

Town and County of Nantucket Select Board • County Commissioners

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



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket-ma.gov

C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE SELECT BOARD MARCH 19, 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/HaZLYdqBLqk>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_DO9kcxZRSIG8Yt2q3kHf8w

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio and Video Recorded.
2. **Town-Wide Info Session on Proposed New Our Island Home**
Join the Town on Thursday, March 27th at 5:30 PM to Learn about the Vision for Nantucket's Proposed 45-Bed Skilled Nursing Facility and How it will Enhance Long-Term Elder Care for Generations to Come. More Information at www.nantucket-ma.gov/newoih
3. **Building for the Future: The Case for a New Department of Public Works Facility**
Explore the Current DPW Facility and Learn About the Proposed Future Facility. Ask Questions and Share Your Feedback. Open Houses will be Held on April 5th and April 19th. Learn More at www.nantucket-ma.gov/newdpw.
4. **Master Plan Two-Part Visioning Program Event**
The Planning and Land Use Department (PLUS) Invites Residents to a Two-Part Master Plan Visioning Program on April 4th and 5th to Help Shape Nantucket's Future. Participate in Person at Nantucket High School Cafeteria, 10 Surfside Road or Online. Learn More at www.nantucket-ma.gov/masterplan.
5. Select Board Announcements/Comments.

IV. UPDATE ON PUBLIC COMMENT QUESTIONS FROM PRIOR SELECT BOARD MEETINGS (see <https://www.nantucket-ma.gov/3564/2025>)

V. PUBLIC COMMENT*

VI. NEW BUSINESS**

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of March 10, 2025 at 11:00 AM; March 12, 2025 at 5:30 PM; March 13, 2025 at 4:00 PM.
2. Approval of Payroll Warrants for March 16, 2025.
3. Approval of Treasury Warrants for March 19, 2025.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Applicant Introduction/Review of Applications and Appointments to African Meeting House Investigation Procurement Workgroup, Pursuant to Select Board Committee Appointment Policy.
2. Nantucket Public Schools: Request for Authorization to Utilize Funds in Special Education Reserve Fund to Cover Out-of-District Tuition Expenses Outside the Operating Budget for Tuition Expenses of the School.

IX. TOWN MANAGER'S REPORT

X. SELECT BOARD REPORTS/COMMENT

1. Discussion/Possible Vote to Conclude Pleasant Street One-Way Pilot Program.
2. Preliminary Review of Select Board Comments to May 3, 2025 Annual Town Meeting Warrant Articles.
3. Committee Reports.

XI. ADJOURNMENT

****Public Comment: please see attached Public Comment Policy which can also be found at <https://www.nantucket-ma.gov/DocumentCenter/View/51055/Public-Comment-Policy---Adopted-by-the-Select-Board-on-February-12-2025-PDF>.***

*****New 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.***



Town of Nantucket
Public Comment Policy
Adopted by Select Board
February 12, 2025

A. Purpose:

This Policy is adopted to facilitate orderly and efficient public comment periods at meetings of Town public bodies. It will protect the ability of the residents of Nantucket, and other persons, to provide feedback or information to pertinent public bodies regarding matters of public interest, Town initiatives, operations, services, and programs. To allow speakers a fair opportunity to address a public body, and to ensure the public body may accomplish its stated business in an efficient manner, these guidelines seek to ensure compliance with the Open Meeting Law and meet other legal and constitutional obligations. Meetings of public bodies in the Town of Nantucket should be places to engage in orderly and peaceable discourse.

B. Authority:

Principles of free speech and freedom to petition the government, fundamental rights protected by the United States and Massachusetts Constitutions, prohibit public bodies from preventing all speech that may be upsetting or offensive. As such, this Policy establishes reasonable time, place, and manner restrictions sufficient to facilitate orderly and peaceable public comment periods at meetings of elected and appointed public bodies of the Town.

C. Legal Standards:

Meetings of public bodies are subject to the requirements of the Open Meeting Law, G.L. c. 30A, §§ 18-25. The Open Meeting Law empowers the chair of a public body to preside at and regulate the proceedings of meetings. Pursuant to G.L. c. 30A, § 20(g), no person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent. Any person wishing to speak at an open meeting must first be recognized by the chair. All questions raised and all comments made by a duly-recognized speaker must be directed to the chair of the public body alone, not to individual members of the public body, staff, or the public. The chair is authorized to maintain order, and, although a rare occurrence, has authority, after appropriate

warnings are ignored, to take action up to and including removal of a person who is disrupting a meeting.

D. Application:

To secure the rights of the public to participate in public comment periods in the Town of Nantucket in a manner consistent with law, and, to thereby protect the Town and members of elected and appointed bodies from civil rights claims, this policy shall apply to all public bodies in the Town of Nantucket.

E. Procedures:

1. All agendas of multiple-member bodies in the Town of Nantucket shall include a period for Public Comment, subject to the limitations set forth in paragraph 3. Where to place Public Comment on the agenda is at the discretion of the chair. If public comment is invited during a separate agenda item, this Policy shall govern.
2. While statements made during a Public Comment period are not required to address an agenda item for that particular meeting, such comments must relate to a matter within the public body's jurisdiction. Public comments on matters outside the public body's jurisdiction may be ruled out of order by the chair. To avoid due process issues, a person seeking to provide comments on a matter appearing on the same agenda will be asked to defer until the specific agenda item is reached.
3. Each speaker will be allowed to speak once for up to 3 minutes. The chair will curtail verbal comments exceeding the allotted time.
4. A recognized speaker may not cede or assign their time to another unless such an assignment is required as reasonable accommodation for such person because of a disability. All speakers who may need an accommodation are strongly encouraged to contact Town staff or the chair of the public body at least 48 hours prior to the meeting. That said, to facilitate an efficient public comment period, groups that have multiple speakers with the same viewpoint may consider consolidating their comments or designating one person to speak on their individual behalf's.

F. Disruptive Conduct/Unprotected Speech:

Disruptive conduct and engaging in other unprotected speech, including but not limited to the following, may be grounds for the chair of a public body to curtail speech and take other action as appropriate:

1. Speaking without being recognized;
2. Continuing to speak after the chair has curtailed additional verbal comment;
3. Interrupting a recognized speaker;
4. Speaking about matters not within the jurisdiction of the public body;
5. Engaging in conversations while another person is speaking;

6. Making true threats of violence directed toward a particular individual; and
7. Making comments inciting imminent lawlessness.

G. Public Body Response:

1. A public comment period is a listening session, and the public body is there to listen. The public body, in fact, should not respond to matters raised at the meeting unless it is
2. Matters raised during public comment periods are not required to, and are unlikely to, be addressed or resolved by the public body at the same meeting. Individual members of the appropriately deferred to a noticed-agenda item due to Open Meeting Law considerations.
3. At the sole discretion of the chair of the public body, matters raised during public comment may or may not appear on a future agenda or be referred to the Town Administrator for appropriate action, if any.
4. A public body cannot demand that persons attending meetings or participating in public comment be civil to one another. Nevertheless, the Town, or the members of the public, and those that appear before them are encouraged to make any/or all residents of the Town feel welcome, including listening to them speak, and acknowledging that speakers may have a different viewpoints.

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

H. Enforcement:

Concerns about Public Comment Periods may be brought to the attention of the Town Manager, who will discuss the concerns with the chair of the public body, and take appropriate action. Failure to comply with this Policy may be deemed a violation of the Town's Code of Conduct, and grounds for the removal of an appointed official.

African Meeting House Investigation Procurement Workgroup

2 Seats Available, 4 Applicants

Committee Makeup:

- 1 representative from the Citizens Warrant Article group (Clifford Williams)
- 1 representative named by the Museum of African American History (Dr. Nicolle Trent or designee)
- 1 Select Board member (Dr. Malcolm MacNab)
- 2 citizen appointees

Applicants:

Abby De Molina
Brook Gibbs
Anthony “Rocky” Fox
Luke Thornewill



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



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

Name: ABBY DE MOLINA

Home Phone: 617-314-2305

Mailing Address: PO BOX 3274, NANTUCKET

Alternate Phone: _____

Email Address: abby.demolina@gmail.com Date Submitted: 2/14/2025

REQUESTING APPOINTMENT TO: African Meeting House workgroup

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? N/A
- Why are you interested in this committee/board/commission? I believe in supporting &
- Are you prepared to commit to the meeting schedule of the committee/board/commission? presenting this
vital town resource. I have attended many events
at this site and believe it is important to
our community. Yes I can commit to
meeting.

Relevant Experience

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

I am extremely collaborative & data driven
and believe in creating practical solutions. I
am optimistic by working together this workgroup
can emphasize the importance of the site to all.

Potential Conflicts of Interest

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

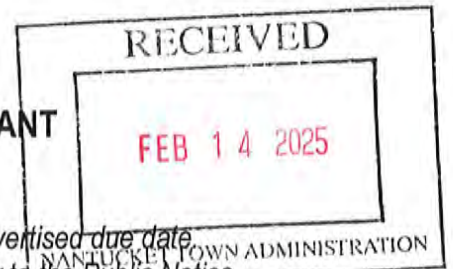
NHC & Planning Board alternate

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

No



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



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

Name: Brook Gibbs Home Phone: 508 524 4250

Mailing Address: Po Box 102 Sinsinnet MA 02564 Alternate Phone: _____

Email Address: brookgibbs@hotmail.com Date Submitted: 2-14-25

REQUESTING APPOINTMENT TO: At Large Public ^{At Large} Meeting House Committee

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? Not Yet
- Why are you interested in this committee/board/commission? Family History on island
- Are you prepared to commit to the meeting schedule of the committee/board/commission? Absolutely

Relevant Experience

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

To ensure the investigation is done to the satisfaction of the community, and is done in a way that will satisfy those affected

Dedication to Cape Verdean Community on Island

Potential Conflicts of Interest

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

None

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

No



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

RECEIVED

FEB 19 2025

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

Name: Anthony "Rocky" Fox

Home Phone: 508-360-4948

Mailing Address: 12 Bailey Rd Nantucket

Alternate Phone: N/A

Email Address: rocky1522@gmail.com

Date Submitted: 2/20/25

REQUESTING APPOINTMENT TO: African Meeting House Investigation Procurement Workgroup

Reasons for Committee Interest

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

I have not attended a meeting of the committee/board/commission.
- I'm interested because I think that we need some closure. My interests are that of an African American coming from a biracial family I don't see color. Also, being in a biracial marriage for 25+ years also brings something to the table.
- I'm ready to commit to the meeting schedule.

Relevant Experience

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

- My experience would come from the various boards, committee's that I've served on over the years. My interests go between NES, Council on Aging and a few more.
- what I'd like to accomplish is a very transparent process so that all sides are heard no matter what race, creed or color you are.

Potential Conflicts of Interest

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

I have no conflicts.

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

N/A



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT

For Appointment by the Select Board

RECEIVED

FEB 27 2025

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

Name: LUKE THORNEWILL

Home Phone: 508 333 0702 (cell)

Mailing

Address: 48 DUKES ROAD

Alternate Phone: 508 228 9161 (office)

Email Address: Office@thornewilldesign.com

Date Submitted: _____

REQUESTING APPOINTMENT TO: African Meeting house procurement workgroup

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? No
- Why are you interested in this committee/board/commission? Pursuit of Justice & resolution
- Are you prepared to commit to the meeting schedule of the committee/board/commission? Yes *

* Hopefully the workgroup meetings will not conflict too often w/ high school tennis which is 3:00 - 5:30 +

Relevant Experience

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

Just a:

1. Honest, well meaning observer, listener and contributor, 62 yr old citizen. 30 year island business owner. Thornewilldesign, LLC
2. On behalf of community Justice and closure for the Hate crime.

Potential Conflicts of Interest

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

My wife Carrie Thornewill is an alternate on the HDC.

I am a High School tennis coach. - SPRING & SPORT.

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

* I'm paid by Highschool for Spring tennis coaching.

NANTUCKET SELECT BOARD

Policy Statement and Procedures for Appointments to Committees, Commissions, Boards Adopted: May 19, 2021

BASIC GOAL

To encourage active citizen participation and involvement in local government affairs by encouraging local residents with expertise, skills, interest, and energy to seek appointment to the Town's Committees, Boards and Commissions. And, to expand the Town's outreach to its citizens to ensure that we engage as many diverse perspectives as possible to build and encourage awareness, understanding and appreciation through a lens of diversity, equity and inclusion.

POLICIES IN SUPPORT OF THE BASIC GOAL

- A. The Town will maintain a recruiting system, known as the Volunteer Talent Bank (Talent Bank), to find and appoint interested local residents who are best qualified by education, training and experience to contribute effectively to the work of the committee, commission or board. To the extent practical, the Select Board shall announce its intention to meet candidates for appointment and allow them to introduce themselves and review their applications no less than two weeks in advance of appointments.
- B. When an announcement is made by the Board regarding any vacancies, the Board will require that applicants file a Committee Appointment application. Following a public meeting with the applicant(s) at which the Board may ask questions, and/or the applicant may ask questions, a candidate shall be selected in accordance with the following procedure:

RECOMMENDED VOTING PROCEDURES FOR ANNUAL APPOINTMENTS

- 1. The Board reviews a list of openings for annual appointments with a committee appointment timeline in early April.
- 2. In mid-April, members of committees, commissions, boards whose terms are expiring are notified and asked if they would like to apply for reappointment. Incumbent Committee Interest Forms are mailed to all of these members and they are asked to respond in writing to indicate if they request re-appointment, or not. Incumbents need to meet the same deadlines as listed on the committee appointment timeline.
- 3. Annual committee openings are advertised in the local newspaper for four weeks, as well as on the Town website. Additionally, the openings are announced at the Board's weekly meetings starting in mid-April through the end of May.
- 4. Applications will be accepted only by the deadlines outlined in the annual Committee Appointments Timeline for all committees, commission and boards.

5. The Select Board holds two meetings to allow applicants to address the Board and review their applications.
6. Committee appointments are made at the last Select Board meeting of June, which date shall be at least one week after the names and applications of all applicants have been made public.
 - a. At this meeting, the Select Board may appoint, by majority vote, a candidate to fill any seat. Or, the Select Board, at its discretion, may elect to use a paper ballot voting procedure, or vote by e-mail if the Select Board meeting is held virtually.
 - b. The Chair shall ask Board members to submit their written choices for appointment (or to e-mail their choices for appointment to Town Administration in real time if meeting virtually). Each Board member writes their own name on a slip of paper, and then writes down their vote for the applicant(s) and passes their paper ballot directly to the Chair without other members viewing the ballot.
 - c. The Chair reads the paper ballot votes and notes which Board member cast the votes. If meeting virtually, Town Administration staff will read the results into the record, and after announcing how each Board member votes, staff will ask that Board members verbally confirm their votes.
 - d. The candidate(s) with the majority of votes will be appointed.
 - e. Any committee seats not filled will continue to be posted on the Town website and routinely advertised as vacant.

At its discretion, the Select Board may appoint a candidate to any Commission, Committee or Board even if the candidate is not present for the meeting.

RECOMMENDED VOTING PROCEDURES FOR VACANCIES THROUGHOUT THE YEAR

The Board's intent to fill vacancies will be noted on its regular meeting agenda for at least two weeks and applications of prospective candidates will be included in the Board's agenda packet to allow the Board and the public to review the prospective candidates' credentials. The vacancy will also be advertised in the Inquirer & Mirror for a minimum of two weeks as well as on the Town's website. Applications will be accepted only by a certain deadline for all committees, commission and boards.

1. Immediately following a meeting with candidates for appointment, the Select Board may appoint, by majority vote, a candidate to fill any vacancy. Or, the Select Board, at its discretion, may elect to use a paper ballot voting procedure, or vote by e-mail if the Select Board meeting is held virtually.
2. Immediately following a meeting with candidates for appointment, the Chair shall ask

Board members to submit their written choices for appointment (or to e-mail their choices for appointment to Town Administration in real time if meeting virtually). Each Board member writes their own name on a slip of paper, and then writes down their vote for the applicant(s) and passes their paper ballot directly to the Chair without other members viewing the ballot.

3. The Chair reads the paper ballot votes and notes which Board member cast the votes. If meeting virtually, Town Administration staff will read the results into the record, and after announcing how each Board member votes, staff will ask that Board members verbally confirm their votes.
4. The candidate(s) with the majority of votes will be appointed.

At its discretion, the Select Board may appoint a candidate to any Commission, Committee or Board even if the candidate is not present for the meeting.

ADMINISTRATION OF THE VOLUNTEER TALENT BANK

The Town Administration office shall be responsible for the Talent Bank data and all administrative materials, records and processes.

PUBLIC INPUT REGARDING CANDIDATES FOR APPOINTMENT

Any citizen may convey their support or objection of an individual's appointment/ reappointment through written notice to the Town Manager's Office. Town Administration shall forward any written comments concerning appointments/reappointments to the Select Board and to the person cited.

This policy may be amended by the Select Board at any time.

