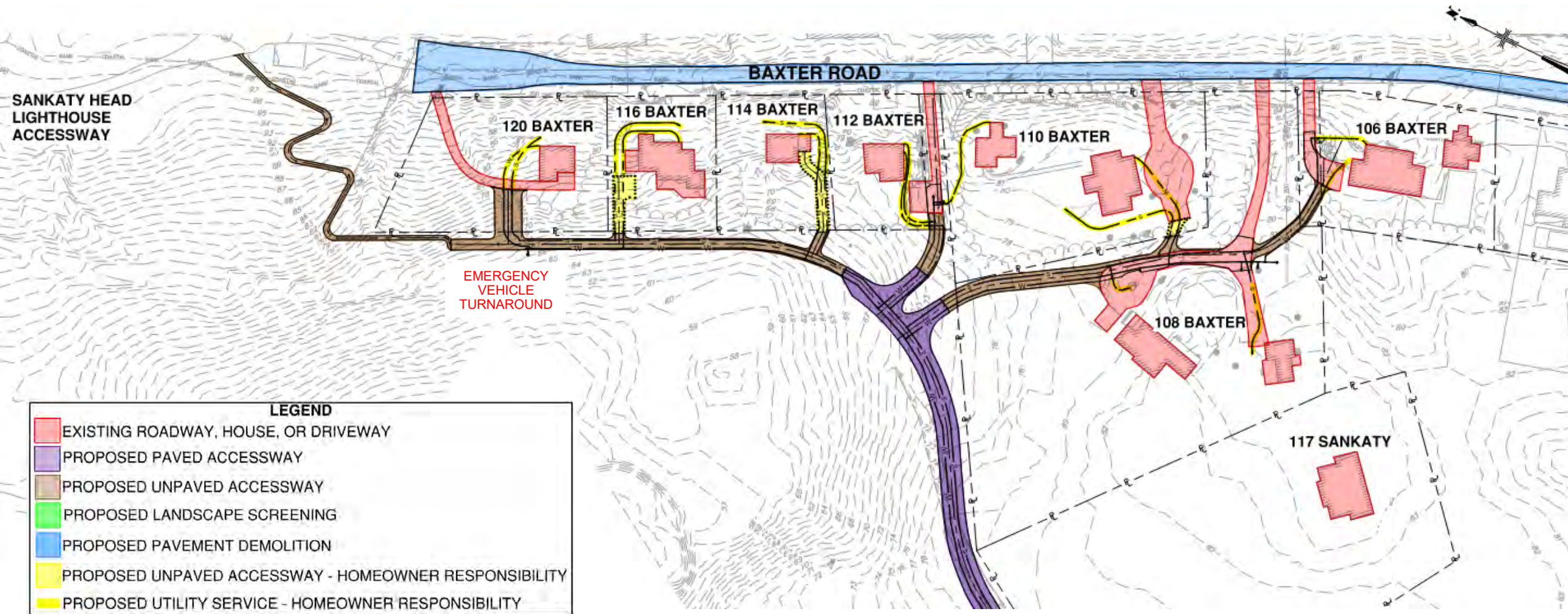
Scope of Work



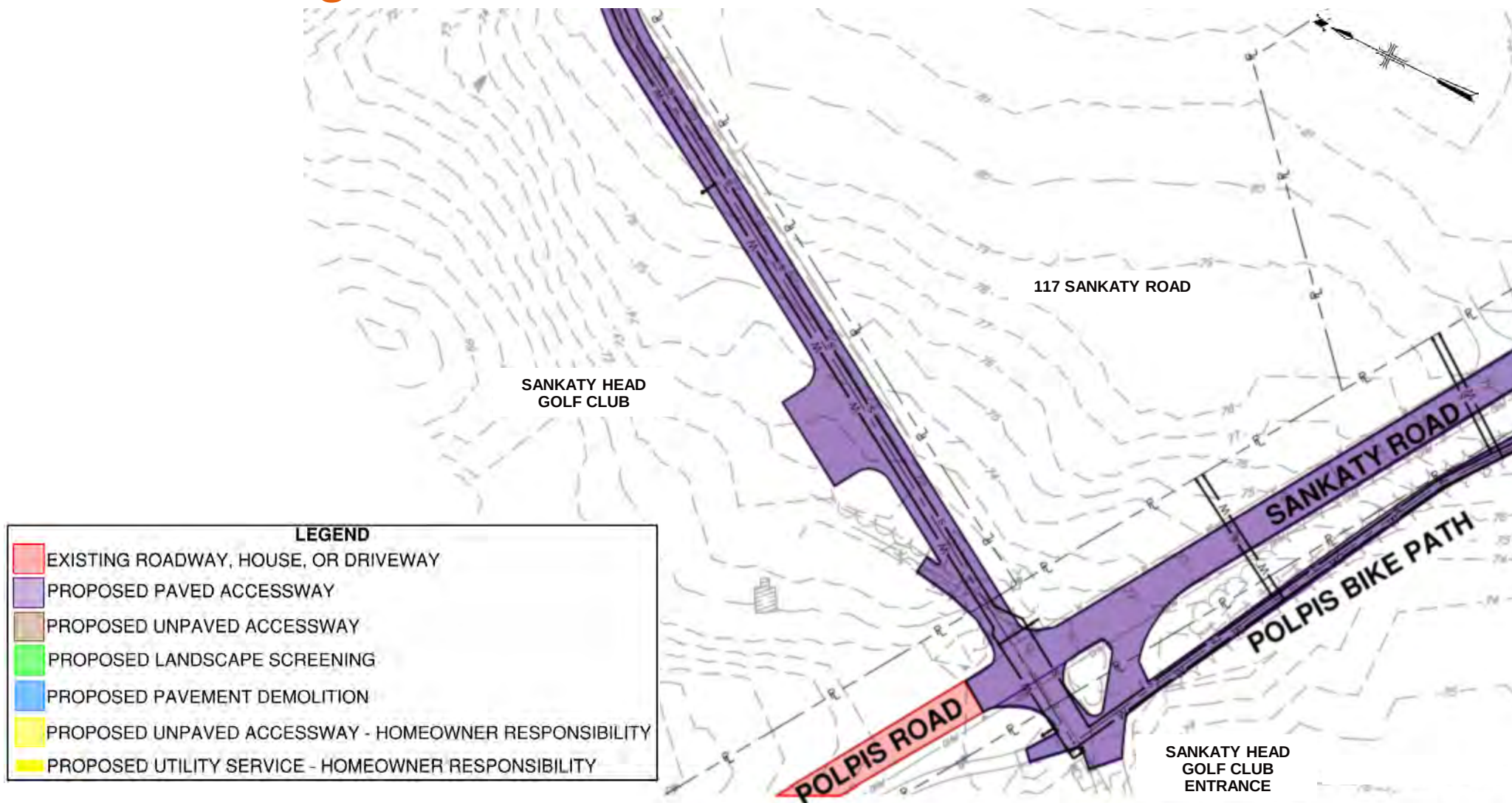
Project Update

- Progress since Select Board update on August 21, 2024
 - o 100% Design Package – Submitted to Town on 11/25/2024. Posted on the Town website on 12/06/2024 after internal review.
 - Includes Alignment Adjustment Requests from Abutters (Post 90% Design Submittal)
 - o Permitting revisions/resubmittals – Ongoing
 - Massachusetts Historical Commission (Archeological Survey Report), Natural Heritage and Endangered Species (NHESP), Conservation Commission