To: The Nantucket Select Board

From: Barbara Burgo

Date: March 15, 2025

Re: African Meeting House Investigation Workgroup Candidate Concern

1. I have a particular concern with candidate Anthony "Rocky" Fox due to the fact that he, I am told, is part owner of the Chicken Box, an eating/drinking establishment which, in my opinion, should be investigated with others to ascertain whether an alleged drinking episode might have occurred there by one or more parties who potentially would know more about the incident and night in question and the follow-up investigation.
2. Someone brought to my attention that Anthony "Rocky" Fox and Town Manager Libby Gibson were in high school together and, moreover, used to date on occasion. If this is the case, it causes me great concern as the Town Manager will surely be a person for the investigator to pay strict attention to concerning the ultimate investigation of events following the night of the spray painting on the African Meeting House.

Thus, either or both concerns above, may alone or together cause one to question whether Mr. Fox truly does have a conflict of interest.

Thank you for your attention to these concerns that I raise and I would be most happy to hear your feedback or whether any of the information I have listed above is an error.

Sincerely,

Barbara Burgo

From: [Brooke Mohr](#)
To: [Matt Fee](#); [Libby Gibson](#); [Erika Mooney](#)
Subject: African Meeting House Next Steps
Date: Monday, January 13, 2025 8:07:12 PM

As we discussed a bit in agenda, I would like to put this topic back on an upcoming SB Agenda in late Jan or early February.

The discussion will be about restarting the selection process for a firm to carry out the review of the investigation.

I propose the following plan for discussion:

SB forms a workgroup to execute the procurement of a vendor for the review using the same methodology as before:

- 1) Establish a Scope of Work
- 2) Establish minimum/preferred qualifications
- 3) Identify firms to be invited to respond
- 4) Evaluate and make a recommendation to SB

I propose the group of 5 be made up of:

- Rep from the Citizens Warrant article group
- Rep named by the Museum of African American History
- 1 Select Board member
- 2 appointees from citizens who apply

These would be publicly posted, open meetings that are recorded with video posted on the Town's YouTube page to ensure maximum transparency of the process.

The Workgroup could call upon experts like Brian Turbitt (Procurement), Chief Kasper (Independent reviews of police investigations) or Town Counsel to advise them along the way.

I see Libby put this on the Silver Sheet for February 3rd. If that's a good date, I will let Dr. Trent know as she planned to travel here for the initial conversation about setting up the process.

Thoughts?

Brooke



Elder Services
of Cape Cod and the Islands

144 Orange Street, Nantucket, MA 02554 ph: 508-228-4647 fax: 508-244-4836 www.escci.org

To: The Nantucket Selectboard

Via e-mail to EMooney@nantucket-ma.gov

March 18th, 2025

I am writing in support of Anthony Fox's appointment to the African Meeting House Investigation Procurement Workforce.

I have known Anthony (Rocky) professionally as well as on a personal level for over 25 years. I have always been able to count on him and can vouch for his trustworthiness and approachability. He can be relied on to take initiative and has excellent communication skills. He is locally born and raised and has become a very successful businessman as well as a cherished volunteer in the community.

For these reasons I believe his appointment to the African Meeting House Investigation Procurement Workforce would be an asset to the Workforce committee. Please do not hesitate to contact me with regards to background or qualifications.

Sincerely,

Sheri A. Hunt

Director of ESCCI Nantucket Office

Sheri.hunt@escci.org

508-258-2254

From: [jamie foster](#)
To: [Erika Mooney](#)
Subject: Rocky Fox Reference
Date: Tuesday, March 18, 2025 2:06:58 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

I am honored to write this letter in support of Rocky Fox, whom I have known for over 20 years. Throughout this time, I have witnessed his unwavering dedication to the Nantucket community and his selfless commitment to numerous local causes.

Rocky has been actively involved with the Boys & Girls Club, Meals on Wheels, the Food Bank, Nantucket Public Schools, and virtually every nonprofit organization on the island. His passion for service and willingness to lend a helping hand wherever needed make him an invaluable member of our community. Whether organizing events, delivering meals, or supporting youth programs, Rocky consistently goes above and beyond to make a positive impact.

Beyond his volunteer work, Rocky is a person of great integrity, kindness, and generosity. He leads by example, inspiring those around him to give back and contribute to the betterment of our community. His character is defined by his genuine concern for others and his dedication to making Nantucket a better place for all.

I wholeheartedly recommend Rocky Fox and stand by his exceptional character and commitment to service. Please feel free to contact me if you require any additional information.

Sincerely,

Jamie Foster

Venessa Moore
PO Box 3392
Nantucket, Ma 02584
venessa.km@gmail.com

March 19, 2025

The Nantucket Select Board
16 Broad Street
Nantucket, MA 02554

Dear Members of the Nantucket Select Board,

I am writing to express my strong support for Anthony “Rocky” Fox as a candidate for the African Meeting House Investigation Workgroup. I believe it is essential to recognize the value and character that this individual brings to *our* community.

Having known Rocky for my entire life, I can attest to his impeccable reputation and unwavering dedication to our town and its residents. He has consistently demonstrated his commitment to Nantucket Public Schools in a professional and volunteer role, the Seniors and Meals on Wheels to mention a few. His ability to foster collaboration and inclusivity is truly commendable.

As residents of this community, we have the opportunity to benefit from Rocky’s unique perspectives and skills. His experience and qualifications here position him to be an invaluable asset to the workgroup. I am confident that he will contribute significantly to the discussions and decisions that arise regarding the African Meeting House.

It is troubling to hear unfounded concerns being raised against Rocky. As an active member of our community, it’s vital that we come together to support individuals who are committed to fostering positive change.

I urge the Board to look beyond baseless accusations and instead focus on the merits and qualifications of Rocky. He has consistently shown his passion for *our* community, and I strongly believe he is the right choice for this workgroup.

Thank you for considering my perspective in regard to Anthony “Rocky” Fox’s candidacy.

Sincerely,

Venessa K. Moore

KIMBERLY KUBISCH

PRINCIPAL
kubischk@npsk.org



KIMBERLY ALBERTSON

ASSISTANT PRINCIPAL
albertsonk@npsk.org

March 18, 2025

Dear Select Board Members:

It is my absolute honor and pleasure to write this letter on behalf of Anthony "Rocky" Fox. I strongly support his selection as a member of the work group/advisory committee, for the important work of choosing the agency to review the investigation into the vandalism at the historic African Meeting House.

I have had the distinct honor and privilege of knowing and working with Mr. Fox in a multitude of capacities for more than twelve years. He is always professional, responsible, kind, caring, generous, motivated, willing, interested, and supportive. He is devoted to the Nantucket community. It is his passion, and his commitment is evidenced through his participation in multiple organizations on the island which support children, seniors, people with disabilities, and businesses through programming, scholarships, fundraising, mentoring, volunteering, planning, and teaching. The organizations Mr. Fox works with that I know of, and I am sure this list is not exclusive, include: the Boys and Girls Club, Our Island Home, the Ozone Surf Classic, Senior Services, the Food Pantry, Nantucket Public Schools - as a former School Committee member and current volunteer, and Meals on Wheels. He regularly partners with groups all over the island to host fundraisers for organizations that include: Nantucket Little League, Lighthouse School, Small Friends, FONPs, the Nantucket Fire Department, and Nantucket Sports and Therapeutic Accessible Recreation (STAR). It is important to note that this list is not exhaustive either.

For the last two years, Rocky has been a community member on the Nantucket Elementary School Council. He also visits weekly to share books and puppets in two or three classrooms. He serves as mentor, a leader, a partner, and a visionary at NES. He has had a presence in the elementary school for a very long time, serving as a volunteer for more than twenty years (since his own children were here). He is so committed to our school that he is now supporting the next generation of students!

In my opinion, the most beneficial and lasting gifts Rocky Fox provides to all of those with whom he works and partners, is his integrity, generosity, commitment to task, and strength of character. All of these traits are always exhibited, and he models these for all to emulate as well.

It is without reservation and with the utmost regard that I highly recommend Anthony "Rocky" Fox for the Select Board's advisory committee. He will be a wonderful addition, an active and thoughtful member, and he will provide the example of what thorough, invested committee work should look like. Should you require anything further, please do not hesitate to contact me.

Sincerely,

Kimberly Kubisch



Agenda Item Summary

Agenda Item #	VIII. 2.
Date	3/19/2025

Staff

Martin Anguelov, Chief Financial Officer of Nantucket Public Schools

Subject

Request for Authorization to Utilize Funds in the Special Education Reserve Fund to Cover Out-of-District Tuition Expenses Outside the Operating Budget for Tuition Expenses of the School.

Executive Summary

Schools across the State of Massachusetts have been faced with increased costs for out- of -district Special Education placements over the past five years. Nantucket, due to its unique geographical location, has arguably faced even bigger increases, which have been especially challenging the past two years. In FY2024 we ended up with a \$755,916 deficit in the SPED Tuition line, which was largely offset by numerous personnel vacancies we had district-wide. This year we are already \$747,037 over budget, the difference being we are fully staffed. This request is to cover \$450,000 of that deficit, we are looking at savings in other areas of our budget to ensure we bridge that deficit.

Staff Recommendation

Approve authorization

Background/Discussion

N/A

Impact: Environmental ☐ Fiscal ☒ Community ☐ Other ☐

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

N/A



Attachments

- Vote to establish the Special Education Reserve Fund at the 2018 ATM, Article 32
- Regulation regarding establishing, funding and expensing from the SPED Reserve Fund per the Department of Elementary and Secondary Education
- MUNIS report as of the status of the Tuition line in our FY2025 budget as of March 7, 2025



with the Trust and otherwise contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the projects or for the financing thereof; and that the Board of Health or other appropriate local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the projects and to take any other action necessary to carry out the projects.

ARTICLE 32

(Establishment of and Appropriation for Special Education Reserve Fund)

To see if the Town will vote to accept the provisions of M.G.L. Chapter 40, Section 13E, for the purpose of creating a reserve fund to pay for unanticipated or unbudgeted costs for special education, out-of-district tuition or transportation; and further, to see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds to be placed in said Special Education Reserve Fund; or take any action relative thereto.

(Board of Selectmen for School Committee)

FINANCE COMMITTEE MOTION: Moved that the Town accept the provisions of M.G.L. Chapter 40, Section 13E, to create a reserve fund to pay for unanticipated or unbudgeted costs for special education, out-of-district tuition or transportation; and further, to appropriate Two Hundred Fifty Thousand Dollars (\$250,000) from the Fiscal Year 2019 [School Budget] to be placed in said special education reserve fund.

ARTICLE 33

(Community Preservation Committee: Fiscal Year 2019 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.

FROM	TO	AMOUNT
Article 21 ATM 2005 Town of Nantucket	Fiscal year 2019 Community Preservation Committee Community Open Space reserved fund balance	\$16,611.16
Total Transfers to Community Open Space Reserved Fund Balance		\$16,611.16
Article 30 ATM 2015 The Homestead	Fiscal Year 2019 Community Preservation Committee Community Historic Preservation reserved fund balance	\$2,858.32
Article 26 ATM 2014 Preservation Institute Nantucket	Fiscal Year 2019 Community Preservation Committee Community Historic Preservation reserved fund balance	\$11.43
Total Transfers to Community Historic Preservation Reserved fund balance		\$2,869.75
Total transfers back to Community Preservation Reserved Fund		\$19,480.91

School Finance: Circuit Breaker

Advisory on Special Education Stabilization Fund

Section 24 of Chapter 218 of the Acts of 2016 provides for the establishment of a Special Education Stabilization fund. The law enables municipal and regional districts to establish a reserve fund that can be used in future years for unanticipated or unbudgeted costs of special education, out of district tuition or transportation.

Establishing, funding and making payments from the stabilization fund

In order to establish the fund the law requires a majority vote by both the School Committee and local legislative body. In the case of regional school districts the local legislative body means a majority vote of the legislative bodies in a majority of the member communities of the district. Once the fund is established, the school committee may include a separate line item in their annual budget request to appropriate monies into the stabilization fund. For regions, the amount to be appropriated to the stabilization fund is included in each member municipality's assessment. The balance in the reserve fund cannot exceed two percent of the annual required net school spending of the school district.

Funds in the reserve fund can only be expended or transferred out after a majority vote of both the School Committee and Selectmen or City Council or in the case of regional school districts, a majority vote of the boards of selectmen or city councils of a majority of the member communities of the district.

Other areas districts may choose to consider when establishing the fund are:

- Maximum balance in the fund
- A limit on the amount that can be expended in a fiscal year

Reporting of activity in the stabilization fund

Annual appropriations into a stabilization fund should not be reported as an expenditure on the End of Year Financial Report. There is no reporting requirement for increasing the balance in the fund.

Expenditures from the fund should be reported as an additional appropriation of the school committee in the appropriate function codes on Schedules 1 and 3 of the End of Year Financial Report. Expenditures are made directly from the stabilization fund so a transfer into the general fund is not required.

Questions about this advisory should be directed to Jay Sullivan, associate commissioner, district & school finance, at 781-338-6594 or jsullivan@doe.mass.edu.

YEAR-TO-DATE BUDGET REPORT

FOR 2025 99								
ACCOUNTS FOR:	ORIGINAL	TRANFRS/	REVISED				AVAILABLE	PCT
001 GENERAL FUND	APPROP	ADJSTMTS	BUDGET	YTD EXPENDED	ENCUMBRANCES		BUDGET	USED
13840 CEN SYS SPECIAL EDUCATION								
13840 52070 TUITION	850,000	0	850,000	736,323.76	860,712.78		-747,036.54	187.9%
TOTAL CEN SYS SPECIAL EDUCATION	850,000	0	850,000	736,323.76	860,712.78		-747,036.54	187.9%
TOTAL GENERAL FUND	850,000	0	850,000	736,323.76	860,712.78		-747,036.54	187.9%
TOTAL EXPENSES	850,000	0	850,000	736,323.76	860,712.78		-747,036.54	

YEAR-TO-DATE BUDGET REPORT

FOR 2025 99								
	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED	
GRAND TOTAL	850,000	0	850,000	736,323.76	860,712.78	-747,036.54	187.9%	
** END OF REPORT - Generated by Martin I. Anguelov **								

3. Review of Options for Proposed Pilot Program for One-Way Traffic on Portion of Pleasant Street and Selection of Design Option for Sparks Avenue Sidepath. Ms. Gibson introduced Transportation Program Manager Mike Burns and Public Works Director Andrew Patnode to present the agenda item. Mr. Burns reviewed the presentation in the packet, beginning with the Sparks Avenue sidepath design options, noting there are two. He reviewed both, including scope and estimated cost. Mr. Fee moved approval of Alternative 2 as presented; seconded by Ms. Holdgate; all in favor, so voted.

Mr. Burns continued to review the proposed pilot program as contained in the presentation. Mr. Burns reviewed the area of the proposed program, and noted three options under exploration for a sidewalk in the section of Pleasant Street under discussion (Williams Lane to Five Corners), as well as associated issues with the various options. He said that some of the options require space not available without property acquisition, therefore a pilot program is being recommended to make the subject section of Pleasant Street one-way to determine if a permanent traffic change would be feasible. He reviewed a recommendation for "Option 2" of the sidewalk design, with the pilot one-way study. Some Board discussion followed on Option 2. Mr. Fee asked about traffic modeling with respect to "downstream impacts" on intersections. Mr. Burns responded. Ms. Holdgate said her concern is the overburdening of nearby intersections. She said she could support a "very brief" pilot and spoke in favor of Option 1 for the sidewalk. Arthur Gasbarro referenced a letter he sent to the Board last February expressing concerns with this proposal and spoke against the pilot program. Mr. Gasbarro noted encroachments in the area that, if removed, could make the corridor safer. Discussion followed on pedestrian and bike safety in the area. Mr. Fee spoke in favor of Option 2, while acknowledging the concern of Ms. Holdgate as to the overburdening of intersections. Dr. MacNab expressed a similar concern about traffic impacts. Chair Mohr concurred and agreed that a pilot should take place in the summer in order to sufficiently test it. Discussion followed as to roadway projects that are going to be happening over the next year or so in this area. Ms. Holdgate concurred with Mr. Gasbarro and reiterated support for Option 1. She acknowledged it will be a significant effort to obtain the property needed. Mr. Patnode spoke on the timing of the pilot and said the shutdown of the road for 5-6 weeks for a sewer project opened the opportunity to try the pilot. He noted that the pilot is really not so much for bikers or pedestrians but for drivers and people living in the area. Sam Phelan spoke in favor of a sidewalk in this area and in support of the pilot. He said he believes people will rethink their routes to get to places and work it out. Mr. Fee asked if Mr. Phelan would allow a sidewalk on his property. Mr. Phelan said the property is family-controlled and could not say with certainty but expressed a belief that there would be a concern. Chair Mohr said she would support the pilot, starting at the conclusion of the sewer work. So moved by Mr. Fee; seconded by Mr. Dixon; all in favor, so voted.