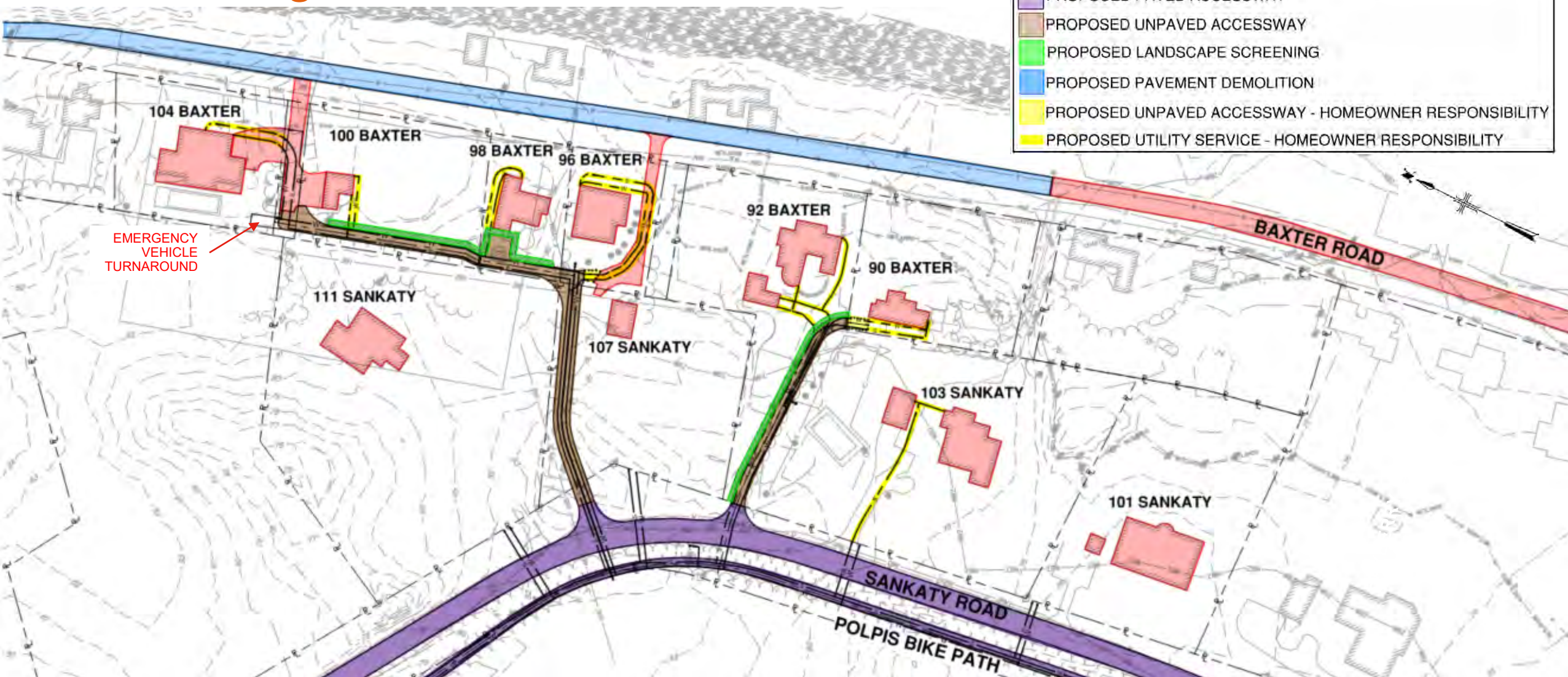
100% Design Overview



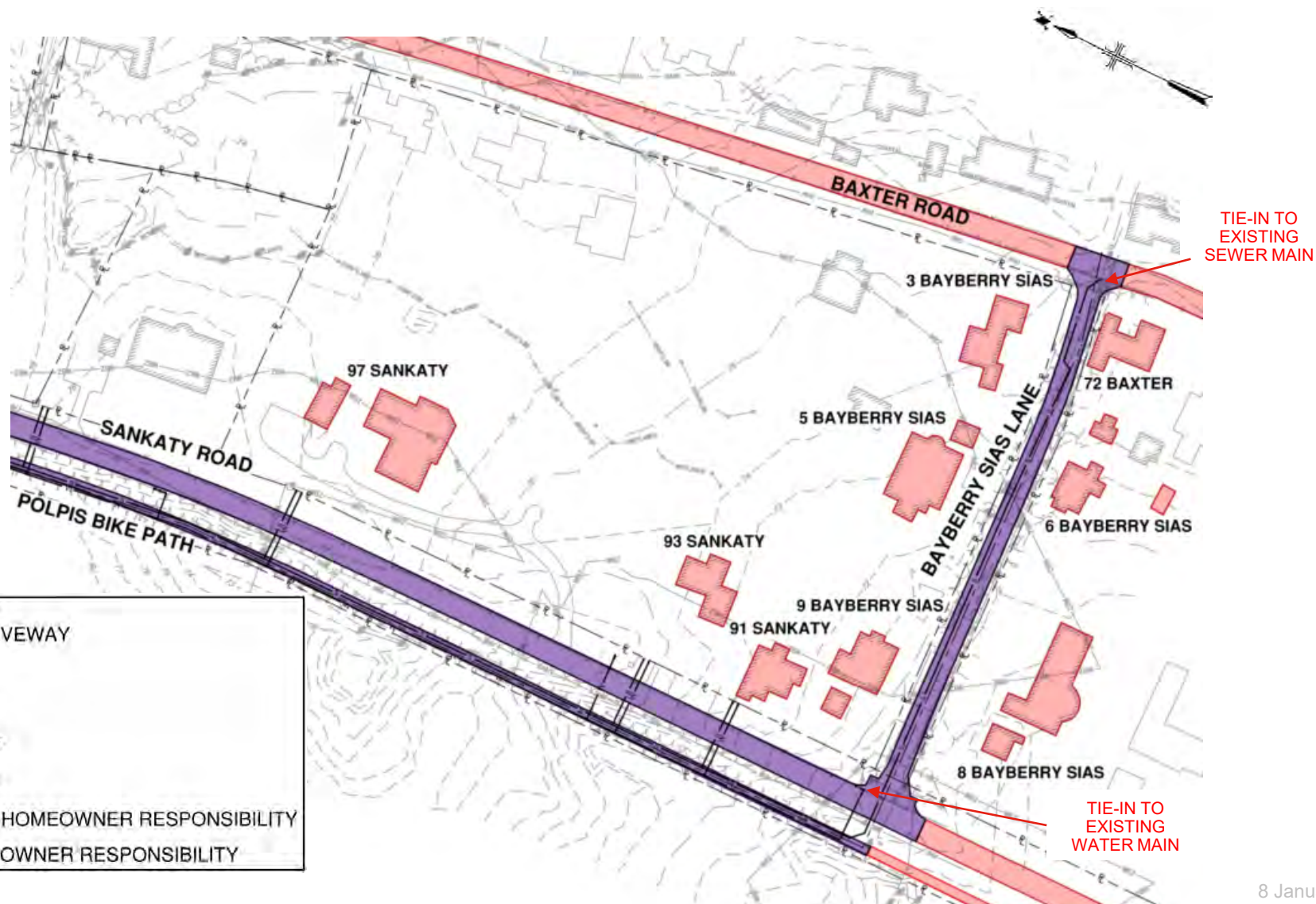
100% Design Overview