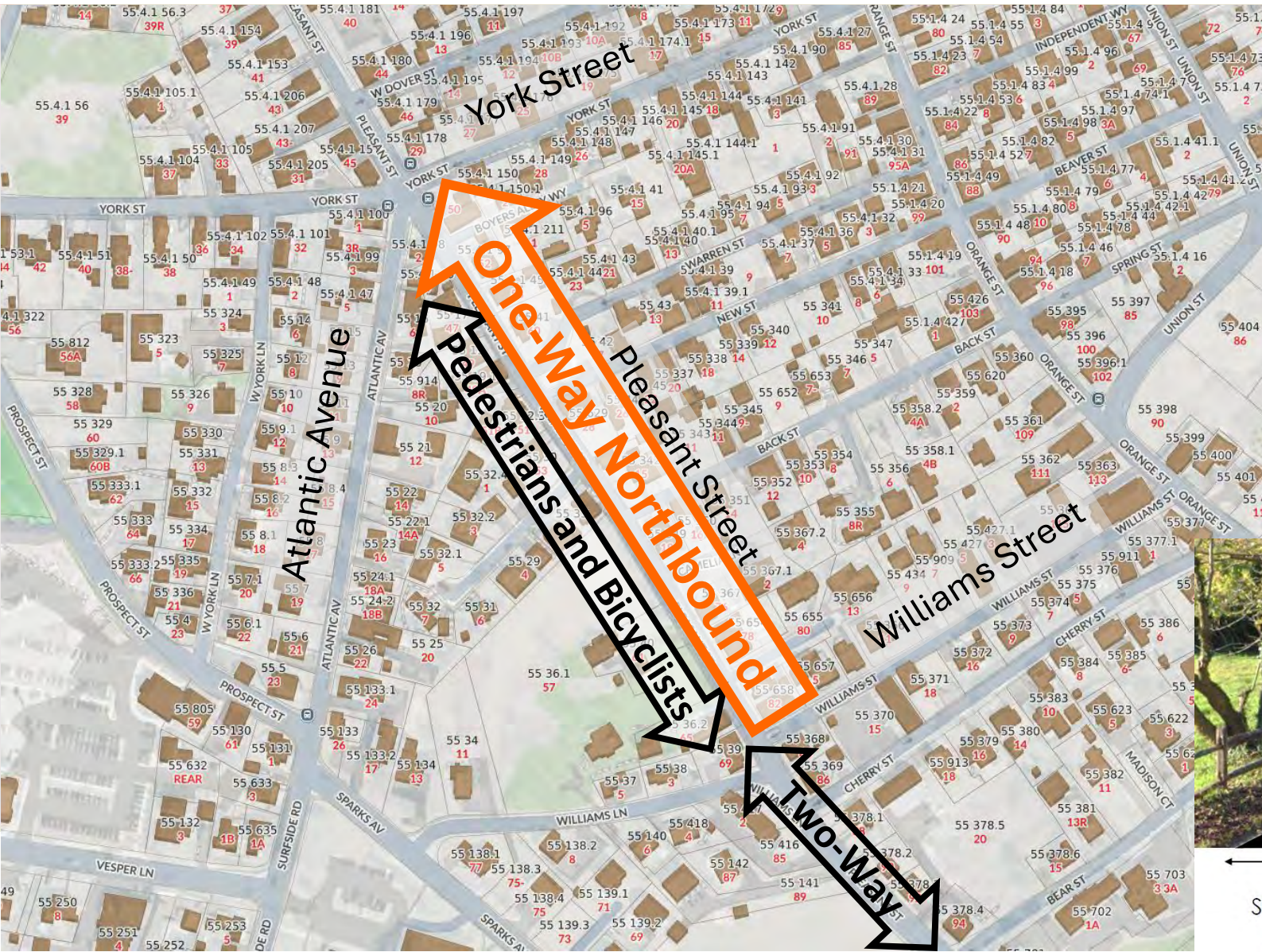
4. Preliminary Review of Town-Sponsored Warrant Articles for 2025 Annual Town Meeting. Ms. Gibson reviewed the list of preliminary potential articles as contained in the Board's agenda packet. Discussion followed on several potential articles.

5. Review of Proposed 2025 Select Board Meeting Schedule. Ms. Gibson noted that a proposed 2025 Select Board meeting schedule is in the Board's packet for review and approval. The Board generally agreed to the schedule for 2025, with the revision of cancelling the September 24, 2025 meeting due to Rosh Hashanah. So moved by Ms. Holdgate; seconded by Mr. Fee, all in favor, so voted

X. SELECT BOARD'S REPORTS/COMMENT

1. Preliminary Discussion: Tax Rate Shift for FY 2025. Mr. Ranney reviewed the presentation as contained in the Board's agenda packet. Some discussion followed. Mr. Dixon asked for a reiteration of residential

Pleasant Street One-Way Pilot Period



- Two Month Pilot Period
- Williams Street to Five Corners (Atlantic Ave.)
- Northbound Lane:
 - Vehicle traffic Only
- Southbound Lane:
 - Pedestrians and Bicyclists only



8' Shared Use Path Bi-Directional
2' Buffer
10' Travel Lane One-way northbound



PRESS RELEASE

For Immediate Release: February xx, 2025

For More Information Contact:

T Michael Burns

Transportation Program Manager

Nantucket Planning & Economic Development Commission

Planning & Land Use Services

2 Fairgrounds Road

Nantucket, MA 02554

508-325-7587 X 7011

mburns@nantucket-ma.gov

Pleasant Street One-way Pilot Period

NANTUCKET, MA –

As early as this Friday, February 7, 2025, the Nantucket Department of Public Works (DPW) anticipates reopening only the northbound lane of Pleasant Street between Williams Street and Atlantic Avenue/Five Corners to vehicle traffic. Signage and barricades will be placed in the southbound lane between these intersections to designate that section for “pedestrians and bicyclists only” as part of the one-way pilot recommended by the Nantucket Historical Commission, Bicycle and Pedestrian Advisory Committee, NP&EDC, and approved by the Select Board.

This pilot period will last two months, during which time access will be maintained to all driveways and intersecting roadways. Public outreach will include collecting public comment and survey responses through the ZenCity website. Traffic counts (including vehicle, pedestrian, and bicycle counts) will be collected, analyzed, and presented to the Select Board by early April. If this piloting is deemed successful with sufficient positive responses from those who walk or bike in the area, minimal disruption and minimal anticipated disruption to traffic flow, and general acceptance by the community, staff will recommend the Select Board extend the piloting period and public outreach effort to a date to be determined.

“This one-way pilot period will evaluate the community’s acceptance of a traffic flow change that more safely accommodates pedestrians and bicyclists while also minimizing property impacts to abutting property owners.” said Mike Burns, NP&EDC’s Transportation Program Manager. *“Community input during this period will be greatly appreciated and will help community leaders decide on the long-term strategy to accommodate safe and accessible travel for all users of this corridor.”*

For more information on this project, please visit: <https://nantucket-ma.civilspace.io/en/projects/pleasant-street-and-williams-lane-complete-street-improvements/>. ###

From: [Mike Burns](#)
To: [Leslie Snell](#); [Andrew Patnode](#); [Holly Backus](#); [Erika Mooney](#)
Subject: Fwd: Pleasant St Improvements
Date: Wednesday, March 19, 2025 9:58:30 AM
Attachments: [Letter on Historic Preservation revised .pdf](#)

FYI...I see you weren't copied and you may be interested...

Begin forwarded message:

From: Sam Phelan <sphe076600@yahoo.com>
Date: March 19, 2025 at 1:24:10 AM EDT
To: Dawn Hill Holdgate <dhillholdgate@nantucket-ma.gov>, Matt Fee <mfee@nantucket-ma.gov>, Thomas Dixon <tdixon@nantucket-ma.gov>, Brooke Mohr <bmohr@nantucket-ma.gov>, Malcolm MacNab <mamacnab@nantucket-ma.gov>
Cc: Mike Burns <mburns@nantucket-ma.gov>, Town Manager <townmanager@nantucket-ma.gov>
Subject: Pleasant St Improvements

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

March 18, 2025

137 Read Road
Red Hook, NY 12571
Sphe076600@yahoo.com

Select Board
Town of Nantucket
16 Broad Street
Nantucket, MA

Dear Select Board Members

I am a member of the Phelan Family which holds significant property fronting on Pleasant St. and whose members use Pleasant St. frequently for automobile, bicycle and pedestrian transit. The proposed improvement of Pleasant St between 5 Corners and Williams Lane will significantly affect a piece of Nantucket that we have used and enjoyed for several generations. Previously, I communicated with Mike Burns, the NHC and other Town committees regarding my concern about preserving the historic features of Pleasant St. from 5 Corners to Williams Lane. (see attached letter).

There is no question that pedestrian safety on Pleasant St must be

improved. However, as the Select Board reviews alternative Pleasant St. improvements it must also consider several other factors that are important to Nantucket. Taxpayer cost for street improvements, intrusions on private property, impairment of scenic and historic assets, preservation of shaded streets, ADA requirements, control of vehicular speed and the encouragement of pedestrian and cycle traffic as an alternative to vehicular use are all important issues that must be considered before selecting the final improvements to Pleasant St.

The Mike Burns has sketched out two alternative improvements for your consideration. Alternative One retains the existing two 10' vehicle lanes and adds a new curbed 5' sidewalk. Alternative Two retains only one 10' vehicle lane with the other 10' lane being used to build either one 8' shared use path with a 2' buffer or two 5' bike lanes with one 2' buffer.

Alternative One preserves two way vehicular traffic and improves bicycle and pedestrian safety by widening the streetscape to 25', taking private property and removing the current shade trees. This will create a modern streetscape similar to Washington St. Alternative Two sacrifices two way vehicular traffic in favor one way traffic. Bicycle safety is improved by providing either one bidirectional or two unidirectional bicycle lanes. It also largely preserves the existing sidewalks and streetscape plus it does not require the taking of private property.

Given the complexity of this project and the limitations of the physical environment, it is not realistic to expect that the everyone will whole heartedly support the Select Board's final decision. From my perspective, Alternative Two with one vehicular lane and two unidirectional bicycle lanes is the best alternative. It recognizes a need to conserve public funds, protect private property, preserve desirable street scape elements and promote bicycle and pedestrian transit over increased vehicular traffic. However, if the Select Board feels it is imperative to retain bidirectional vehicular traffic, Alternative One could be enhanced by 1) implementing measures to reduce vehicle speed so bicycle safety on Pleasant St can be improved and 2) improve pedestrian safety by constructing a smaller 3' pathway that is separated from the street by a 2+' grass buffer. These could mitigate some of the undesirable side effects of Alternative One mentioned above.

Currently an important trial of Alternative Two with one shared use path is being conducted. Prior making a decision on which Alternative to pursue, I urge the Board to allow the current trial program for a one-way Pleasant St. to continue so the traffic counting can continue until it's intended conclusion in April. These data will be critical for accurately understanding the probable traffic flow alterations that will result from a one-way Pleasant St. Also, it will be instructive to see the analysis of public comments on a one way Pleasant St. These are important data even though I suspect they will be biased towards negative comments from Pleasant St users

who don't want to be forced to change their driving habits. My concern is that these data shouldn't necessarily be regarded as reflective of the entire public's opinion regarding future Pleasant St. improvements.

I look forward to attending your meeting this afternoon and would be willing to answer any questions or comments.

Sincerely yours,

Sam Phelan

137 Read Road

Red Hook, NY 12571

(M) 914 466 8695

e-mail: sphe076600@yahoo.com

137 Read Road
Red Hook, NY 12571
and
7 Williams Lane &
65 Pleasant St.
Nantucket, MA 02554

March 22, 2024

To: Mike Burns

Transportation Program Manager, NP&EDC
mburns@nantucket-ma.gov

Mr. Burns:

I want to complement the Bicycle and Pedestrian Advisory Committee for the work that it has done to analyze the options for and repercussions of improving pedestrian and bicyclist safety on Williams Lane and Pleasant St. As frequent walkers to downtown from 7 Williams Lane and 65 Pleasant St our family can attest to the hazardous conditions for pedestrians on both streets. I also frequently bike on both roads. While I have never found Williams Lane hazardous, Pleasant St. clearly is dangerous due to speeding and traffic backups at Five Corners.

To date, the focus of the Committee's analysis has been to evaluate how installation of a walking path and/or bike lane would impact a) traffic volume, b) construction costs and c) the need to obtain property easements on Williams Lane and Pleasant St. I urge the Committee to also consider in its analysis the principles of Context Sensitive Design, as advocated by the FHWA (www.fhwa.dot.gov/planning/css/). Specifically, consider the impacts each of the potential traffic improvements would have on the historical integrity of Pleasant St. and Williams Lane.

Upper Pleasant St. and Williams Lane are in Nantucket's Old Historic District. This District is drastically different from the commercially oriented Pleasant St. area near Stop and Shop. The vast majority of houses between 5 Corners and Williams Lane are over 100 years old. 57, 61 and 65 Pleasant Street were recognized in 2013 and 2022 by the Nantucket Preservation Trust for their historic significance and the Phelans continue to carefully preserve the historic integrity of their buildings and properties along Pleasant St and Williams Lane.. While the area has changed over the years, it does retain many characteristics from 100-150 years ago. (See attached photos). Potential degradation of the area's historical context by planned street modernization should be a parameter included in the the Committee's Evaluation Matrix.

Below are suggestions for alternative construction techniques that we urge the Committee to adopt in order to retain Williams Lane and Pleasant Street's historic character.

Typical Construction Standard	Alternative Standard
Extensive use of bright white surface painted lines indicating crosswalks, center of road/path, buffers, directional arrows, etc.	Limit use of traffic improvement options that require use of pavement painting/markings. E.g. Restrict line painting on asphalt to stop lines and intersection crosswalks.
Install curbing at edge of all roads and pedestrian ways	Retain existing curbing, do not increase height or width. Retain soft edge areas along Pleasant and Williams Lane
Separation of bike and pedestrian ways from the roadway via painted lines or curbing.	Install split rail fence or 1-2' surface stone/brick to divide pathways from roads.
Install paved asphalt surfaces on all pathways and sidewalks	Pedestrian walkways can be ADA compliant when constructed using gravel hard pack. Bike paths may be surfaced with crushed stone or gravel.
Free-standing metal post directional or instructional signs	Limit use of free-standing signs to stop and speed limit signs. All signs should be on painted wooden 4x4 posts.
Remove trees, bushes and fences for roadway expansion and build up sloped areas to road level when expanding the town right of way	If expansion is unavoidable causing removal of fences etc., replace all existing fences, bushes and trees with like kind. Install historically sensitive fencing when preventing access to steep sloped areas

Nantucket town retains considerable charm due to preservation of its narrow and irregular streets and walkways. This is extensively documented in "Preserving Historic Pavement on Nantucket". At a minimum, the Bicycle and Pedestrian Advisory Committee should modify its Evaluation Matrix to include a fourth criteria - preservation of historic integrity. It would also be appropriate for the Town committees and boards reviewing plans for traffic improvements on Pleasant St. and Williams Lane to include input from a member of the Nantucket Historic Commission.

The Pleasant St and Williams Lane area continues to exemplify many aspects of its historical heritage as a locale on the edge of the more densely built up historic town district. Let's be sure preservation of its historical characteristics are considered in the committee's final selection of the best bike and pedestrian path alternatives .

Thank you for your time and consideration of these comments. Feel free to contact us to discuss them further.

Sincerely yours

Sam and Ellen Phelan

e-mail: sphe076600@yahoo.com,

cell phone: 914 466-8695

65 Pleasant St circa 1895.
Street abutting picket fence, no curb.



Circa 1900, Looking north up Pleasant St from approximately Kimberly St.
Note tree lined, wide road with white 5' fence going up to approximately Back St.



Circa 1940, Looking to Pleasant St from porch of 61 Pleasant
Note split rail fence replaced former solid white fence, trees continue to line street



Circa 1940, Corner of Pleasant St and Williams Lane looking NW
Note curbed sidewalk in front of 67 Pleasant St which stops in front of 65 Pleasant St.



Copies to:

C. Elizabeth Gibson, Town Manager - TownManager@nantucket-ma.gov
Matt Fee, Member Board of Selectmen - mfee@nantucket-ma.gov
Niles Parker, Executive Director, NHA – c/o_ask@nha.org
Holly Backus, Preservation Planner, Planning & Land Use Services -
hbackus@nantucket-ma.gov
Mary Bergman - Executive Director, Nantucket Preservation Trust –
mbergman@nantucketpreservation.org
Raymond Pohl, Chair, Historic District Commission -
Dave Iverson, Chair, Planning Board – c/o_plus@nantucket-ma.gov
Angus MacLeod, Chair, Nantucket Historical Commission
Acting Chair, NP&EDC – c/o_lsnell@nantucket-ma.gov
Bill Grieder, Chair Roads & Rights of Way Committee, bill.grieder@gmail.com
Henry Terry, President, Nantucket Town Association, c/o_nantuckettownassociation@gmail.com

*****DRAFT AS OF 031825*****

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
2025 ANNUAL TOWN MEETING**



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

PLEASE BRING THIS BOOKLET WITH YOU TO TOWN MEETING

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

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

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

PLANNING BOARD
David Iverson, Chair
Joseph Topham, Vice Chair
John Kitchener
Nathaniel Lowell
Barry G. Rector

MODERATOR
Sarah F. Alger

AMERICANS WITH DISABILITIES ACT NOTICE

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Cover photo courtesy of Melanie Pappageorge

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DRAFT

NOTES:

1. ***PETITION ARTICLES HAVE BEEN PRINTED AS SUBMITTED BY THE PETITIONERS AND MAY CONTAIN TYPOGRAPHICAL AND OTHER ERRORS.***
2. ***UNLESS OTHERWISE NOTED UNDER THE FINANCE COMMITTEE MOTION, ALL VOTES NEEDED FOR PASSAGE OF MOTIONS IS A SIMPLE MAJORITY***

DRAFT

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)

FINANCE COMMITTEE MOTION: Moved that the reports of various departments and committees as printed in the Fiscal Year 2024 Annual Town Report or as may come before this meeting be accepted and filed with the permanent records of the Town.

ARTICLE 2

(Appropriation: Unpaid Bills)

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

(Select Board)

FINANCE COMMITTEE MOTION: Moved that One Hundred Twenty Thousand Eighty-two Dollars and Ninety Cents (\$120,082.90) be transferred from Free Cash to pay the General Fund unpaid bills from prior fiscal years; that One Thousand Five Hundred Four Dollars and Twenty-one Cents (\$1,504.21) be appropriated from Retained Earnings of Airport Enterprise Fund to pay Airport Enterprise Fund unpaid bills from prior fiscal years; that Five Thousand Five Hundred Sixty-three Dollars and Fifty Cents (\$5,563.50) be appropriated from Retained Earnings of Our Island Home Enterprise Fund to pay Our Island Home Enterprise Fund unpaid bills from prior fiscal years:

<i>DEPARTMENT</i>	<i>VENDOR</i>	<i>AMOUNT</i>
Finance	Kirkwood Direct	\$ 9,198.48
Fire	On Scene	\$ 1,514.78
Fire	On Scene	\$ 2,699.23
Fire	On Scene	\$ 3,164.67
Fire	Owen West	\$ 59.51
Fire	Regency	\$ 1,132.00
Fire	Ricoh USA	\$ 177.38
Housing	KP Law	\$ 430.00
Housing	KP Law	\$ 1,376.00
IT	GoTo Technologies USA	\$ 220.34
Natural Resources	University of Massachusetts Dartmouth	\$ 99,420.00
Police	Comcast	\$ 244.32
Police	Inquirer & Mirror	\$ 184.71
Police	Worldpay	\$ 261.48
<u>Subtotal General Fund</u>		<u>\$ 120,082.90</u>
Airport	B.E. Byrne	\$ 24.00
Airport	On Scene	\$ 1,414.21
Airport	Yates Island Gas	\$ 66.00

<u>Subtotal Airport Enterprise Fund</u>		<u>\$ 1,504.21</u>
Our Island Home	IPC Healthcare	\$ 5,563.50
<u>Subtotal Our Island Home Enterprise Fund</u>		<u>\$ 5,563.50</u>

Quantum of vote required for passage of the motion is 4/5

ARTICLE 3
(Appropriation: Prior Year Articles)

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

(Select Board)

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

<i>DEPARTMENT</i>	<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
DPW-Parks	Article 10 of the 2022 Annual Town Meeting (Jetties Beach Tennis Courts Crack Sealing)	Improvements to Backus Lane Skate Park	\$75,000.00
DPW-Transportation	Article 10 of the 2021 Annual Town Meeting (Annual Multi-Use Path Repair and Maintenance)	Article 12 of the 2021 Annual Town Meeting (Reconstruction of Lover's Lane)	\$2,295.32
DPW-Transportation	Article 10 of the 2023 Annual Town Meeting (Annual Multi-Use Path Repair and Maintenance)	Article 12 of the 2021 Annual Town Meeting (Reconstruction of Lover's Lane)	\$599,358.89
DPW-Transportation	Article 10 of the 2023 Annual Town Meeting (Annual Cobblestone Improvements and Maintenance)	Article 12 of the 2021 Annual Town Meeting (Reconstruction of Lover's Lane)	\$550,000.00
DPW-Transportation	Article 10 of the 2023 Annual Town Meeting (Annual Road Improvements, Repair and Maintenance)	Article 12 of the 2021 Annual Town Meeting (Reconstruction of Lover's Lane)	\$1,894,016.75
DPW-Transportation	Article 10 of the 2024 Annual Town Meeting (Annual Road Improvements, Repair and Maintenance)	Article 12 of the 2021 Annual Town Meeting (Reconstruction of Lover's Lane)	\$1,457,944.99
DPW-Transportation	Article 10 of the 2024 Annual Town Meeting (Annual Multi-Use Path Repair and Maintenance)	Article 12 of the 2021 Annual Town Meeting (Reconstruction of Lover's Lane)	\$690,438.00

DPW-Transportation	Article 10 of the 2021 Annual Town Meeting (Sidewalk Improvement Program)	Article 12 of the 2021 Annual Town Meeting (Reconstruction of Lover's Lane)	\$3,123.87
Housing	Free Cash	Article 17 of the 2022 Annual Town Meeting (Seasonal Employee Housing Construction)	\$550,000.00
<i>Subtotal of General Fund</i>			<i>\$5,822,177.82</i>
Airport	Article 20 of the 2019 Annual Town Meeting (Resurface Taxiway Echo)	Article 22 of the 2024 Annual Town Meeting (Groundwater and Soil Investigation)	\$40,559.44
Airport	Article 16 of the 2021 Annual Town Meeting (Taxiway G and 1230)	Article 22 of the 2024 Annual Town Meeting (Groundwater and Soil Investigation)	\$304,275.49
Airport	Article 16 of the 2021 Annual Town Meeting (Airport Maintenance and Equipment)	Article 22 of the 2024 Annual Town Meeting (Groundwater and Soil Investigation)	\$32,655.57
Airport	Article 16 of the 2021 Annual Town Meeting (Permit for Master Plan Update)	Article 22 of the 2024 Annual Town Meeting (Groundwater and Soil Investigation)	\$373.19
Airport	Article 16 of the 2021 Annual Town Meeting (Airport Layout Plan Update)	Article 22 of the 2024 Annual Town Meeting (Groundwater and Soil Investigation)	\$29,486.30
Airport	Airport Retained Earnings	Article 22 of the 2024 Annual Town Meeting (Groundwater and Soil Investigation)	\$242,650.01
Airport	Airport Retained Earnings	Article 16 of the 2020 Annual Town Meeting (Groundwater Investigation)	\$132,584.55

Airport	Airport Retained Earnings	Article 22 of the 2022 Annual Town Meeting (ARFF Truck)	\$80,732.08
Airport	Airport Retained Earnings	Article 22 of the 2022 Annual Town Meeting (A220 Gate Hardstands)	\$252,385.34
Airport	Airport Retained Earnings	Article 22 of the 2023 Annual Town Meeting (Construction of Nobadeer Farm Employee Housing)	\$3,885,000.00
Airport	Airport Retained Earnings	Article 22 of the 2023 Annual Town Meeting (Perimeter Road and Fence Relocation)	\$600,000.00
Airport	Airport Retained Earnings	Article 22 of the 2023 Annual Town Meeting (Lektro Tug Replacement)	\$13,698.00
Airport	Airport Retained Earnings	Article 22 of the 2024 Annual Town Meeting (Replacement of Ramp High Mast Lights)	\$35,000.00
Airport	Airport Retained Earnings	Article 22 of the 2024 Annual Town Meeting (Milling and Overlaying of Runway 6-24)	\$75,000.00
Airport	Airport Retained Earnings	HRP - Environmental Monitoring	\$14,230.00
<i>Subtotal of Airport Enterprise</i>			<i>\$5,738,629.97</i>
Solid Waste	Article 22 of the 2022 Annual Town Meeting (Smart Compacter Waste Receptacles)	Article 3 of the 2024 Annual Town Meeting (Leachate Tanks)	\$151,034.00

Solid Waste	Article 16 of the 2020 Annual Town Meeting (Materials Recovery Facility Improvements and Repairs)	Article 22 of the 2022 Annual Town Meeting (Materials Recovery Facility Restrooms and Breakroom Improvements)	\$6,390.00
Solid Waste	Article 20 of the 2019 Annual Town Meeting (Materials Recovery Facility Floor Drain)	Article 22 of the 2022 Annual Town Meeting (Materials Recovery Facility Restrooms and Breakroom Improvements)	\$100,000.00
Solid Waste	Article 12 of the 2018 Annual Town Meeting (Materials Recovery Facility Sorting Station)	Article 22 of the 2022 Annual Town Meeting (Materials Recovery Facility Restrooms and Breakroom Improvements)	\$165,187.81
<i>Subtotal of Solid Waste Enterprise</i>			<i>\$422,611.81</i>

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 to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Town set the spending limits for revolving funds established pursuant to Section 19-21 (Revolving accounts established) of the Town Code as follows:

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>	<i>SPENDING LIMIT</i>
Beach Improvement	Beach Permit Sticker sales	Town Manager with approval of Select Board	In accordance with c. 56 § 7A of Town Code, including endangered species monitor program; beach patrols/monitors; beach use education/information	\$634,500
Community Recreation Programming	Sports programs fees	Town Manager	Operation and maintenance of town owned recreational facilities, Town-owned athletic fields, courts and parks for recreational, organized sports, sports camps and playing field activities.	\$100,000
Tennis Court	Tennis Fees	Town Manager	Operation and maintenance of tennis court facility	\$100,000
Conservation Fund	Conservation Commission application fees	Town Manager with approval of Conservation Commission	Consulting services in connection with professional review of applications	\$35,000

FUND	REVENUE SOURCE	AUTHORITY TO SPEND	USE OF FUND	SPENDING LIMIT
Septic System Inspections	Septic system application fees	Town Manager with approval of Board of Health	Contractor services in connection with septic system inspections; costs associated septic system inspection related training and portion of salaries for staff in connection with septic system duties and responsibilities, together with the proportionate costs of fringe benefits associated with the salaries so paid	\$223,075
Seasonal Food Service Inspections	Food service permit fees	Town Manager with approval of Board of Health	Seasonal food service inspections; costs associated with seasonal food service inspection training and public awareness materials. Salaries for staff in connection with food service inspections.	\$80,000
Lifeguard Seasonal Employee Housing*	Rental payments	Town Manager with approval of Select Board	Defrayment of maintenance/upkeep of lifeguard housing facilities	\$67,500
Road Repairs	Road opening fees, funds received for Town roadway projects	Town Manager with approval of Select Board	Repairs to Town roads as needed due to road openings	\$100,000
Sewer and Public Works Housing	Rental payments	Town Manager with approval of Select Board	Defrayment of maintenance/upkeep of public works housing facilities	\$600,000
Low Beach Housing	Rental payments	Town Manager with approval of Select Board	Defrayment of maintenance/upkeep of Low Beach housing facilities	\$67,500
Municipal Aggregation Operational Adder	Operational Adder from the energy aggregation program	Town Manager with approval of Select Board	Rebates for residential solar energy systems and other uses authorized by the Town's Municipal Aggregation Plan	\$250,000
Airport Aviation Fuel	Fees and receipts received in connection with sale of aviation fuel	Airport Commission	Purchase of Aviation Fuel and repairs and maintenance of the Fuel Farm	\$6,000,000
Employee Housing*	Rental payments	Town Manager with approval of the Select Board	Defrayment of maintenance/upkeep of Town employee housing facilities/houses	\$100,000
Concessions	Rental Payments	Town Manager with approval of the Select Board	Defrayment of maintenance/upkeep of Town owned concession facilities and premises	\$400,000
Short Term Rental Revolving Fund	Short Term Rental Registry	Town Manager with approval of Board of Health	Costs associated with short term rental registry including software licenses and costs associated with salaries and benefits for short term rental compliance coordinator	\$250,000

* *Bylaw Amendment in Article 70: Bylaw Amendment: Finances/Rename; Establish Revolving Account*

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)

FINANCE COMMITTEE MOTION: Moved that Five Hundred Thousand Dollars (\$500,000) be raised and appropriated from the Fiscal Year 2026 tax levy and other general revenues of the Town to establish a reserve fund for Fiscal Year 2026 pursuant to Chapter 40, section 6 of the General Laws.

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)

FINANCE COMMITTEE MOTION: Moved that the amounts listed below be transferred between the various Fiscal Year 2025 accounts and expenditures as follows:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Health & Human Services: Payroll	Health & Human Services: Operating	\$10,500.00
General Insurance	Debt Service - Principal	\$550,000
Free Cash	Debt Service - Principal	\$1,324,000
Medical Insurance	Debt Service - Interest Expense	\$737,832

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~~
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	\$175 \$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)

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

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	\$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~~
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 \$22.00	\$21.00 \$23.00	\$22.00 \$24.00	\$23.50 \$25.50
B-Hourly*	\$21.00 \$23.00	\$22.00 \$24.00	\$23.00 \$25.00	\$24.00 \$26.00
C-Hourly*	\$22.00 \$24.00	\$23.00 \$25.00	\$24.00 \$26.00	\$25.00 \$27.00
D-Hourly*	\$24.00 \$26.00	\$24.50 \$26.50	\$25.00 \$27.00	\$25.50 \$27.50
E-Hourly*	\$25.00 \$27.00	\$26.00 \$28.00	\$27.00 \$29.00	\$28.00 \$30.00

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

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

Schedule C -- Compensation Schedule for Elected Officials*

Moderator	\$175 \$1,000 per year
Select Board Member, Chair	\$6,000/per year
Select Board Members	\$4,500/per year
Town Clerk	\$148,202

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

ARTICLE 8

(Appropriation: Fiscal Year 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)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2026 operating budget is established for the various offices, boards, and commissions of the Town as follows:

Department	Fiscal Year 2026			FY 2025
	Payroll	Operating	Total Budget	Article 8 Total
GENERAL GOVERNMENT				
Finance Committee		\$23,680	\$23,680	\$23,680
Finance & Operations	\$2,446,335	\$523,850	\$2,970,185	\$3,030,502
Human Resources	\$534,713	\$405,378	\$940,091	\$777,829
Information Systems	\$1,079,099	\$963,249	\$2,042,348	\$1,993,913
Legal		\$461,000	\$461,000	\$461,000
Moderator	\$1,015	\$1,500	\$2,515	\$1,681
Planning & Land Use Services	\$2,203,420	\$269,100	\$2,472,520	\$2,456,556
Natural Resources	\$1,121,431	\$201,112	\$1,322,543	\$1,443,336
Town Administration	\$1,759,224	\$930,376	\$2,689,600	\$3,331,911
Nantucket Housing Office	\$321,726	\$7,468,368	\$7,790,094	\$7,380,855
Town Clerk	\$330,402	\$193,400	\$523,802	\$460,210
Subtotal	\$9,797,364	\$11,441,013	\$21,238,376	\$21,361,473
SAFETY & PROTECTION				
Emergency Management		\$8,000	\$8,000	\$8,000
Fire Department	\$4,892,833	\$480,500	\$5,373,333	\$4,957,037
Police Department	\$8,177,466	\$886,600	\$9,064,066	\$8,667,253
Street Lighting		\$310,000	\$310,000	\$300,000
Subtotal	\$13,070,298	\$1,685,100	\$14,755,398	\$13,932,290
MARINE & COASTAL RESOURCES				
Marine Dept	\$989,200	\$98,350	\$1,087,550	\$1,168,232
Subtotal	\$989,200	\$98,350	\$1,087,550	\$1,168,232
MAINTENANCE				
Gas/Town Vehicles		\$375,000	\$375,000	\$375,000
Mosquito Control		\$190,644	\$190,644	\$185,994
Public Buildings		\$1,744,200	\$1,744,200	\$1,689,900
Public Works	\$3,849,968	\$1,064,200	\$4,914,168	\$5,032,022
Parks and Recreation	\$215,371	\$610,000	\$825,371	\$817,896
Snow and Ice Removal	\$7,600	\$75,000	\$82,600	\$82,600

Subtotal	\$4,072,939	\$4,059,044	\$8,131,983	\$8,183,413
HUMAN SERVICES				
Health & Human Services	\$1,226,972	\$190,855	\$1,417,827	\$1,559,256
Subtotal	\$1,226,972	\$190,855	\$1,417,827	\$1,559,256
CULTURE & RECREATION				
Atheneum		\$845,614	\$845,614	\$824,990
Town Clock		\$4,700	\$4,700	\$4,700
Culture & Tourism	\$371,044	\$168,900	\$539,944	\$523,992
Subtotal	\$371,044	\$1,019,214	\$1,390,259	\$1,353,682
CONTRACTUAL OBLIGATIONS				
	\$445,000		\$445,000	\$445,000
TOTAL OF DEPT OPERATING BUDGETS				
	\$29,972,818	\$18,493,576	\$48,466,394	\$48,003,345
EDUCATION				
Community School	\$600,000		\$600,000	\$600,000
School Department	\$36,013,651	\$7,132,525	\$43,146,176	\$40,178,395
Subtotal	\$36,613,651	\$7,132,525	\$43,746,176	\$40,778,395
GRAND TOTAL OF GEN GOV'T OPERATING BUDGETS				
	\$66,586,469	\$25,626,101	\$92,212,570	\$88,781,740
DEBT SERVICE				
Principal & Interest		\$16,872,456	\$16,872,456	\$12,447,065
Subtotal		\$16,872,456	\$16,872,456	\$12,447,065
INSURANCES				
Auto Casualty		\$382,299	\$382,299	\$323,982
Blanket Liability		\$4,219,316	\$4,219,316	\$3,575,692
Claims Deductible		\$172,233	\$172,233	\$145,961
Insurance Consulting		\$58,658	\$58,658	\$58,658
Medical Insurance	\$18,312,077		\$18,312,077	\$17,968,644
Life Insurance	\$6,500		\$6,500	\$6,500
Unemployment	\$175,000		\$175,000	\$175,000
Workers Compensation	\$484,932		\$484,932	\$410,960
Laborer's Union Pension	\$75,000		\$75,000	\$75,000

Subtotal	\$19,053,509	\$4,832,506	\$23,886,015	\$22,740,396
ASSESSMENTS				
Barnstable Retirement		\$7,642,850	\$7,642,850	\$7,044,101
Subtotal	\$0	\$7,642,850	\$7,642,850	\$7,044,101
GRAND TOTAL OF OPERATING BUDGET	\$85,639,978	\$54,973,913	\$140,613,890	\$131,013,302

And to meet these appropriations, the sum of One Hundred Thirty-three Million Two Hundred Sixty-eight Thousand Eight Hundred Twenty-seven Dollars (\$133,268,827) be raised and appropriated from the Fiscal Year 2026 tax levy and other general revenues of the Town; and that Five Hundred Sixteen Thousand Dollars (\$516,000) be transferred from Certified Free Cash into the Treasury of the Town, for one-time and operating expenses that are included in various departmental budgets; and further that Six Million Eight Hundred Twenty-nine Thousand Sixty-three Dollars (\$6,829,063) be raised and appropriated from the Fiscal Year 2026 tax levy and other general revenues of the Town to be transferred to the Affordable Housing Trust Fund.