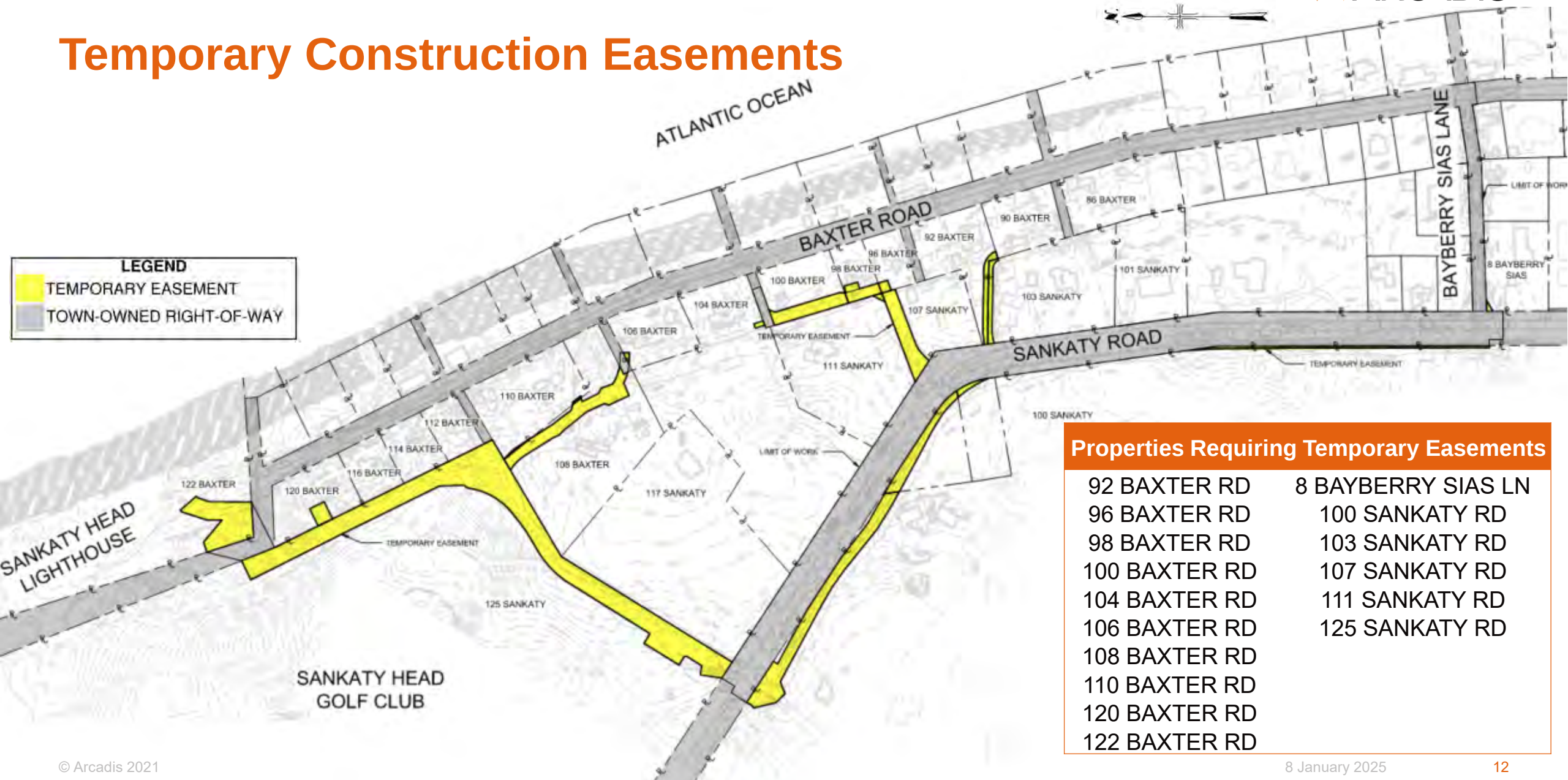
100% Design Overview



100% Design Overview

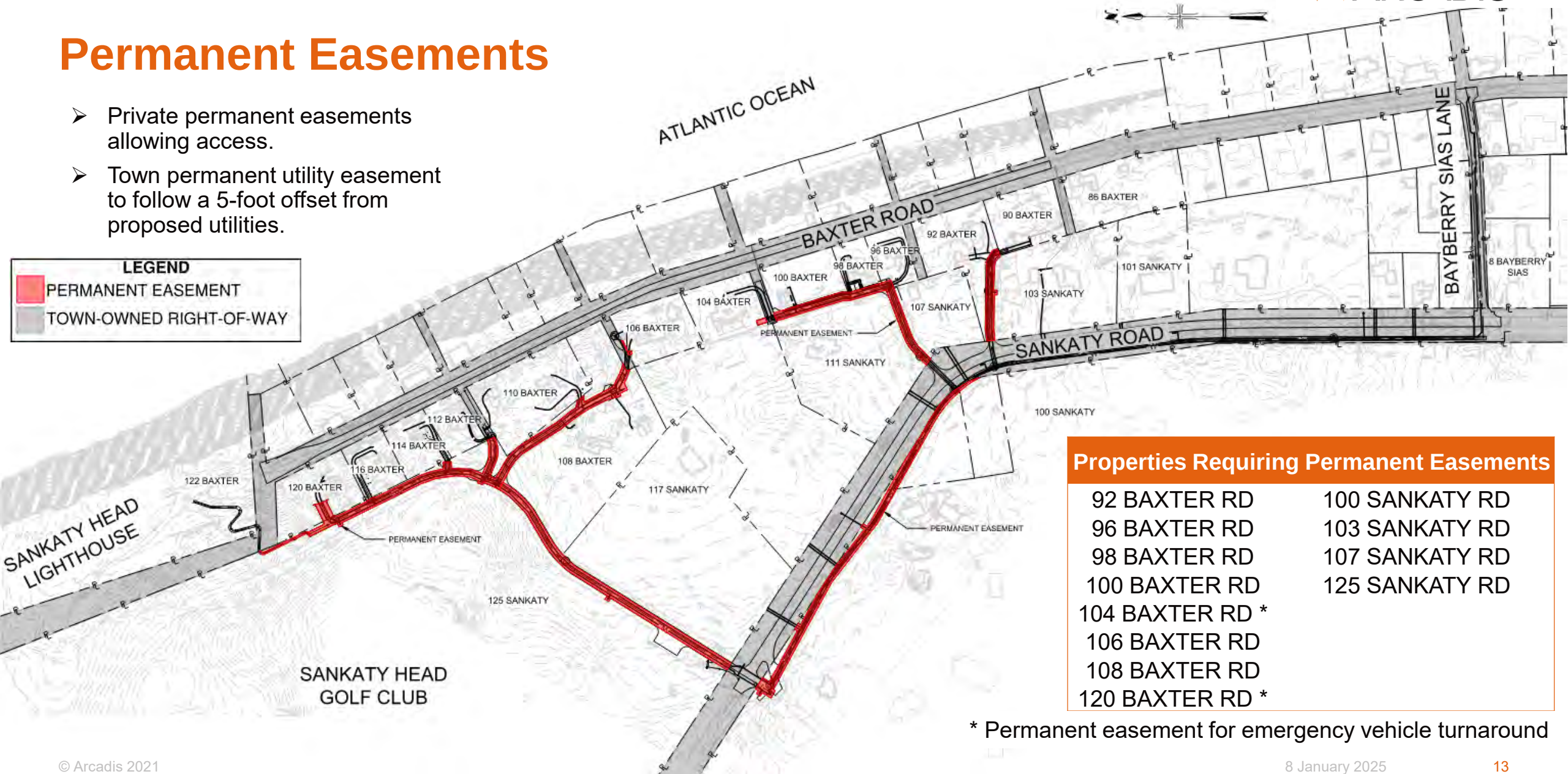
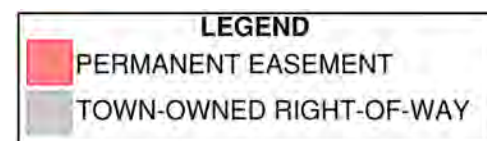