The budget unanimously recommended by the Nantucket School Committee for the School Department, including the Nantucket Community School, for Fiscal Year 2026 is Forty-three Million Seven Hundred Forty-six Thousand One Hundred Seventy-six Dollars (\$43,746,176).

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)

FINANCE COMMITTEE MOTION: Moved that Six Hundred Fifty Thousand Dollars (\$650,000) be raised and appropriated from the Fiscal Year 2026 tax levy and other general revenues of the Town, and One Hundred Thirty-three Thousand Six Hundred Thirty Dollars (\$133,630) be transferred from the Special Stabilization Fund for Substance Abuse Efforts for the Town Manager to expend to fund grants for the following health and human services, private not-for-profit agencies to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket, provided that the Town Manager with the approval of the Select Board, execute grant agreements with

the respective agencies for Fiscal Year 2026, which contracts shall stipulate mutually agreed upon terms and conditions, and provided further that the grant to the National Alliance on Mental Illness shall be funded from the Special Stabilization Fund for Substance Abuse Efforts with a condition that the grant funds be expended solely for addiction and mental health treatments services:

<i>AGENCY</i>	<i>AMOUNT</i>
A Safe Place, Inc	\$60,000.00
National Alliance on Mental Illness	\$74,630.00
Elder Services of Cape Cod & the Islands	\$30,000.00
Health Imperatives	\$143,000.00
Fairwinds - Nantucket's Counseling Center	\$100,000.00
Martha's Vineyard Community Services	\$19,000.00
South Coastal Counties Legal Services, Inc	\$5,000.00
Nantucket Interfaith Council	\$75,000.00
The Warming Place	\$55,000.00
In the Herd	\$55,000.00
Artists Association of Nantucket	\$30,000.00
Sherburne Commons	\$17,000.00
Addiction Solutions of Nantucket	\$85,000.00
Sharing Kindness	\$5,000.00
Nantucket STAR	\$30,000.00
<u>TOTAL</u>	<u>\$783,630.00</u>

ARTICLE 10

(Appropriation: General Fund Capital Expenditures)

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

(Select Board)

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

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>FUNDING SOURCE(S)</i>	<i>AMOUNT</i>
Fire	Costs associated with the purchase and replacement of (1) fire prevention vehicle	Raise and appropriate \$80,000 from the Fiscal Year 2026 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$80,000
Fire	Costs associated with the installation of supplemental heating system in the apparatus bay	Raise and appropriate \$280,000 from the Fiscal Year 2026 tax levy and other general revenues of the Town	\$280,000
Information Systems (IT/GIS)	Costs associated with the replacement of Town computers, printers, and associated equipment	Transfer \$100,000 from Certified Free Cash into the Treasury of the Town	\$100,000
Information Systems (IT/GIS)	Costs associated with the upgrade of virtual server environment	Transfer \$365,000 from Certified Free Cash into the Treasury of the Town	\$365,000
Natural Resources	Costs associated with coastal resiliency planning	Transfer \$1,000,000 from Certified Free Cash into the Treasury of the Town	\$1,000,000
Natural Resources	Costs associated with the design of downtown neighborhood flood barrier	Authorize the Treasurer, with the approval of the Select Board, to borrow \$2,415,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling	\$2,415,000

		authority, and to issue bonds or notes of the Town therefor	
Natural Resources	Costs associated with the construction of Sesachacha Pond living shoreline and all other costs incidental and related thereto (supplemental appropriation)	Authorize the Treasurer, with the approval of the Select Board, to borrow \$5,120,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$5,120,000
Natural Resources	Costs associated with implementation of Dredge Plan including maintenance dredging and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$2,000,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$2,000,000
Natural Resources	Costs associated with development of Climate Action Plan and associated Sustainability Framework	Raise and appropriate \$500,000 from the Fiscal Year 2026 tax levy and other general revenues of the Town	\$500,000
Natural Resources	Costs associated with development of baseline environmental data collection program	Raise and appropriate \$500,000 from the Fiscal Year 2026 tax levy and other general revenues of the Town	\$500,000
Natural Resources	Costs associated with repairs to Brant Point shellfish hatchery dock and pier	Transfer \$250,000 from Certified Free Cash into the Treasury of the Town	\$250,000

Police	Costs associated with the upgrade and replacement of Public Safety Facility lighting controls system	Transfer \$200,000 from Certified Free Cash into the Treasury of the Town	\$200,000
Police	Costs associated with replacement of seasonal dorm building roofs and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$487,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$487,000
Public Works/Central Fleet	Costs associated with purchase and replacement of (2) Assessor's Office Vehicles	Raise and appropriate \$100,000 from the Fiscal Year 2026 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$100,000
Public Works/Central Fleet	Costs associated with purchase of (1) Transit Van	Raise and appropriate \$73,000 from the Fiscal Year 2026 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$73,000
Public Works/Central Fleet	Costs associated with purchase and replacement of (1) Front-end Loader	Raise and appropriate \$282,000 from the Fiscal Year 2026 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with	\$282,000

		General Laws Ch. 59, Sec. 21C(m)	
Public Works/Central Fleet	Costs associated with purchase of (1) 10-Wheeler Dump Truck	Raise and appropriate \$375,000 from the Fiscal Year 2026 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$375,000
Public Works/Facilities	Costs associated with improvements to municipal facilities and all other costs incidental and related thereto (supplemental appropriation)	Authorize the Treasurer, with the approval of the Select Board, to borrow \$5,500,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$5,500,000
Public Works/Parks	Costs associated with purchase and replacement of the natural grass fields maintenance equipment	Raise and appropriate \$96,000 from the Fiscal Year 2026 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$96,000
Public Works/Transportation	Costs associated with annual sidewalk improvements and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$1,200,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$1,200,000

Public Works/ Transportation	Costs associated with annual Island-wide road improvements and maintenance	Transfer \$2,000,000 from Certified Free Cash into the Treasury of the Town	\$2,000,000
Public Works/ Transportation	Costs associated with annual multi-use path maintenance and repair	Transfer \$1,000,000 from Certified Free Cash into the Treasury of the Town	\$1,000,000
Public Works/ Transportation	Costs associated with bicycle and pedestrian improvements to Pleasant Street and Williams Lane, including the cost of land acquisition and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$1,911,650 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$1,911,650
School	Costs associated with upgrades, repairs, and replacement of IT infrastructure	Raise and appropriate \$609,000 from the Fiscal Year 2026 tax levy and other general revenues of the Town	\$609,000
School	Costs associated with school building improvements	Transfer \$450,000 from Certified Free Cash into the Treasury of the Town	\$450,000
School	Costs associated with purchase and replacement of security camera system	Raise and appropriate \$550,000 from the Fiscal Year 2026 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$550,000

School	Costs associated with campus-wide safety and security improvements	Transfer \$150,000 from Certified Free Cash into the Treasury of the Town	\$150,000
School	Costs associated with construction of vestibule in front office of the elementary school	Transfer \$270,000 from Certified Free Cash into the Treasury of the Town	\$270,000
Town Admin	Costs associated with continued groundwater investigation of per-and polyfluoralkyl substances (PFAS) and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$1,000,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$1,000,000
TOTAL			\$28,863,650

And, to meet this appropriation that Five Million Seven Hundred Eighty-five Thousand Dollars (\$5,785,000) be transferred from Free Cash in the Treasury of the Town so specified; that One Million Eight Hundred Eighty-nine Thousand Dollars (\$1,889,000) be raised and appropriated from the FY 2026 tax levy and other general revenues of the Town; that One Million Five Hundred Fifty-six Thousand Dollars (\$1,556,000) be raised and appropriated from the FY 2026 tax levy, provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, sec. 21C(m); and that the Treasurer, with the approval of the Select Board be authorized to borrow Two Million Four Hundred Fifteen Thousand Dollars (\$2,415,000) for costs associated with the design of the downtown neighborhood flood barrier; Five Million One Hundred Twenty Thousand Dollars (\$5,120,000) for costs associated with the construction of the Sesachacha Pond living shoreline; Two Million Dollars (\$2,000,000) for costs associated with Dredge Plan implementation; Four Hundred Eighty-seven Thousand Dollars (\$487,000) for costs associated with the replacement of seasonal dorm building roofs; Five Million Five Hundred Thousand Dollars (\$5,500,000) for costs associated with the improvements to municipal facilities; One Million Two Hundred Thousand Dollars (\$1,200,000) for costs associated with the continuation of annual sidewalk improvements; One Million Nine Hundred Eleven Thousand Six Hundred and Fifty Dollars (\$1,911,650) for costs

associated with bicycle and pedestrian improvements to Pleasant Street and Williams Lane; One Million Dollars (\$1,000,000) for costs associated with groundwater investigation of per- and polyfluoralkyl substances (PFAS); with all borrowings to be done under and pursuant to General Laws Ch. 44, sec. 7(1), or any other enabling authority, and to issue bonds or notes of the Town therefor.

All of these sources totaling Twenty-eight Million Eight Hundred Sixty-three Thousand Six Hundred Fifty Dollars (\$28,863,650).

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

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)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Fourteen Million Dollars (\$14,000,000) 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; that to meet the appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

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

ARTICLE 12

(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)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of One Million Two Hundred Thousand Dollars (\$1,200,000) to be spent by the Town Manager with the approval of the Select Board to make design improvements to the Department of Public Works facility at 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; that to meet the appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

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

ARTICLE 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)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of One Hundred Five Million Dollars (\$105,000,000) 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; that to meet the appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

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

ARTICLE 14

(Supplemental Appropriation: Tom Nevers Road Bike Path)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of making various transportation-related improvements for the construction of a bike path along Tom Nevers Road, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Six Million Eight Hundred Fifty Three Thousand Seven Hundred Six Dollars (\$6,856,706) to be spent by the Town Manager with the approval of the Select Board to make various transportation-related improvements for the construction of a bike path along Tom Nevers Road, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; that to meet the appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

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

ARTICLE 15

(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)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2026 operating budgets be approved for the Enterprise Funds, with the Airport appropriation to be expended through the Nantucket Airport Commission; with the Nantucket Water

Department Enterprise Fund to be expended through the Nantucket Water Commission; the remaining appropriations to be spent through the Select Board.

FUND	FY2026 PAYROLL	FY2026 EXPENSES	FY2026 TOTAL BUDGET	FY2025 BUDGET
Airport	\$7,051,859	\$7,012,391	\$14,064,250	\$13,240,405
Our Island Home	\$7,736,158	\$3,004,994	\$10,741,152	\$10,288,349
Sewer	\$3,347,876	\$11,237,961	\$14,585,837	\$13,952,094
Solid Waste	\$750,792	\$17,341,320	\$18,092,111	\$16,100,310
Stormwater	\$172,536	\$352,777	\$525,313	\$512,500
Nantucket Water Department	\$2,518,830	\$5,537,416	\$8,056,246	\$7,921,132
<i>Total</i>	<i>\$21,578,050</i>	<i>\$44,486,859</i>	<i>\$66,064,909</i>	<i>\$62,014,791</i>

Further, that the above appropriations be funded as follows:

FUND	FUNDING SOURCE	AMOUNT
Airport	FY26 Anticipated Revenue	\$13,664,250
Airport	Retained Earnings - Passenger Facility Charge	\$400,000
Our Island Home	FY26 Anticipated Revenue	\$5,222,088
Our Island Home	FY26 Tax Levy and Other General Revenues	\$5,519,064
Sewer	FY26 Anticipated Revenue	\$14,585,837
Solid Waste	FY26 Anticipated Revenue	\$6,213,683
Solid Waste	FY26 Tax Levy and Other General Revenues	\$7,938,584
Solid Waste	FY26 Tax Levy and Other General Revenues	\$3,939,844
Stormwater	FY26 Tax Levy and Other General Revenues	\$525,313
Nantucket Water Department	FY26 Anticipated Revenue	\$8,056,246

ARTICLE 16

(Appropriation: Enterprise Funds Capital Expenditures)

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

(Select Board for the Various Departments Indicated)

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

DEPARTMENT	ITEM	FUNDING SOURCE(S)	AMOUNT
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Airport	Costs associated with groundwater and soil investigation (supplemental appropriation) and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$3,680,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$3,680,000
Airport	Costs associated with airfield paint, beads & rubber markings removal and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$1,000,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$1,000,000
Airport	Costs associated with the purchase and replacement of (1) Airport Rescue and Firefighting Airport truck and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$1,450,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$1,450,000
Airport	Costs associated with the construction of Gates 1 and 2A hardstands	Transfer \$500,000 from Certified Retained Earnings into the Airport Enterprise Fund	\$500,000
Airport	Costs associated with the design and construction of a new ground support equipment	Authorize the Treasurer, with the approval of the Select Board to borrow \$4,100,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is	\$4,100,000

	(GSE) storage facility and all other costs incidental and related thereto	intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	
Airport	Costs associated with the construction of the south apron noise barrier and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$5,000,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$5,000,000
Airport	Costs associated with improvements and upgrades of the triturator system	Transfer \$500,000 from Certified Retained Earnings into the Airport Enterprise Fund	\$500,000
Airport	Costs associated with the purchase and replacement of FBO ground support equipment (GSE) and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$1,530,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$1,530,000
Subtotal of Airport Enterprise Fund			\$17,760,000
Sewer	Costs associated with upgrades to the Airport Road pump station (supplemental appropriation) and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$1,695,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants,	\$1,695,000

		and other available funds of the Sewer Enterprise Fund	
Sewer	Costs associated with design and engineering of the Somerset Needs Area sewer extension (supplemental appropriation) and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$1,000,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund	\$1,000,000
Sewer	Costs associated with upgrades to the Cato Lane pump station and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$1,890,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund	\$1,890,000
Sewer	Costs associated with the purchase and replacement of the Siasconset wastewater treatment facility clarifier and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$1,701,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund	\$1,701,000
Subtotal of Sewer Enterprise Fund			\$6,286,000

Solid Waste	Costs associated with repairs and replacement of the composter aeration building siding and roofing	Transfer \$400,000 from Certified Free Cash into the Treasury of the Town	\$400,000
Solid Waste	Costs associated with repairs and replacement of the composter tip building siding and roofing	Transfer \$275,000 from Certified Retained Earnings into the Solid Waste Enterprise Fund	\$275,000
Solid Waste	Costs associated with improvements to the bio-filter building and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$600,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Solid Waste Enterprise Fund	\$600,000
Solid Waste	Costs associated with repairs of the composter tip building ram feed system	Transfer \$500,000 from Certified Free Cash into the Treasury of the Town	\$500,000
Solid Waste	Costs associated with the purchase of (2) conveyor systems and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$600,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Solid Waste Enterprise Fund	\$600,000
Solid Waste	Costs associated with the purchase of	Transfer \$50,000 from Certified Retained Earnings into the Solid Waste Enterprise Fund	\$50,000

	security cameras		
Subtotal of Solid Waste Enterprise Fund			\$2,425,000
Water	Costs associated with improvements to the distribution system and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$4,700,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Water Enterprise Fund revenues, state or federal grants, and other available funds of the Water Enterprise Fund	\$4,700,000
Water	Costs associated with mobile PFAS treatment system and all other costs incidental and related thereto	Transfer \$4,000,000 from Certified Retained Earnings into the Water Enterprise Fund	\$4,000,000
Subtotal of Water Enterprise Fund			\$8,700,000
Total of all Enterprise Funds			\$35,171,000

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

ARTICLE 17 (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)

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

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Airport Retained Earnings	Airport: Salaries	\$400,000
Airport Retained Earnings	Airport: Operating	\$2,800,000
Sewer Retained Earnings	Sewer: Operating	\$315,738

ARTICLE 18

(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)

FINANCE COMMITTEE MOTION: Moved that Three Hundred Sixty-seven Thousand Dollars (\$367,000) be appropriated from the Waterways Improvement Fund for the purpose of (1) maintenance, dredging, cleaning and improvement of harbors, inland waters and great ponds, (2) the public access thereto, (3) the breakwaters, retaining walls, piers, wharves and moorings thereof, and (4) law enforcement and fire prevention in the Town and County of Nantucket, and any other purpose allowed by applicable law.