Temporary Construction Easements



Permanent Easements

- Private permanent easements allowing access.
- Town permanent utility easement to follow a 5-foot offset from proposed utilities.



Properties Requiring Permanent Easements

92 BAXTER RD	100 SANKATY RD
96 BAXTER RD	103 SANKATY RD
98 BAXTER RD	107 SANKATY RD
100 BAXTER RD	125 SANKATY RD
104 BAXTER RD *	
106 BAXTER RD	
108 BAXTER RD	
120 BAXTER RD *	

* Permanent easement for emergency vehicle turnaround

100% Cost Estimate

Earthworks and Demolition Subtotal	\$2,058,700
Potable Water Service Subtotal	\$1,337,600
Low Pressure Sanitary Sewer Subtotal	\$998,500
Stormwater Subtotal	\$40,000
General Requirements Subtotal	\$5,823,400
Phase 1 Construction Total *	\$11,873,800
Other Phase 1 Costs (Easements, Legal, Construction Oversight, Private Grinders, Private Service Connections) *	\$12,273,000
Phase 1 Project Total *	\$24,146,700
Phase 2 Estimated Cost *	\$13,613,700
Phases 1 and 2 Project Total *	\$37,760,400
AACE Class 2 Cost Estimate * – 15% Low	\$32,100,000
AACE Class 2 Cost Estimate * + 20% High	\$45,320,000

* Escalated to 2027 using 5% inflation factor

100% Schedule



Permitting

Authority	Permit	Status
Nantucket Conservation Commission	Notice of Intent	In progress
Massachusetts Department of Environmental Protection	Notice of Intent	In progress
Massachusetts Environmental Policy Act Office	Environmental Notification Form	Permit not required per discussions with MEPA June 2023
Natural Heritage & Endangered Species Program	MESA Project Review Checklist	In progress – submitted to NHESP, responding to comments
Massachusetts Historical Commission	Project Notification Form	Additional Archeological Survey Oct 2024, amended report to be submitted, no further archeological investigation is recommended
Nantucket Historic District Commission	Application	Separate filing not required per discussions with PLUS December 2022
Massachusetts Department of Environmental Protection	Drinking Water Permit	In progress
Nantucket Sewer Department and Sewer Commission	Connection Permit	In progress

Schedule Post Alternative Selection*

- 60% Design
 - **60% Submitted September 15, 2023** for Town review
- 90% Design
 - **90% Submitted January 19, 2024** for Town review
- 100% Design/Bid Ready
 - **100% Submitted November 25, 2024** for Town review
- Permitting
 - **Ongoing throughout 2024 and into 2025**
- Bidding and Award (pending funding approvals)
 - **60 Days** for Bidding
 - Expected FY 2027 following approval at the 2026 Annual Town Meeting
- Construction
 - **Approximately 2 years from Construction Contractor Award to Project Completion**

Funding

Continue to consider alternative funding mechanisms

Note: Approximately **1-year** to develop Town Warrant Article for Town Meeting

**best case scenario*

Upcoming Work Items

A. Alternative Access

1. Finalize Documents for Public Bidding
2. Permitting
3. Easement Negotiations
4. “Shovel-Ready” Construction Documents

QUESTIONS & DISCUSSION



Thank You!



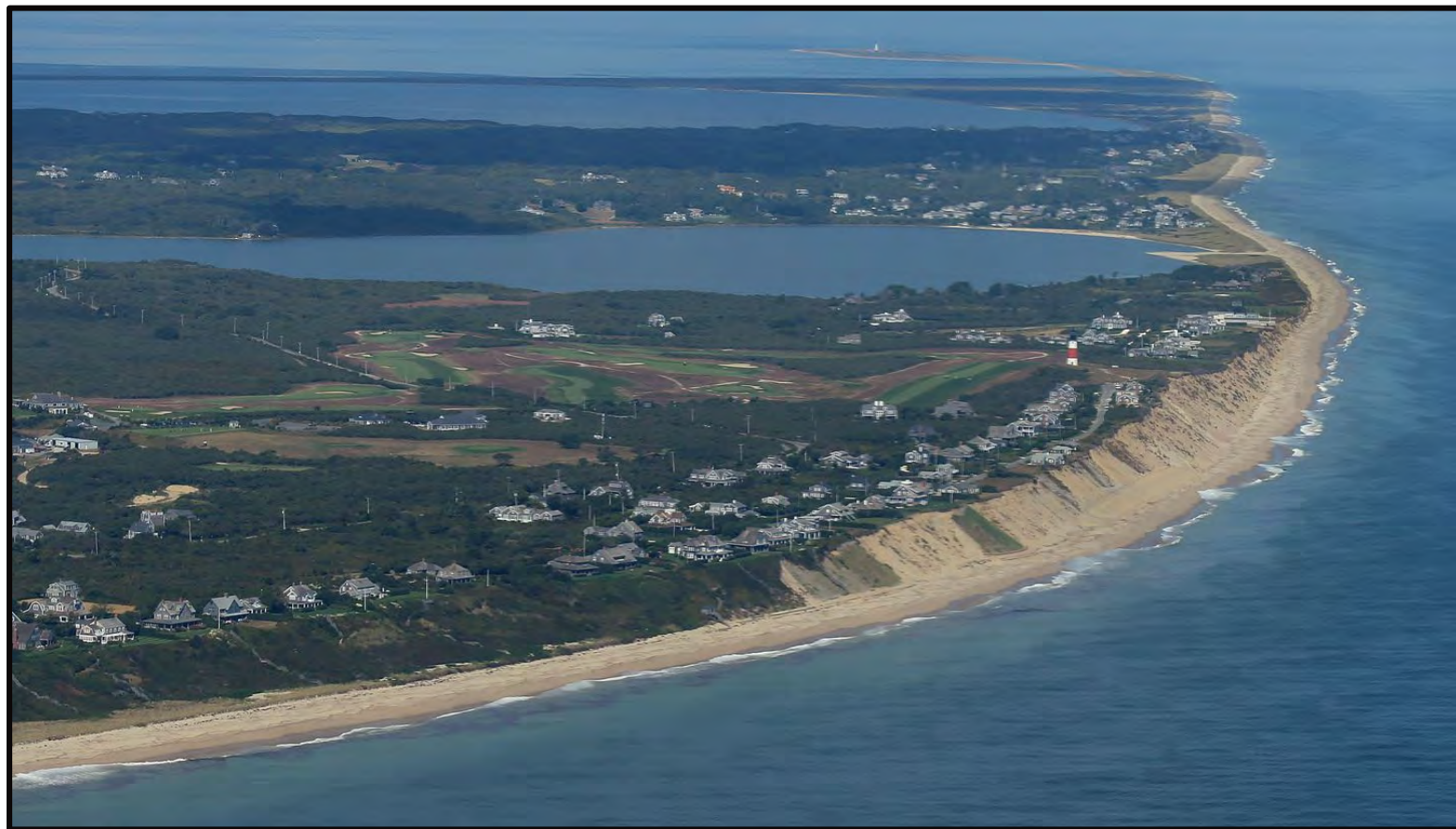
William D. Casey, Jr., PE

Project Manager



Jennifer Kelly Lachmayr, PE

Project Director



<https://www.bostonglobe.com/metro/2014/09/28/battle-over-bluff-nantucket/L41admApMtz3ZGqsO8XIT1/story.html>

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****DRAFT AS OF 011525****

**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 Town employees within Town Administration as defined in the Town Charter.*
- *The proposal would provide several avenues for public access and participation in government, including public 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 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
Seasonal Assistant Harbormaster (hourly)	\$32.00 \$34.00
Seasonal Lifeguard Supervisor (hourly)	\$32.00 \$34.00
Seasonal Maintenance Supervisor Public Works (hourly)	\$25.00

Commented [LG1]: NEW since 1/8/25 SB mtg: deleting this entirely; not needed

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)*

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$20.00	\$21.00	\$22.00	\$23.50
	\$22.00	\$23.00	\$24.00	\$25.50
B-Hourly*	\$21.00	\$22.00	\$23.00	\$24.00
	\$23.00	\$24.00	\$25.00	\$26.00
C-Hourly*	\$22.00	\$23.00	\$24.00	\$25.00
	\$24.00	\$25.00	\$26.00	\$27.00
D-Hourly*	\$24.00	\$24.50	\$25.00	\$25.50
	\$26.00	\$26.50	\$27.00	\$27.50
E-Hourly*	\$25.00	\$26.00	\$27.00	\$28.00
	\$27.00	\$28.00	\$29.00	\$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	\$475 \$1,000 per year
Select Board Member, Chair	\$6,000/per year
Select Board Members	\$4,500/per year
Town Clerk	\$142,501

**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)

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 the cost of Design Services, Owner's Project Manager services, the cost of professional services such as permitting, engineering, construction 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 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 1 Shadbush Road and/or 188 Madaket Road, including the costs of professional services for design, permitting, and engineering, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

**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)

ADD DEBT EXCLUSION FOR TOM NEVERS BIKE PATH -

Commented [LG2]: Need from FinDir ASAP

**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; 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 Forty Thousand Six Hundred Five Dollars (\$240,605) or to take any other action related thereto.

(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)

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.

Commented [LG3]: John/Brian - needs this ASAP please

Commented [LG4R3]: Update for SB: DO NOT NEED THIS

(Select Board)

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)

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

(Appropriation: Community Preservation Fund for Affordable Housing Trust Fund)

To see if the Town will appropriate a sum of money to pay costs of acquiring land,

which may include any buildings thereon, for the development of affordable housing, and also, to pay costs of designing, constructing, reconstructing and equipping affordable housing, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and for the payment of all other costs incidental and related thereto and to determine whether this amount should be raised by taxation, transfer from available funds, borrowing or otherwise, and, further, to authorize the Town to enter leases, subleases and any other similar arrangements with the Town's Affordable Housing Trust, or take any other action 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)

ZONING ARTICLES AND ORDER AS OF 1/8/2025 and 1/13/2025

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-2 (RC-2) district 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 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 - Rosemary Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial-2 (RC-2) district 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 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-2 (RC-2) district 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 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-2 (RC-2) district 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 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 CMI or CTEC - 43 Nobadeer Farm Road)

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

Map	Lot	Number	Street
69	17	43	Nobadeer Farm Road

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

Or to take any other action related thereto.

(Select Board for Planning Board)

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-2 (RC-2) district 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, Map 68, Parcels 400 and 419.1).

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

Or to take any other action related thereto.

(Select Board for Planning Board)

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-2 (RC-2) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

Map	Lot	Number	Street
69	75	3	Teasdale Circle

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

Or to take any other action related thereto.

(Select Board for Planning Board)

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) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
55.1.4	37	103	Washington Street

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

Or to take any other action related thereto.

(Select Board for Planning Board)

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) district 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 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 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) district 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 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) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
68	55	23	Airport Road

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE__

(Zoning Map Change: Open Space Parcels - Various)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. By placing the following property currently located in the Residential Old Historic (ROH) district in the Residential-40 (R-40) district:

Map	Lot	Number	Street
42.2.3	39.1	1	Meader Street

2. By placing the following property currently located in the Residential-20 (R-20) district in the Residential-40 (R-40) district:

Map	Lot	Number	Street
56	243	22	Hawthorne Lane

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

Map	Lot	Number	Street
43	131	11	North Road
43	101	14	Cathcart Road

4. By placing the following property currently located in the Residential Commercial (RC) district in the Residential-40 (R-40) district:

Map	Lot	Number	Street
30	45	41	Jefferson Avenue

5. By placing the following property currently located in the Commercial Trade Entrepreneurship and Craft (CTEC) district in the Residential-40 (R-40) district:

Map	Lot	Number	Street
66	436	69	Bartlett Road

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLES ____ - ____ ADD LANGUAGE TO OUR LOCAL BYLAW TO COMPLY WITH STATE REGULATION AND ARE REQUIRED BY CHAPTER 150 OF THE ACTS OF 2024, AN ACT RELATIVE TO THE AFFORDABLE HOMES ACT

**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 - "ADU" - a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a Principal 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.