ARTICLE 19

(Appropriation: Ambulance Reserve Fund)

To see what sum the Town will vote to appropriate from the Ambulance Reserve Fund for the purchase of ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for ambulances, and other such related costs to operate the Town's ambulance services, including up to seven (7) full-time firefighter/EMT and/or paramedic positions. All expenditures to be made by the Fire Department, subject to the approval of the Town Manager; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Nine Hundred Fifteen Thousand Dollars (\$915,000) be appropriated from the Ambulance Reserve Fund for the purchase of

ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for ambulances, and other such related costs to operate the Town's ambulance services, including up to seven (7) full-time firefighter/EMT and/or paramedic positions. All expenditures to be made by the Fire Department, subject to the approval of the Town Manager.

ARTICLE 20

(Appropriation: Ferry Embarkation Fee)

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

Or to take any other action related thereto.

(Select Board)

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

ARTICLE 21

(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)

FINANCE COMMITTEE MOTION: Moved that Two Hundred Forty Thousand Six Hundred Five Dollars (\$240,605) be raised and appropriated from the Fiscal Year 2026 tax levy and other general revenues of the Town to fund the Fiscal Year 2026 county assessment.

ARTICLE 22

(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)

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

ARTICLE 23

(Rescind Unused Borrowing Authority)

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the unused borrowing authority for the following projects be rescinded:

<i>Department</i>	<i>Item</i>	<i>Article/Town Meeting</i>	<i>Amount to be Rescinded</i>
Airport	Permit for Master Plan Update	Article 16/ATM 2021	250,000.00
Airport	ALP Update Geo Study 74	Article 16/ATM 2021	250,000.00
Airport	Terminal Area Study	Article 16/ATM 2021	500,000.00
Airport	Airport Groundwater Investigation	Article 16/ATM 2020	8,000,000.00
Airport	ARFF Truck	Article 22/ATM 2022	250,000.00
Airport	Airport Markings paint beads removal	Article 22/ATM 2022	729,000.00
Airport	Construction of employee housing on Nobadeer Farm Road	Article 22/ATM 2023	3,885,000.00
Airport	Perimeter road and fence relocation	Article 22/ATM 2023	600,000.00
Airport	Replacement of Truck 15, repainting parking	Article 22/ATM 2023	110,000.00

	lot and replacing luggage carts		
Airport	Replacement of (1) lekto tug	Article 22/ATM 2023	384,000.00
Airport	Replacement of ramp high mast lights	Article 22/ATM 2024	35,000.00
Airport	Milling and overlaying of Runway 6-24	Article 22/ATM 2024	75,000.00
DPW/Transportation	Sidewalk Improvement Program	Article 10/ATM 2023	615,496.00
DPW/Transportation	Sidewalk Improvement Program	Article 10/ATM 2024	660,000.00
Sewer	Sparks Avenue Sewer Main Repairs	Article 12/ATM 2018	250,000.00

ARTICLE 24

(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)

FINANCE COMMITTEE MOTION: Moved that Five Hundred Thousand Dollars (\$500,000) be appropriated from the Fiscal Year 2026 tax levy and other general revenues of the Town; and that Five Hundred Thousand Dollars (\$500,000) be transferred from Certified Free Cash in the Treasury of the Town to be deposited by the Treasurer into the Other Post-Employment Benefits Trust Fund.

ARTICLE 25

(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)

FINANCE COMMITTEE MOTION: Moved that Twenty-five Thousand Dollars (\$25,000) be transferred from the Overlay Surplus Account for the purpose of supporting the Senior Work-off program pursuant to Massachusetts General Laws Chapter 59, Section 5k for the Town of Nantucket for Fiscal Year 2026.

ARTICLE 26

(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)

FINANCE COMMITTEE MOTION: Moved that the following sums be appropriated or reserved for later appropriation from the Community Preservation Fund Fiscal Year 2026 revenues or other available funds as indicated herein, for the administrative and operating expenses of the Community Preservation Committee, the undertaking of community preservation projects and all other necessary and proper expenses, for Fiscal Year 2026 community preservation purposes as set forth herein, with each item considered a separate appropriation to be spent by the Community Preservation Committee, as shown below with any strikeouts indicating deletions from the Community Preservation Committee article and any highlighted text indicating additions/modifications:

Purpose	Amount
Historic Preservation	
St. Paul's Church St. Paul's Church has had a long and productive history of working with the Community Preservation Committee for over two decades. This is an important historic structure. This request is for funding to continue the restoration and preservation efforts by improving egress and installing HVAC and a sprinkler system.	\$957,770
Nantucket Housing Authority/Miacomet Village This request is for restoration and preservation of the 40-year-old affordable duplex structure at 8 Benjamin Drive, with work to include replacement of cedar shingles, rotting trim, windows and doors.	\$341,030
Maria Mitchell Association This request is part of a continuing effort to preserve and restore the historic Maria Mitchell Vestal Street Observatory and Astronomical Study. This project would replace the roof.	\$145,000
Landmark House - Nantucket Community Service Inc. This request is for rebuilding the handicap ramp/stairs/retaining walls to the rear main accessible entrance to the building.	\$149,000
ReMain 58 LLC This is an application on behalf of the Folger Block Condominium Trust. This is a prominent individually significant historic structure on Main Street. It is unique due to the architecture and exterior composition of the building. It	\$699,303

has a specific place in time that no other Nantucket structure has. This project is for exterior restoration, stormwater management, and waterproofing. Funds were dispersed in FY 2025 for a comprehensive survey of the exterior upon which this grant request was made.	
Nantucket Historical Association After receiving substantial CPC funding over several years to preserve and secure the Fair Street Museum, it was found that the structure had significant issues with water intrusion from the roof and skylight. This request is for replacement of the roof and skylight, relocation of the roof condensers and repair/replacement of historic fencing at the 7 Fair Street research library.	\$288,002
Nantucket Historical Association This request for funding is for replacement of the roof, and restoration of the unique windows at Greater Light.	\$134,815
Nantucket Town Clerk These funds are for the preservation and restoration of Civil War Veterans' documents through digitization.	\$9,500
Sub-total	\$2,724,420
All the funds to be used in this category are from the Community Preservation surcharge, interest, and the State matching funds.	
Community Housing	
Nantucket Interfaith Council Funds for rental assistance program, housing and rental assistance to low and moderate-income Nantucket year-round working families. The CPC has worked cooperatively with the Council since 2005. The program has been very successful and assisted many Nantucket resident to be in safe, legal housing.	\$380,000
Affordable Housing Trust Fund This allocation is for the use of funds to make a payment on the first of two Five Million Dollar Bonds taken on behalf of the Affordable Housing Trust for the cost of acquiring land, which may include buildings thereon, and infrastructure, for the development of affordable housing and for the costs of designing, constructing, reconstructing and equipping affordable housing.	\$350,000
Sub-total	\$730,000
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
Open Space Conservation/Recreation	
Nantucket Lighthouse School	\$83,950

This request is for the creation of a new rain garden, as part of a drainage improvement project on the property. The rain garden will be located immediately abutting the Fairgrounds Road bike path and be directly accessible by the public. Educational aspects of the rain garden will be provided on site.	
Nantucket Racquet Sports Association The Association has been adding to the sports complex off of Nobadeer Farm/Hinsdale Roads over the years with approval of the Nantucket Land Bank as the complex is on its property. The CPC has funded this effort since FY 2021. This request is for the racquet sports facility expansion. Use is available at reasonable costs to all members of the community. The CPC continues to support the Association's efforts to provide more recreational outlets for the Community. A recreational facility that welcomes all members of the community regardless of socioeconomic status is important for physical and mental health.	\$316,050
Sub-total	\$400,000
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
Administration	
Community Preservation Committee Administrative and operating expenses. The State Act that created CPCs requires 5% of the available funds to be set aside for administrative costs.	\$200,000
	\$200,000
Sub-total	
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
TOTAL	
All amounts to be appropriated from the following sources:	
SOURCES	
	AMOUNT
Raised and appropriated from FY 2026 Community Preservation Surcharge	\$3,354,420
From State matching funds for FY 2025, to be received in 2026	\$625,000
From Interest	\$75,000

Total Revenues	\$4,054,420
For fiscal year 2026 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.	
Provided however, that the above expenditures may be conditional on the recording of appropriate historic preservation restrictions for historic resources, open space restrictions for open space resources, recreational restrictions for recreational resources and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures; meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.	

ARTICLE 27

(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 to take any other actions relative thereto.

(Select Board for Community Preservation Committee)

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

ARTICLE 28

(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 to take any other action relative thereto.

(Select Board for Community Preservation Committee)

FINANCE COMMITTEE MOTION: Moved that the sum of Five Million Dollars (\$5,000,000) be appropriated under the Community Preservation Act Community Housing Program to pay costs of acquiring land, which may include any buildings thereon, for the development of affordable housing, and 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 that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to M.G.L. c. 44B and 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. In conjunction with the development of affordable housing, the Town is authorized to enter into leases, subleases and any other similar arrangements to carry out the purposes of this vote with the Town's Affordable Housing Trust. While the bonds issued pursuant to this vote shall be general obligations of the Town, it is the intent of Town Meeting that the principal and interest thereon shall be paid from Community Preservation Act revenue. Any affordable housing units developed pursuant to this vote shall be available to tenants with incomes of not less than 30% or more than 100% of area median income for the Town, as most recently determined by the United States Department of Housing and Urban Development.

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

ARTICLE 29

(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)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 30

(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)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 31

(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.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved 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 at the Office of the Town Clerk.

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

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

ARTICLE 32

(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
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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)

PLANNING BOARD MOTION: Moved 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
69	20	1	Rosemary Way
69	275	3	Rosemary Way

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

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

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

ARTICLE 33

(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)

PLANNING BOARD MOTION: Moved 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
66	431	20	Appleton Road
66	23	22	Appleton Road

66	24	24	Appleton Road
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All as shown on a map filed at the Office of the Town Clerk.

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

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

ARTICLE 34

(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)

PLANNING BOARD MOTION: Moved 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 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 at the Office of the Town Clerk.

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

The Planning Board determined that the quantum vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the economic development legislation of 2020, because it will meet the criteria in MGL Chapter 40A, Section 5, because it allows for multifamily housing and mixed-use development in an eligible location.

ARTICLE 35

(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)

PLANNING BOARD MOTION: Moved 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 Trade Entrepreneurship and Craft (CTEC) district:

Map	Lot	Number	Street
69	17	43	Nobadeer Farm Road

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

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

The Planning Board determined that the quantum vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the economic development legislation of 2020, because it will meet the criteria in MGL Chapter 40A, Section 5, because it allows for multifamily housing and mixed-use development in an eligible location.

ARTICLE 36

(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)

PLANNING BOARD MOTION: Moved 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 at the Office of the Town Clerk.

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

The Planning Board determined that the quantum vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the economic development legislation of 2020, because it will meet the criteria in MGL Chapter 40A, Section 5, because it allows for multifamily housing and mixed-use development in an eligible location.

ARTICLE 37

(Zoning Map Change: RC to CN - 103 Washington 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)

PLANNING BOARD MOTION: Moved 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 at the Office of the Town Clerk.

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

The Planning Board determined that the quantum vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the economic development legislation of 2020, because it will meet the criteria in MGL Chapter 40A, Section 5, because it allows for multifamily housing and mixed-use development in an eligible location.

ARTICLE 38

(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)

PLANNING BOARD MOTION: Moved 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 at the Office of the Town Clerk.

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

The Planning Board determined that the quantum vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the economic development legislation of 2020, because it will meet the criteria in MGL Chapter 40A, Section 5, because it allows for multifamily housing and mixed-use development in an eligible location and modifies regulation concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted under the existing zoning ordinance or by-law.

ARTICLE 39

(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)

PLANNING BOARD MOTION: Moved 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 at the Office of the Town Clerk.

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

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

ARTICLE 40

(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)

PLANNING BOARD MOTION: Moved 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 at the Office of the Town Clerk.

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

The Planning Board determined that the quantum vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the economic development legislation of 2020, because it will meet the criteria in MGL Chapter 40A, Section 5, because it allows for multifamily housing and mixed-use development in an eligible location and modifies regulation concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted under the existing zoning ordinance or bylaw.

ARTICLE 41

(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)

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

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

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

ARTICLE 42

(Zoning Bylaw Amendment: Temporary Moratorium on Tertiary Dwellings)

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 strikethrough; 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)*:

Inserting a new Section, TEMPOARY MORATORIUM ON TERTIARY DWELLINGS

A. Purpose

Section 8 of Chapter 150 of the Acts of 2024 which amends G.L. c. 40A, § 3, allows Accessory Dwelling Units (“ADU”) to be built by-right in single family zoning districts. The purpose of this legislative amendment is to “encourage the production of accessory dwelling units throughout the Commonwealth with the goal of increasing the production of housing to address statewide, local, and individual housing needs for households of all income levels and at all stages of life”. Nantucket’s zoning bylaw already allows for Secondary Dwellings and Tertiary Dwellings. The compliance requirement of Section 8 of Chapter 150 of the Acts of 2024 will permit up to four dwelling units in zoning districts that currently permit a primary dwelling, secondary dwelling, and tertiary dwelling. Because the size requirement of an ADU and tertiary dwelling unit are similar, the intent is to temporarily prohibit the creation of tertiary dwelling units so that additional zoning changes, if needed, can be brought forward at a future Special Town Meeting and/or Annual Town Meeting. Accessory dwelling units may be pursued where applicable pursuant to Section 8 of Chapter 150 of the Acts of 2024 despite the temporary moratorium on Tertiary Dwellings.

B. Definition

TERTIARY DWELLING

- (1) The tertiary dwelling shall be in the same ownership as at least one other owner-occupied dwelling unit on the lot, or shall be owned by a not-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household.
- (2) A third dwelling unit located on a lot, including the following options:
 - (a) A garage apartment not exceeding 900 square feet of gross floor area.
 - (b) A dwelling unit attached to or within a single-family dwelling, duplex, or an outbuilding or a dwelling unit attached to a studio or shed. When a tertiary dwelling unit is the third dwelling unit, within a single structure, a special permit issued by the Planning Board is required. The ground cover of the existing building shall not increase more than 900 square feet and the dwelling unit shall not contain more than 900 square feet of gross floor area.
 - (c) A detached building containing not more than 650 square feet of ground cover and not more than 900 square feet of gross floor area.
- (3) In the R-5, R-10, and R-20 Districts, a maximum of eight bedrooms per lot shall be permitted at the following density:
 - (a) R-5: 1 bedroom per each 1,000 square feet of lot area;
 - (b) R-10: 1 bedroom per each 1,400 square feet of lot area;
 - (c) R-20: 1 bedroom per each 2,500 square feet of lot area;
- (4) Any waivers from the standards contained within Subsection (2) or (3) of this definition may be granted through the issuance of a special permit by the Planning Board.
- (5) The Planning Board shall make a determination regarding the adequacy of access to the lot and structures prior to the issuance of a building permit. Planning Board approvals shall be valid for a period of two years from the date of plan endorsement.

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 allowance of new Tertiary Dwellings. The moratorium shall be in effect from the vote of Town Meeting through December 31, 2025. During the moratorium period, the Town shall review and address the impacts of Section 8 of Chapter 150 of the Acts of 2024 on the existing Zoning Bylaw and shall consider adopting new Zoning Bylaws in response to this issue.

Or to take any other action relative thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket be amended as follows *(NOTE: new language is shown as*

highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-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).

Inserting a new Section, TEMPORARY MORATORIUM ON TERTIARY DWELLINGS

A. Purpose

Section 8 of Chapter 150 of the Acts of 2024 which amends G.L. c. 40A, § 3, allows Accessory Dwelling Units (“ADU”) to be built by-right in single family zoning districts. The purpose of this legislative amendment is to “encourage the production of accessory dwelling units throughout the Commonwealth with the goal of increasing the production of housing to address statewide, local, and individual housing needs for households of all income levels and at all stages of life”. Nantucket’s zoning bylaw already allows for Secondary Dwellings and Tertiary Dwellings. The compliance requirement of Section 8 of Chapter 150 of the Acts of 2024 will permit up to four dwelling units in zoning districts that currently permit a primary dwelling, secondary dwelling, and tertiary dwelling. Because the size requirement of an ADU and tertiary dwelling unit are similar, the intent is to temporarily prohibit the creation of tertiary dwelling units so that additional zoning changes, if needed, can be brought forward at a future Special Town Meeting and/or Annual Town Meeting. Accessory dwelling units may be pursued where applicable pursuant to Section 8 of Chapter 150 of the Acts of 2024 despite the temporary moratorium on Tertiary Dwellings.