Notwithstanding 760 CMR71.03(I), a special permit, issued by the Zoning Board of Appeals shall be required for the use of land or structures for an ADU, or rental thereof, on a Lot which a Protected Use ADU is already located.

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

1. "Accessory dwelling unit"
2. In the CDT, CMI, CN, VN, and VTEC districts change from a "Y" to a "N"

Or to take any other action related thereto.

(*Select Board for Planning Board*)

ARTICLE __

(Zoning Bylaw Amendment: Protected Use Accessory Dwelling Unit (ADU))

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) by inserting and defining, in alphabetical order with existing definitions, a new term "Protected Use ADU"

An attached or detached Accessory Dwelling Unit that is located, or is proposed to be located, on a Lot in a Single Family Residential Zoning District and no other Accessory Dwelling Unit is located on said Lot and which is protected from Prohibited Regulations and Unreasonable Regulations pursuant to M.G.L. c. 40A, s. 3 para. 11 and 760 CMR 71.00.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE ____

(Zoning Bylaw Amendment: Principal Dwelling)

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) by inserting and defining, in alphabetical order with existing definitions, a new term "Principal Dwelling"

A structure, regardless of whether it conforms for Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height that contains at least one Dwelling Unit and is located on the same Lot as a Protected Use ADU.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE ____

(Zoning Bylaw Amendment: 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- Dwelling Unit)

~~A room or enclosed floor space used, or to be used, as a habitable unit for one family or household, with facilities for sleeping, cooking and sanitation.~~

A single housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE ____

(Zoning Bylaw Amendment: Year-round 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 (Definitions) by inserting and defining, in alphabetical order with existing definitions, a new term "Year-round Housing"

Housing for occupancy by persons or families who occupy either rental or other housing as their principal residence for not less than 10 months a year.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE ____

(Zoning Bylaw Amendment: Off-street parking requirements - Accessory Dwelling)

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 18B (Parking requirements) for "Accessory Dwelling" as follows:

1. "Accessory Dwelling **Unit**"
2. CDT, CMI from "0" to "N/A"

3. CN, VN, VTEC from “1” to “N/A”

Or to take any other action related thereto.

(Select Board for Planning Board)

*****END OF AFFORDABLE HOMES ACT ARTICLES****

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 (Definitions) by inserting and defining, in alphabetical order with existing definitions, a new term “Attainable Housing” as follows:

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, 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"
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);*

Amend Section 2 (Definitions) "Ground Cover" as follows:

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

Amend Section 2 (Definitions) "Structure" as follows:

Anything constructed or erected, the use of which requires a fixed location on the ground. "Structure" shall be construed, where the context allows, as though followed by the words "or part thereof" and shall include, but not be limited to,

buildings, retaining walls which support buildings, platforms, antenna towers, steel storage containers, lighthouses, docks, decks, chimneys, tents, ground mounted solar, and game courts. "Structure" shall not include retaining walls not exceeding four feet in height for landscaping purposes, fences, rubbish bins, underground propane tanks, stairs, access ramps, or platforms that provide the minimum Building Code compliant access to a structure and that extend into the required front, side, or rear yard setback less than a depth of three feet, and within a total area less than 20 square feet on a lot containing less than 40,000 square feet, and a maximum of two aboveground propane tanks not to exceed 120 gallons each.

Amend section 2 (Definitions) by inserting and defining, in alphabetical order with existing definitions, a new term "Solar photovoltaic system" as follows:

A solar energy system that converts solar energy directly into electricity, the primary components of which are solar panels, mounting devices, inverters, and wiring.

Amend section 2 (Definitions) by inserting and defining, in alphabetical order with existing definitions, a new term "Grid-connected solar energy system" as follows:

A solar photovoltaic system that is connected to an electric circuit served by an electric utility company.

Amend section 2 (Definitions) by inserting and defining, in alphabetical order with existing definitions, a new term "Roof-mounted solar energy system" as follows:

A solar photovoltaic system mounted on a rack that is ballasted on, or is attached to, the roof of a building or structure. Roof-mount systems are accessory to the primary use.

Amend section 2 (Definitions) by inserting and defining, in alphabetical order with existing definitions, a new term "Ground-mounted solar energy system (Accessory Use)" as follows:

A solar photovoltaic system mounted on a rack or pole that is ballasted on, or attached to, the ground and is accessory to the primary use.

Ground-mounted solar energy systems as a primary use are permitted only as described in § 139-12J "Solar Energy Overlay District".

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

Insert the term "Ground-mounted solar energy system" between "Residential-Outbuilding" and "Residential recreational outdoor water feature" and insert an "A" in all zoning districts.

Insert the term "Roof-mounted solar energy system" between "Residential-Outbuilding" and "Residential recreational outdoor water feature" and insert a "Y" in all zoning districts.

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 - Secondary Dwelling)

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) "Secondary Dwelling" as follows:

A detached single-family dwelling unit located on the same lot as a primary dwelling unit. The ground cover of the secondary dwelling shall be a minimum of 20% less or more than the primary dwelling. The secondary dwelling may contain an attached garage. The primary and secondary dwelling must be separated by a minimum distance of 10 feet, measured at grade at the closest point between the dwellings; ~~excluding retaining walls, window wells, platforms, decks, and steps, chimneys, bulkheads, bay windows, bow windows, roof eaves and overhangs, air conditioning units, a maximum of two aboveground fuel tanks not to exceed 120 gallons each, trash bins, and fences.~~ Relief from the ground cover and scalar separation requirements of this definition may be granted by a special permit issued by the Planning Board subject to a finding that the

reduced separation is in harmony with the general purpose and intent of this chapter. A secondary dwelling may only be attached to the primary dwelling by a breezeway.

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 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)

(Zoning Map and Zoning Overlay 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: 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

(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

(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 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

(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

(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

(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 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: Regulating Short-Term Rental Use)

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

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

SHORT-TERM RENTAL

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

ACCESSORY SHORT-TERM RENTAL

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

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

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

§139-38 ACCESSORY SHORT-TERM RENTALS

1. In residential districts, each Lot may be used as an Accessory Short-Term Rental 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

(General Bylaw Amendment: Short-Term Rentals)

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

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

(General Bylaw Amendment: Short-Term Rentals)

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

Commented [LG5]: 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 -

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

§58-1. Definitions.

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

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

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

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

- E. RVMs are intended to be kept in use by licensed rental agencies. A current license holder applying for a renewal license for the next calendar year shall file a renewal application by October 1st. Such renewal application shall include a copy of the vehicle registration for any vehicle currently utilizing a RVM. If the Town obtains information suggesting that a rental agency is holding one or more RVMs 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 RVMs 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 [LG6]: Underway with Town Counsel & Police Chief

OUTDOOR LIGHTING BYLAW AMENDMENT - ??