B. Definition

TERTIARY DWELLING

- (1) The tertiary dwelling shall be in the same ownership as at least one other owner-occupied dwelling unit on the lot, or shall be owned by a not-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household.
- (2) A third dwelling unit located on a lot, including the following options:
 - (a) A garage apartment not exceeding 900 square feet of gross floor area.
 - (b) A dwelling unit attached to or within a single-family dwelling, duplex, or an outbuilding or a dwelling unit attached to a studio or shed. When a tertiary dwelling unit is the third dwelling unit, within a single structure, a special permit issued by the Planning Board is required. The ground cover of the existing building shall not increase more than 900 square feet and the dwelling unit shall not contain more than 900 square feet of gross floor area.
 - (c) A detached building containing not more than 650 square feet of ground cover and not more than 900 square feet of gross floor area.
- (3) In the R-5, R-10, and R-20 Districts, a maximum of eight bedrooms per lot shall be permitted at the following density:
 - (a) R-5: 1 bedroom per each 1,000 square feet of lot area;
 - (b) R-10: 1 bedroom per each 1,400 square feet of lot area;

- (c) R-20: 1 bedroom per each 2,500 square feet of lot area;
- (4) Any waivers from the standards contained within Subsection (2) or (3) of this definition may be granted through the issuance of a special permit by the Planning Board.
- (5) The Planning Board shall make a determination regarding the adequacy of access to the lot and structures prior to the issuance of a building permit. Planning Board approvals shall be valid for a period of two years from the date of plan endorsement.

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 allowance of new Tertiary Dwellings. The moratorium shall be in effect from the vote of Town Meeting through December 31, 2025. During the moratorium period, the Town shall review and address the impacts of Section 8 of Chapter 150 of the Acts of 2024 on the existing Zoning Bylaw and shall consider adopting new Zoning Bylaws in response to this issue.

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

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

ARTICLE 43

(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)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-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.~~

A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that: (a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building Code for

safe egress; and (b) is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller.

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”

PLANNING BOARD COMMENT: Section 8 of Chapter 150 of the Acts of 2024 (Affordable Homes Act) allows accessory dwelling units by right. This article aligns our local zoning bylaw with definitions in the legislation for clarity and consistency. Whether adopted or not, the updates in the Affordable Homes Act supersede our local zoning bylaw, and not aligning our zoning bylaw with state legislation will create confusion.

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

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

ARTICLE 44

(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)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-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 ADU that is located, or is proposed to be located, on a Lot in a Single-family Residential Zoning District and is protected by M.G.L. c. 40A, § 3, provided that only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is nonconforming to Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

PLANNING BOARD COMMENT: Section 8 of Chapter 150 of the Acts of 2024 (Affordable Homes Act) allows accessory dwelling units by right. This article aligns our local zoning bylaw with definitions in the legislation for clarity and consistency. Whether adopted or not, the updates in the Affordable Homes Act supersede our local zoning bylaw, and not aligning our zoning bylaw with state legislation will create confusion.

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

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

ARTICLE 45

(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)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, be amended as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote*

changes are not meant to become part of the final text and, further, that non-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, or the Lot it is situated on, conforms to Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as a Protected Use ADU.

PLANNING BOARD COMMENT: Section 8 of Chapter 150 of the Acts of 2024 (Affordable Homes Act) allows accessory dwelling units by right. This article aligns our local zoning bylaw with definitions in the legislation for clarity and consistency. Whether adopted or not, the updates in the Affordable Homes Act supersede our local zoning bylaw, and not aligning our zoning bylaw with state legislation will create confusion.

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

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

ARTICLE 46 (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)

PLANNING BOARD MOTION: Moved 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.

PLANNING BOARD COMMENT: Section 8 of Chapter 150 of the Acts of 2024 (Affordable Homes Act) allows accessory dwelling units by right. This article aligns our local zoning bylaw with definitions in the legislation for clarity and consistency. Whether adopted or not, the updates in the Affordable Homes Act supersede our local zoning bylaw, and not aligning our zoning bylaw with state legislation will create confusion.

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

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

ARTICLE 47

(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)

PLANNING BOARD MOTION: Moved 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 that serves as the principal residence of the occupant(s) for at least 10 months per year, whether owner-occupied or rented.

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

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

ARTICLE 48

(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)

PLANNING BOARD MOTION: Moved 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”

PLANNING BOARD COMMENT: This is a technical change to align the parking calculation chart with the use chart where this use is no longer allowed.

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

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

ARTICLE 49

(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)

PLANNING BOARD MOTION: Moved 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.

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

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

ARTICLE 50

(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)

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

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

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

ARTICLE 51

(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 strikethrough; 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)

PLANNING BOARD MOTION: Moved 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.

PLANNING BOARD COMMENT: A version of this article was submitted as a citizen petition at ATM 2024, and after debate at Town Meeting, was referred to committee for further study. After discussions with the original article sponsor and planning staff, the Planning Board has brought forward an amended version that does not include a commercial component and does not apply to by-right allowances.

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

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

ARTICLE 52

(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" in "Other" after "Club"
2. Insert "N" in all zoning districts

Or to take any other action related thereto.

(Select Board for Planning Board)

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

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

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

ARTICLE 53

(Zoning Bylaw Amendment: Solar Energy)

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)

PLANNING BOARD MOTION: Moved 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 strikethrough; 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.

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

ARTICLE 54

(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)

PLANNING BOARD MOTION: Moved 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.

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

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

ARTICLE 55

(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)

PLANNING BOARD MOTION: Moved 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...

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

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

ARTICLE 56

(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)

PLANNING BOARD MOTION: Moved 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.~~

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

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

ARTICLE 57

(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)

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

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

The Planning Board determined that the quantum vote for passage of a positive motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the economic development legislation of 2020, because it will meet the criteria in MGL Chapter 40A, Section 5, because it modifies regulation concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted under the existing zoning ordinance or bylaw.

ARTICLE 58

**(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)

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

PLANNING BOARD COMMENT: The article sponsor has requested that the proposed map change not move forward at this time.

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

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

ARTICLE 59

(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)

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

PLANNING BOARD COMMENT: The article sponsor has requested that the proposed map change not move forward at this time.

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

The Planning Board determined that the quantum vote for passage of a positive motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the economic development legislation of 2020, because it will meet the criteria in MGL Chapter 40A, Section 5, because it modifies regulation concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted under the existing zoning ordinance or bylaw.

ARTICLE 60

(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)

PLANNING BOARD MOTION: Moved not to adopt the Article.

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

The Planning Board determined that the quantum vote for passage of a positive motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the economic development legislation of 2020, because it will meet the criteria in MGL Chapter 40A, Section 5, because it modifies regulation concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted under the existing zoning ordinance or bylaw.

ARTICLE 61

(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)

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

Map	Lot	Number	Street
70	208	13 (portion of)	Woodland Drive

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

PLANNING BOARD COMMENT: The Planning Board voted to support this article by a 3-2 vote and the decision was based upon representations made at the Planning Board public hearings by the sponsor related to working with relevant Town staff to put year-round deed restrictions in place in advance of Annual Town Meeting.

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

The Planning Board determined that the quantum vote for passage of a positive motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the economic development legislation of 2020, because it will meet the criteria in MGL Chapter 40A, Section 5, because it modifies regulation concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted under the existing zoning ordinance or bylaw.

ARTICLE 62

(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)

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

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

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

ARTICLE 63

(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)

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

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

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

ARTICLE 64

(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)

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

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

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

ARTICLE 65

(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)

PLANNING BOARD MOTION: Moved 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 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. Notwithstanding the size of the lot, structures on 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 may be altered or expanded by increasing any nonconformity with regard to setbacks, height, and ground cover by a Special Permit granted by the Zoning Board of Appeals. However, said structures shall not be increased by any additional dwelling units than would have otherwise been allowed prior to the recording of the MGL c. 41, § 81P Approval Not Required Plan (other than a Protected Use ADU pursuant to MGL c. 40A, § 3 and 760 CMR 71.00) and shall not increase any nonconformity due to ground cover 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.

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

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

ARTICLE 66

(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)

PLANNING BOARD MOTION: Moved 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 § 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.

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

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

ARTICLE 67

(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)

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

PLANNING BOARD COMMENT: Although the Planning Board does not support this form of regulation through zoning, because it would be better served to be regulated through a general Bylaw amendment, it could be a viable alternative to Article 66.

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

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

ARTICLE 68

(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)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 69

(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)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 70

(General 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 other action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Chapter 19 (Finances), Article XIII (Revolving Accounts), §19-21 (Revolving accounts established) of the Code of the Town of Nantucket is hereby amended 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

ARTICLE 71

(General 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.

Or to take any other action relative thereto.

(Select Board)

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

§ 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.

ARTICLE 72

(General Bylaw Amendment: Car Rental Agencies, Registration of)

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

§ 58-1 Definitions.

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.

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. This definition shall include any individual renting a motor vehicle via a motor vehicle sharing or peer-to-peer vehicle sharing business or platform.

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.

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

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. Each sticker shall recite the registration number of the vehicle to which it is affixed.

§ 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 current registration certificate for each motor vehicle available or to be available for lease for the year

in which the license is to be valid. Each vehicle issued a medallion must be available for inspection by the Town. Licenses for rental agencies shall be issued on a calendar-year basis and shall be issued after payment of an annual fee of \$100 per rental motor vehicle to be established by the Select Board from time to time; 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 100 additional medallions over the 700 limit 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 annual application and which received a rental sticker. Each RVM constitutes the nonexpiring right to lease rent one motor vehicle for the calendar year. No rental agency shall hold RVMs that are not issued by the Select Board to specific motor vehicles. 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.~~
- C. RVM's are transferable. Should a rental agency surrender its RVM rights to the Select Board, or should the Select Board possess surplus RVM's from any other cause, these RVM's may be retained by the Town and/or may be re-issued at a fee to be established from time to time by the Select Board. Any RVM's not obtained by any rental agency by the end of any calendar year shall be considered surplus as of January first and may be retired or re-issued by the Town at that time. The Select Board may, by regulation in accordance with § 2-1 of the Town Code, determine a process by which unused or surplus RVM's are distributed and for the approval of requests for transfer of RVM's.
- 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.~~

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

§ 58-3.1 Licensee to pay fees.

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, nor between location of business premises; individual motor vehicle stickers shall not be transferable between different motor vehicles.~~

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

§ 58-5 Violations and penalties.

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.

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.

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.

Or to take any other action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to table this Article for further study.

ARTICLE 73

(General Bylaw Amendment: Bicycle Right of Way)

To see if the Town will vote to amend Chapter 57 (Bicycles and Mopeds), Article IV (Bicycle Right of Way) 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)*:

§ 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.

§ 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.

Or to take any other action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Chapter 57 (Bicycles and Mopeds), Article IV (Bicycle Right of Way) of the Code of the Town of Nantucket is amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

§ 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.

§ 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.

ARTICLE 74

(General Bylaw Amendment: Motorized Passenger Devices)

To see if the Town will vote to amend Chapter 98 (Motorized Passenger Devices) 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*):

§ 98-1 Prohibited absent express written permission.

No person shall operate a ~~motorized scooter~~, motorized skateboard, Segway, **all-terrain vehicles** or other similar device (hereinafter referred to as "personal motorized passenger devices") 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 licensed **or registered** 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.

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

~~§ 98-3 § 98-2~~ 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.~~

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

(Select Board)

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

ARTICLE 75

(General 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

Or to take any other action relative thereto.

(Select Board for Conservation Commission)

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

§ 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.

- B. 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.

- B. 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

ARTICLE 76

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

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

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

80	294	1	Felcon Drive
80	329	5	Felcon Drive
80	330	9	Felcon Drive
80	331	11	Felcon Drive

All as shown on the attached map.

Or to take any other action related thereto.

(David F. Visco, et al)

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

NOTE: At its meeting on March 5, 2025, the Select Board acting as the Sewer Commissioners, voted to add the parcels referenced in the Article to the Town Sewer District. Prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.

ARTICLE 77

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

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

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

79	55	42	Monohansett Road
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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)

FINANCE COMMITTEE MOTION: Moved to support the March 6, 2025 vote of the Select Board acting as the Board of Sewer Commissioners not to include the parcel referenced in the Article to the Town Sewer District.

NOTE: At its meeting on March 6, 2025, the Select Board acting as the Sewer Commissioners voted not to add the parcel referenced in the Article to the Town Sewer District. If a positive Motion were to be brought forward at Town Meeting, a two-thirds vote would be required from Town Meeting in order for the Article to be adopted; and if so adopted, prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.

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

ARTICLE 78

(General 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)

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

NOTE: At its meeting on March 6, 2025, the Select Board acting as the Sewer Commissioners voted not to add the parcel referenced in the Article to the Town Sewer District. If a positive Motion were to be brought forward at Town Meeting, a two-thirds vote would be required from Town Meeting in order for the Article to be adopted; and if so adopted, prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.

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

ARTICLE 79

(General 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)

FINANCE COMMITTEE MOTION: Moved to support the March 6, 2025 vote of the Select Board acting as the Board of Sewer Commissioners not to include the parcels referenced in the Article to the Town Sewer District.

NOTE: At its meeting on March 6, 2025, the Select Board acting as the Sewer Commissioners voted not to add the parcel referenced in the Article to the Town Sewer District. If a positive Motion were to be brought forward at Town Meeting, a two-thirds vote would be required from Town Meeting in order for the Article to be adopted; and if so adopted, prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.

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

ARTICLE 80

(General 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)

FINANCE COMMITTEE MOTION: Moved to support the March 6, 2025 vote of the Select Board acting as the Board of Sewer Commissioners not to include the parcel referenced in the Article to the Town Sewer District.

NOTE: At its meeting on March 6, 2025, the Select Board acting as the Sewer Commissioners voted not to add the parcel referenced in the Article to the Town Sewer District. If a positive Motion were to be brought forward at Town Meeting, a two-thirds vote would be required from Town Meeting in order for the Article to be adopted; and if so adopted, prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.

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

ARTICLE 81

(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, on such terms and conditions as the Select Board deems appropriate subject to and consistent with any terms and conditions ordered by the Conservation Commission, which may include the operation and maintenance of the coastal engineering structures, bluff armoring projects, hard or soft erosion control devices, bulkheads and the like, and the reservation of any easements or restrictions in regard to the property.

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is authorized, pursuant to Chapter 67 (Coastal Properties Owned by the Town, Management of), section 1E (Coastal land, leasing or licensing) of the Code of the Town of Nantucket 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, on such terms and conditions as the Select Board deems appropriate subject to and consistent with any terms and conditions ordered by the Conservation Commission, which may include the operation and maintenance of the coastal engineering structures, bluff armoring projects, hard or soft erosion control devices, bulkheads and the like, and the reservation of any easements or restrictions in regard to the property.

ARTICLE 82

(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 to take any other action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that General Laws Chapter 23B, Section 32(b), the Seasonal Communities Designation is hereby accepted.

ARTICLE 83

(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)

FINANCE COMMITTEE MOTION: Moved that General Laws Chapter 33, Section 59, related to the effect of military service on salary, seniority and leave allowances of public employees, is hereby accepted.

ARTICLE 84
(Charter Amendment: Town Meeting)

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

Section 2-1. Legislative Powers

- (a) The legislative powers of the Town shall remain vested in the Town Meeting open to all voters.
- (b) The Town Meeting shall meet in regular session not less than twice per calendar year. The first session of town meeting shall be held in March, April, or May and shall be primarily concerned with the determination of matters involving the expenditure of town funds including, but not limited to, the adoption of an annual operating budget, financing, taxation, and all other matters to be decided by the voters. The Select Board may delay the first session of town meeting, but it must be completed by June 30th of the same year.
- (c) The second session of town meeting shall be held in September, October, or November and shall be primarily concerned with matters involving real estate, zoning, land use planning, by-laws, and all other matters to be decided by the voters. The Select Board may delay the second session of town meeting, but it must be completed by December 31st of the same year.
- (d) The first and second sessions of town meeting including all adjourned sessions, shall be deemed sessions of the annual town meeting for all purposes under the General Bylaws, this Charter, and the bylaws of the Town.
- (e) The deadline for the submission of petition articles by votes for the next calendar year shall be a date in the preceding November as determined by the Select Board. After the deadline has passed, any citizen petitions that were filed with the Town Clerk with the required number of signatures certified, the Select Board shall divide petitions between the warrants issued for either the first or second session of town meeting to be held in the next year, as the Select Board deems appropriate in its discretion. Moreover, nothing herein shall preclude the Select Board from placing additional articles, whether submitted by petition or otherwise, on either the warrant for the first or second town meeting as may be deemed necessary and appropriate by the Select Board.
- (f) Nothing herein shall limit the ability of any voter s to submit additional petitions for a special town meeting or to call a special town meeting in accordance with General Laws Chapter r39, § 10.

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

The following additional powers may be exercised by Town Meeting:

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

Or to take any other action relative thereto.

(Campbell Sutton, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 85

(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)

FINANCE COMMITTEE MOTION: Moved that Chapter 2 (Administrative Procedures), §2-1 (Public hearing required; manner of notice) is hereby amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket)*:

§2-1. Public hearing required; manner of notice.

In addition to any requirements set forth in the General Laws of the commonwealth or any other applicable law, prior to the adoption, amendment or repeal of any regulation, a board, commission, agency or instrumentality of the Town of Nantucket shall hold a public hearing, at which time interested persons are to be given an opportunity to present data, views, comments or arguments related thereto. Within the time specified by any law or, if no time is specified, then at least 21 days prior to the date of the public hearing, the board, commission, agency or instrumentality shall give notice of such hearing by:

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

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:

ARTICLE 86

(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.