Commented [LG7]: Need to check on this

Commented [LG8R7]: Still in progress - may request moving to fall

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

(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 properties, 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
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Commented [LG9]: PLUS: would it make sense to move the citizen sewer district articles that have associated zoning articles to the zoning section? Are they connected such that if the zoning fails, the sewer district amendments won't be needed? Or?

79	55	42	Monohansett Road
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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

**(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

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

(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)

ARTICLE

(Acceptance of Massachusetts General Law: Seasonal Community Designation)

To see if the Town will vote to accept on behalf of the Town of Nantucket, the Seasonal Community Designation as provided for in General Laws Chapter 23B, Section 32(b); or take any other action relative thereto.

Commented [LG10]: In or out? Request to revise per S Cohen

Commented [LG11R10]: 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

Commented [LG12R10]: Town Counsel response: In my opinion, the attached draft article which you sent me, which was on the 2024 warrant but not acted on, is sufficiently broad to cover the concerns noted. I do not see the need for further revisions to the draft article

Commented [LG13]: ADD 'subject to an order of conditions' - ??

Commented [LG14R13]: Two articles?? Coir; geo

Commented [LG15R13]: Per SB 010825

(Select Board)

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 voters 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 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

(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

Commented [LG16]: Passed by Legislature - not approved by Gov yet

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

Article II, Section 2.2 – Town Moderator

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

Article II, Section 2.4 – Clerk of the Meeting

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

Article II, Section 2.5 – Town Meeting Warrant

...

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

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

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

Article II, Section 2.6 – Rights of Nonresident Property Owners

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

Article IV, Section 4.2 – Town Manager

...

(d) In particular, the Town Manager:

...

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

Article IV, Section 4.3 – Town Manager Appointments

The Town Manager:

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

...

Article V, Section 5.4 – Recall of Elected Officials

...

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

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

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

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

For the recall of (name and title of officer)

Against the recall of (name and title of officer)

Article VI, Section 6.6—Time of Taking Effect

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

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

SECTION 2. Continuance of the Charter Commission.

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

SECTION 3. Ratification by the Voters.

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

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

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

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

Ratified April 8, 1997

The form of the Special Act shall be as follows:

AN ACT AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~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:

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 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 89

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

To see if the Town will vote to authorize the Select Board to petition the General Court to enact a special act to authorize the transfer and conveyance of all or portions of School Street situated in the Town of Nantucket and the County of Nantucket owned by the County of Nantucket held for highway purposes as described in more detail below and as shown on a map entitled "Conveyance of School Street from County to Town" dated January, 2024 and filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance described below on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

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

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

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

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

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

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

Or to take any other action related thereto.

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 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:-

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 Acquisition: Parcels Abutting Tom Nevers Road And Real Estate Conveyance: Tom Nevers Road and Parcels Abutting Tom Nevers Road)

To see if the Town will vote to authorize the Select Board to acquire by gift or purchase for roadway and bicycle path purposes certain parcels of land abutting Tom Nevers Road, in the Town and County of Nantucket, shown on Layout Sheets 1-9 entitled "The Commonwealth of Massachusetts Plan of Road in the Town of Nantucket, Nantucket County Laid Out as a Highway by the Department of Public Works dated October 30, 1956 and filed with the Nantucket Registry District of the Land Court as Parcel Nos. 1, 2, 33, 37, 40-59 inclusive, 61-71 inclusive, and Parcels D-2-F and Parcel D-3-F, and Parcels 32A, Parcel 39A and Parcel 60B, more particularly described in Certificate of Title No. 4240 filed with said Registry District of the Land Court; and further to authorize the Select Board to convey or otherwise dispose of the fee title in Tom Nevers Road as shown on the above-referenced Layout Plan and on Land Court Plan No. 5004-L filed with said Registry District of the Land Court and the above-described parcels of land abutting Tom Nevers Road to the County of Nantucket for roadway and bicycle path purposes, such conveyance to be on such terms and conditions as the Select Board deem appropriate.

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

Or to take any other action related thereto.

(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.

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

Or to take any other action related thereto.

(Select Board)

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,

Commented [EM17]: Property has been renamed 10 Nobadeer Farm Rd; checking with Airport re: Grant of Easement doc

Commented [LG18]: Tracy - is this the South Ramp parcels? Or?

Commented [LG19R18]: CAN WE INCLUDE ANY ACTUAL STREET ADDRESSES

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 at 14 Airport Road 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

(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/Waite 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 Waite 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)

ARTICLE

(Real Estate Disposition: Long-term Lease/7 Amelia Drive)

To see if the Town will vote to authorize the Select Board and the Affordable Housing Trust to enter into a Long-term Lease for a term not to exceed ninety-nine (99) years for the Property located at 7 Amelia Drive, Nantucket, shown as a portion of Town Assessor's Map 67, Parcel 434, containing 7,756± square feet, and being Lot 26 on a plan entitled "Lot and Road Way Layout Plan Road A South and Amelia Drive, Nantucket, MA, dated May 22, 2023," a copy of which is recorded as Plan No. 2023-27, and owned by the Town of Nantucket by Deed recorded in Book 1704, Page 245 at the Nantucket Registry of Deeds on such terms and conditions as the Select Board deems appropriate.

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

Or to take any other action related thereto.

(Select Board)

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,

Commented [LG20]: Needs legal review

or to take any other action related thereto.

(Meghan Glowacki, et al)

ARTICLE

(Signs; Satellite Dishes; Rooflines Proposal)

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

(Ground Cover Allowance Proposal)

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 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)

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:

Moderator	One for a term of one year
Town Clerk	One for a term of three years
Select Board	Two for terms of three years
School Committee	One for a term of three years
Historic District Commission	Two for terms of three years
Nantucket Islands Land Bank Commission	One for a term of five years
Harbor and Shellfish Advisory Board	Three for terms of three years
Nantucket Housing Authority	One for a term of five years
Planning Board	One for a term of one year
Planning Board	One for a term of five years
Nantucket Board of Water Commissioners	One for a term 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 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?

Commented [LG21]: NEED FROM FINDIR ASAP

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 town employee housing at Waitt Drive, including the cost of Design Services, Owner's Project Manager services, the cost of professional services such as permitting, engineering, construction and any other costs incidental and related thereto?

6. 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		

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 Town employees within Town Administration as defined by the Town Charter. The proposal would provide several avenues for public access and participation in government, including public 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.

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

[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]

§ 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.

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

[Amended 4-14-1997 ATM by Art. 54⁽¹⁾; 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.

Commented [BA1]: This definition should be amended to specify brick and mortar business or those agencies renting from a fixed location. A definition for Peer to Peer Rentals should be separate.

Commented [LG2R1]: This seems like it might be mixing zoning and a General Bylaw. John/Brian - is this something we'd want to add in to the General Bylaw?

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 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. ~~Each vehicle issued a medallion must be available for immediate inspection.~~ 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 ~~shall may~~ issue each rental agency one rental vehicle medallion (RVM) for each motor vehicle listed in its ~~1996 2025~~ annual application ~~and which received a rental sticker.~~ Each RVM constitutes the ~~nonexpiring~~ right to lease one motor vehicle ~~for the calendar year of each sticker. A rental agency shall possess one RVM for each motor vehicle listed in its application beginning in 1998 2026.~~

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, 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.

[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.

~~The license shall not be transferable between businesses, persons or corporations. The~~ motor vehicle rental licenses ~~shall not be transferable~~ between location of business premises; individual

Commented [LG3]: Is this meant to be a "current motor vehicle registration certificate" as issued by the Massachusetts RVM? And/or another state. ?

Commented [LG4]: The vehicle has to be immediately available? What if it's rented?

Commented [BA5]: If the Town continues the medallion system there needs to be some flexibility and discretion given to the Select Board without having to come back to Town Meeting.

Commented [LG6]: How about something more like this? (in BOLD)

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§ 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.

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Article IV ~ Bicycle Right of Way

[Adopted 6-5-2021 ATM by Art. 76, approved 10-7-2021] **NEEDS TO BE UPDATED**

§ 57-13 Authority and purpose.

§ 57-14 Right of way for users of multi-use/shared use paths.

§ 57-15 Severability.

§ 57-13 Authority and purpose.

This article is enacted in accordance with MGL c. 40, § 22, to promote public safety by establishing certain rules and regulations concerning the use of the Town's roadways by bicycles and motor vehicles.

§ 57-14 Right of way for users of multi-use/shared use paths.

A. At any location at which a multi-use/shared path intersects with or is crossed by a public or private way or driveway with the exception of major intersections to be determined by the Town of Nantucket, bicyclists, pedestrians and other users of the paths shall have the right of way, and any person operating a motor vehicle shall stop and yield to such bicyclist, pedestrian or other user.

B. At any location at which a multi-use/shared path intersects with or is crossed by a public or private way with the exception of major intersections to be determined by the Town of Nantucket, the Town shall install informative path-crossing signs and separate stop signs facing the motor vehicle approach to the intersection so that drivers of motor vehicles are warned to use all caution necessary and to yield the right of way to any bicyclist, pedestrians or other users of the path.

For purposes of paragraphs A and B in §57-14, a major intersection shall be considered to be the intersection between a main road, e.g., the Milestone Road, or secondary road that bears as much vehicular traffic as a main road, and a multi-use path.

C. The speed limit of bicycle, e-bike, or any device being operated on multi-use/shared use paths/walkway paths, shall not exceed 20 mph. When a user of such a device is within ten (10) feet of a pedestrian or other cyclist, the rider shall reduce speed and pass with caution and not in excess of 5 mph more than the pedestrian.

D. Before overtaking a pedestrian or cyclist from behind, a rider shall signal their presence by voice, bell, or bike horn to alert the pedestrian or cyclist.

-DEFINITIONS:

- "Electric bicycle", a bicycle or tricycle equipped with fully operable pedals and an electric motor of 750 watts or less that meets the requirements of a class 1 electric bicycle or a class 2 electric bicycle.
- "Class 1: Pedal Assist": An electric bicycle or tricycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- "Class 2: Throttle on Demand": An electric bicycle or tricycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
- "Class 3: Speed Pedelec": The electric drive system on the e-bike is activated by pedaling which ceases to provide assistance once the e-bike reaches 28 mph.
- "E-Cargo Bikes": motorized bikes, which can come in any class listed above, that are designed to carry heavy loads, including additional people, or goods.

Commented [BR1]: Not yet included in the General Laws but likely to be in the future.

§ 57-15 Severability.

The provisions of this bylaw are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

Commented [BR2]: Chief Kasper noted that e-bikes do not require that the user be 16 years old, they do not get registered with the RMV, and operators do not require a driver's license. Electric and motorized bicycles are already largely governed by the MGL.

Chapter 98. Motorized Passenger Devices

§ 98-1. Prohibited absent express written permission.

No person shall operate a, motorized skateboard, E-bike (Class-3), Pedicab, Segway, golf carts or Kei-class mini trucks and vans, or ATVs or other similar device (hereinafter referred to as "personal motorized passenger devices"), excluding micro-mobility vehicles, i.e. motorized electric skateboards, electric one-wheel, , or Class 1 or Class 2 e-bikes on any Town-owned or -controlled public way, sidewalk, park, playground or beach without the express written permission to do so from the Town official(s) or officer having jurisdiction over the use of said Town property or their respective designee (hereinafter referred to as the "authorizing official"). The following vehicles shall be exempt from the provisions of this chapter:

A.
Vehicles or motorized passenger devices, Micro-mobility and E-bike (Class-3) capable of speeds more than 20 mph licensed by the Commonwealth of Massachusetts as motor vehicles or otherwise to the extent authorized by the Commonwealth or the United States for such operation;

B.
Vehicles or motorized passenger devices licensed or used by the federal government or any federal agency, instrumentality or entity, including the United States Postal Service, performing a service to the public;

C.
Personal motorized passenger devices used by handicapped persons;

D.
Personal motorized passenger devices used by public safety personnel, including police officers;

E.
Landscaping equipment;

F.
Golf carts.

G.

Commented [BR1]: Per G.L. c.90, sec. 1E, "motorized scooters" are permitted to use public ways except for "limited access of express state highways" that are posted as prohibiting them. So a bylaw cannot overrule that. In addition, G.L. c.90 defines "motorized scooter" as including electric and gas powered devices.

Commented [LG2R1]: Was "skateboard" proposed by Jody but you are striking it? If it's not "in" it cannot be gray

Commented [LG3]: Comment: this has always been confusing language. Who is this?! In fact we have had the parents of children who want to ride electric scooters on the bike path come in and ask for this written permission!

§ 98-2. Conditions on grant of written permission.

A.
Any grant of written permission to use a personal motorized passenger device issued by the authorizing official shall include the following conditions/restrictions: no personal motorized passenger device shall be operated:

(1)
Without being equipped with a braking system;

(2)
Without the rider wearing a helmet;

(3)
In a careless or reckless manner as to endanger the safety of any person or the property of any person; and

(4)
Without complying with applicable federal, state and local laws and regulations.

B.
The authorizing official is further authorized to impose such other restrictions and limitations as deemed appropriate or necessary to protect the public safety, interest and welfare. All persons using

Commented [BR4]: Golf carts appear above as prohibited from public ways, but here it states the carts are exempt from the bylaw. Perhaps it should be deleted here.

Commented [LG5R4]: ?? Perhaps? Or, it should just be deleted?

Commented [LG6]: Again - this is totally unmanageable not to mention confusing and strange

Town property pursuant to a grant of permission shall comply with the restrictions and limitations referenced herein or imposed pursuant hereto.

§ 98-3. Enforcement and penalties.

In addition to any other enforcement or penalty allowed under state law or Town bylaw, violation of this chapter may be enforced by non-criminal disposition, by any police officer or traffic director in the manner provided by MGL c. 40, § 21D, and Chapter 1, Article I of this Code.