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

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

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

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

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

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

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

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

"Purchase price", all consideration paid or transferred by or on behalf of a purchaser to a seller or his nominee, or for his benefit, for the transfer of any real property interest, and shall include, but not be limited to, all cash or its equivalent so paid or transferred; all cash or other property paid or transferred by or on behalf of the purchaser to discharge or reduce any obligation of the seller; the principal amount of all notes or their equivalent, or other deferred payments, given or promised to be given by or on behalf of the purchaser to the seller or his nominee; the outstanding balance of all obligations of the seller which are assumed by the purchaser or to which the real property interest transferred remains subject after the transfer, determined at the time of transfer, but excluding real estate taxes and other municipal liens or assessments which are not overdue at the time of transfer; the fair market value, at the time of transfer, of any other consideration or thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods or services paid, transferred or rendered in exchange for such real property interest.

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

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

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

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

SECTION 2. There is hereby imposed a fee equal to one half per cent ($\frac{1}{2}\%$) of the purchase price upon the transfer of any real property interest in any real property situated in Nantucket County. Said fee shall be the liability of the seller of such real property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the seller. The fee shall be paid to the Town of Nantucket, or its designee, and shall be accompanied by a copy of the deed or other instrument

evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative and the seller or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Town, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Nantucket County, and the assistant recorder for the registry district of Nantucket County, shall not record or register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate executed by the Town or its designee. Failure to comply with this requirement shall not affect the validity of any instrument. The Town shall deposit all fees received hereunder with the Town treasurer. The treasurer shall deposit such fees in the Affordable Housing Trust Fund. The fee imposed hereunder shall be due simultaneously with the time of transfer of the transfer upon which it is imposed. Notwithstanding the foregoing, whenever there is a conveyance of real property interests and a conveyance of personalty related thereto at or about the same time, the allocations of payments between real estate and personalty agreed to by the purchaser and seller shall not determine the amount of the fee due pursuant to this section; instead, the Town may require payment of the fee referred to in real property interests so conveyed as determined by the Town.

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

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

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

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

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

at the time of transfer the spouse, the lineal descendant, or the lineal ancestor of the seller, by blood or adoption, and otherwise it shall be presumed that consideration was paid in an amount equal to the fair market value of the real property interest transferred, at the time of transfer.

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

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

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

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

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

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

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

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

(l) Transfers of property consisting in part of real property interests situated in Nantucket County and in part of other property interests, to the extent that the property transferred consists of property other than real property situated in Nantucket County;

provided that the purchaser shall furnish the Town with such information as it shall require or request in support of the claim of exemption and manner of allocation of the consideration for such transfers.

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

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

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

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

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

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

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

SECTION 7. (a) The Town shall notify the purchaser and the seller by registered or certified mail of any failure to discharge in full the amount of the fee due under this Act and any penalty or interest assessed. The Town shall grant a hearing on the matter of the imposition of said fee, or of any penalty or interest assessed, if a petition requesting such hearing is received by the Town within thirty days after the mailing of said notice. The Town shall notify the purchaser and the seller in writing by registered or certified mail of its determination concerning the deficiency, penalty or interest within fifteen days after said hearing. Any party aggrieved by a determination of the Town concerning a

deficiency, penalty or interest may, after payment of said deficiency, appeal to the district or superior court within three months after the mailing of notification of the determination of the Town. Upon the failure to timely petition for a hearing, or appeal to said courts, within the time limits hereby established, the purchaser and seller shall be bound by the terms of the notification, assessment or determination, as the case may be, and shall be barred from contesting the fee, and any interest and penalty, as determined by the Town. All decisions of said courts shall be appealable. Every notice to be given under this section by the Town shall be effective if mailed by certified or registered mail to the purchaser or the seller at the address stated in a recorded or registered instrument by virtue of which the purchaser holds any interest in land, the transfer of which gives rise to the fee which is the subject of such notice; and if no such address is stated or if such transfer is not evidenced by an instrument recorded or registered in the public records in Nantucket County, such notice shall be effective when so mailed to the purchaser or seller in care of any person appearing of record to have a fee interest in such land, at the address of such person as set forth in an instrument recorded or registered in Nantucket County.

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

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

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

In any case where there has been a refusal or neglect to pay any fee, interest or penalties imposed by this act, whether or not levy has been made, the Town, in addition to other modes of relief, may direct a civil action to be filed in a district or superior court

of the commonwealth to enforce the lien of the Town under this section with respect to such liability or to subject any property of whatever nature, of the delinquent, or in which he has any right, title or interest, to the payment of such liability.

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

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

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

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

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

housing with a fee on certain real estate transactions, provided the provisions contained herein are consistent with the provisions of said act.

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

ARTICLE 87

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

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

Article II, Section 2.2 - Town Moderator

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

Article II, Section 2.4 - Clerk of the Meeting

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

Article II, Section 2.5 - Town Meeting Warrant

...

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

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

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

Article II, Section 2.6 - Rights of Nonresident Property Owners

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

Article IV, Section 4.2 - Town Manager

...

(d) In particular, the Town Manager:

...

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

Article IV, Section 4.3 - Town Manager Appointments

The Town Manager:

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

...

Article V, Section 5.4 - Recall of Elected Officials

...

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

(d) If sufficient the Town Clerk shall thereupon submit the petition with date of its certification to the Select Board which shall forthwith give written notice thereof to the officer sought to be recalled. If the officer does not resign within 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.

FINANCE COMMITTEE MOTION: Moved that the Town’s representatives in the General Court are hereby requested to introduce special legislation, the text of which is set forth below, amending the charter for the Town of Nantucket, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage *(NOTE: new language is*

shown as highlighted text, language to be deleted is shown by ~~strikeout~~; these methods to denote changes are not meant to become part of the final text):

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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.

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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

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(d) In particular, the Town Manager:

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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;

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Article V, Section 5.4 - Recall of Elected Officials

...

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

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

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

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

For the recall of (name and title of officer)

Against the recall of (name and title of officer)

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

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

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

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

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

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

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

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

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

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

~~Ratified April 8, 1997~~

~~The form of the Special Act shall be as follows:~~

AN ACT AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 88

(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.

FINANCE COMMITTEE MOTION: Moved that the Town's representatives in the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Select Board, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of the legislation in order to secure its passage, as follows:

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

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

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

Section 2. The act shall take effect upon passage.

ARTICLE 89

(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, excepted as otherwise provided in this act, shall be subject to the provisions of said section 54.

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

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

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

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.

FINANCE COMMITTEE MOTION: Moved that the Town's representatives in the General Court are hereby requested to introduce special legislation as set forth below; and, that the General Court, with the approval of the Select Board, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of the legislation in order to secure its passage, as follows:

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

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

SECTION 1. The town of Nantucket may issue, at one time or from time to time, bonds or notes for the purpose of funding the portion of the unfunded pension liability of the Barnstable County retirement association allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank. The proceeds of any such issuance, other than amounts to be applied to issuance costs and expenses, shall be paid by the town of Nantucket to the Barnstable County retirement association, shall be allocated solely to reduce the unfunded pension liability allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank to which the bonds or notes relate, shall be invested in any investments which are permitted under chapter 32 of the General Laws and shall otherwise be held and expended on behalf of the town by the Barnstable County retirement association in accordance with law. The terms of any such bonds or notes shall not exceed 30 years from the date of issuance and the amount of any such bonds or notes shall be outside the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws. Upon the authorization of the issuance of pension obligation bonds by the town, the town shall submit the vote and a plan demonstrating how the town will finance and allocate the debt service associated with the bonds or notes to the executive office for administration and finance, and no bonds or notes authorized to be issued by this act shall be issued until the secretary for administration and finance has approved the plan and the issuance of such bonds or notes. Except as otherwise provided in this act, such bonds or notes shall be subject to said chapter 44.

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

SECTION 3. The maturities of such bonds or notes shall be scheduled so that the annual combined payments of principal and interest for each issue shall be as nearly equal as practicable in the opinion of the town Treasurer, in any manner that shall

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

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

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

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

ARTICLE 90

(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)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to petition the General Court to enact a special act to authorize the transfer and conveyance of all or portions of School Street situated in the Town of Nantucket and the County of Nantucket owned by the County of Nantucket held for highway purposes as described in more detail below and as shown on a map entitled “Conveyance of School

Street from County to Town” dated January, 2024 and filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance described below on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

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

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

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

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

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

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

ARTICLE 91

(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)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to petition the General Court to enact special legislation consistent with the requirements of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts to authorize the transfer and conveyance of a certain parcel of land situated at 35 Grove Lane in the Town of Nantucket owned by the Town of Nantucket under the care, custody, control and management of the Conservation Commission for open space and conservation purposes as described in more detail below and as shown on a map filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance described below on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, and further to authorize the transfer and conveyance of certain parcels of land owned by the Inhabitants of the Town of Nantucket held for open space, conservation or passive recreational purposes, which may include the reservation of any easements or restrictions with regard to the properties, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

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

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

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

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

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

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

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

Or to take any other action related thereto.

ARTICLE 92

(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)

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

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

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

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

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

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

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

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

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

ARTICLE 93

**(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)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized 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.

ARTICLE 94

(Real Estate Disposition: Long-term Lease of Portions of 48 Sparks Avenue and Access and Utility Easements)

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, located on a portion of Town-owned property located on Town Assessor's Map 55 as Parcel 242, containing 40,010± square feet, and shown as "Proposed Lease Lot" on a plan entitled "Lease Plan, 48 Sparks Avenue & Cow Pond Lane, Nantucket, Massachusetts, Assessor's Map 55, Parcel 242," dated December 30, 2024, prepared by Site Design Engineering, LLC," a copy of which is on file with the Office of the Town Clerk, for year-round housing for Nantucket Public Schools staff and to grant non-exclusive rights in the Access Areas, shown on said Plan as "Proposed Access Area 1" containing 1,154± square feet, "Proposed Access Area 2" containing 1,729± square feet, "Proposed Access Area 3" containing 405± square feet, and "Proposed Access Area 4" containing 6,402± square feet for access and utility purposes located over portions of the Town-owned property at 48 Sparks Avenue and 8 Cow Pond Lane, all as shown on said Lease Plan," the lease and easements being on such terms and conditions as the Select Board deems appropriate, and the reservation of any easements or restrictions 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)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized 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, located on a portion of Town-owned property located on Town Assessor's Map 55 as Parcel 242, containing 40,010± square feet, and shown as "Proposed Lease Lot" on a plan entitled "Lease Plan, 48 Sparks Avenue & Cow Pond Lane, Nantucket, Massachusetts, Assessor's Map 55, Parcel 242," dated December 30, 2024, prepared by Site Design Engineering, LLC," a copy of which is on file with the Office of the Town Clerk, for year-round housing for Nantucket Public Schools staff and to grant non-exclusive rights in the Access Areas, shown on said Plan as "Proposed Access Area 1" containing 1,154± square feet, "Proposed Access Area 2" containing 1,729± square feet, "Proposed Access Area 3" containing 405± square feet, and "Proposed Access Area 4" containing 6,402± square feet for access and utility purposes located over portions of the Town-owned property at 48 Sparks Avenue and 8 Cow Pond Lane, all as shown on said Lease Plan," the lease and easements being on such terms and conditions as the Select Board deems appropriate, and the reservation of any easements or restrictions in regard to the subject property.

ARTICLE 95

(Real Estate Disposition: Utility Easement - Portion of 10 Nobadeer Farm 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 high voltage electrical current and 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 at 10 Nobadeer Farm Road f/k/a 10 Sun Island Road and 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, Parcel 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)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized 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 high voltage electrical current and 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 at 10 Nobadeer Farm Road f/k/a 10 Sun Island Road and being a parcel of land described in the deed dated January 23, 1980 and filed with said Registry District of the Land Court as Document No. 22105, Certificate of Title No. 9094, being a portion of Lot 66 on Land Court Plan

No. 26984-U, filed with the Nantucket Registry District of the Land Court, and designated by the Town of Nantucket Tax Assessor's office as Map 69, Parcel 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.

ARTICLE 96

(Real Estate Disposition: Utility Easements/Airport)

To see if the Town will vote to authorize the Select Board in its capacity and also acting through its Airport Commission to convey perpetual non-exclusive easements to Nantucket Electric Company/National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, an underground electric distribution system in, through, under, over, across, and upon certain portions of three (3) parcels of Town-owned land 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)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized in its capacity and also acting through its Airport Commission to convey perpetual non-exclusive easements to Nantucket Electric Company/National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, an underground electric distribution system in, through, under, over, across, and upon certain portions of three (3) parcels of Town-owned land at 14 Airport Road being (i) a certain parcel of land described in the deed dated June 12, 1941, filed as Document No. 3850, Certificate of Title No. 2503, shown as Lot D5 on Land Court Plan No. 14342-C, filed with the Nantucket Registry District of the Land Court, and designated by the Town of Nantucket Tax Assessor's office as Map 78, Lot 1; (ii) a certain parcel of 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) a certain parcel of 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.

ARTICLE 97

(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)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized 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 installation of one (1) 3 phase switchgear module, and two (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.

ARTICLE 98

(Real Estate Disposition: Utility Easement/Waitt Drive)

To see if the Town will vote to authorize the Select Board to convey a perpetual non-exclusive easement to Nantucket Electric Company/National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, an underground electric distribution system in, through, under, over, across and upon a certain portions of Town-owned land shown as Lot 26, Lot 27, Lot 94 and Lot 95B, and a certain portion of the public way named Waitt Drive on a Plan of Land recorded with the Nantucket County Registry of Deeds as Plan No. 2024-13, and shown on a sketch entitled "National Grid, Inst. UG Primary conductors, Inst.

300kva padmounted XFMR, 19 Waitt Dr, Nantucket, Mass, 02554, Date: 12/3/2024, Designer: VAZQUEZJ, WR 30929294”; said easement area being shown on a plan filed with the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized 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 certain portions of Town-owned land shown as Lot 26, Lot 27, Lot 94 and Lot 95B, and a certain portion of the public way named Waitt Drive on a Plan of Land recorded with the Nantucket County Registry of Deeds as Plan No. 2024-13, and shown on a sketch entitled “National Grid, Inst. UG Primary conductors, Inst. 300kva padmounted XFMR, 19 Waitt Dr, Nantucket, Mass, 02554, Date: 12/3/2024, Designer: VAZQUEZJ, WR 30929294”; said easement area being shown on a plan filed with the Office of the Town Clerk.

ARTICLE 99

(Real Estate Disposition: Conveyance of 7 Amelia Drive to The Nantucket Affordable Housing Trust Fund)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee title to a certain parcel of land located at 7 Amelia Drive, Nantucket, being a portion of Town Assessor’s Map 67, Parcel 434, containing 7,756± square feet, and being shown as Lot 26 on a plan entitled “Lot & Road Way Layout Plan Road A (South) and Amelia Drive, Nantucket, Mass., prepared for Town of Nantucket,” dated May 22, 2023, prepared by Blackwell & Associates, Inc., recorded with the Nantucket Registry of Deeds as Plan No. 2023-27, to The Nantucket Affordable Housing Trust for those purposes for which it is authorized by virtue of the Declaration of Trust dated February 8, 2010, recorded with said Registry of Deeds in Book 1221, Page 20, as amended by First Amendment to Declaration of Trust dated September 25, 2014, recorded with said Deeds in Book 1452, Page 272, and amended by Second Amendment to Declaration of Trust dated February 20, 2024, recorded with said Deeds in Book 1967, Page 293, which may include the mixed use of the property for affordable housing and for commercial use by a lawfully organized non-profit corporation, 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)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey or otherwise dispose of the fee title to a certain parcel of land located at 7 Amelia Drive, Nantucket, being a portion of Town Assessor's Map 67, Parcel 434, containing 7,756± square feet, and being shown as Lot 26 on a plan entitled "Lot & Road Way Layout Plan Road A (South) and Amelia Drive, Nantucket, Mass., prepared for Town of Nantucket," dated May 22, 2023, prepared by Blackwell & Associates, Inc., recorded with the Nantucket Registry of Deeds as Plan No. 2023-27, to The Town of Nantucket Affordable Housing Trust Fund for those purposes for which it is authorized by virtue of the Declaration of Trust dated February 8, 2010, recorded with said Registry of Deeds in Book 1221, Page 20, as amended by First Amendment to Declaration of Trust dated September 25, 2014, recorded with said Deeds in Book 1452, Page 272, and amended by Second Amendment to Declaration of Trust dated February 20, 2024, recorded with said Deeds in Book 1967, Page 293, which may include the mixed use of the property for affordable housing and for commercial use by a lawfully organized non-profit corporation, on such terms and conditions as the Select Board deems appropriate.

ARTICLE 100

(Real Estate Acquisition: 3, 5, 7 and 9 South Shore Road)

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

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

or to take any other action related thereto.

(Meghan Glowacki, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 101

(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)

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

ARTICLE 102

(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)

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

ARTICLE 103

(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)

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

ARTICLE 104

(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 to take any other action related thereto.

(Select Board)

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

PLANNING BOARD REPORT

Chapter 40A, section 5 of the Massachusetts General Laws authorizes the Planning Board (hereafter the Board) to issue an advisory report to Town Meeting. Although motions for Articles 31 through 67 are printed in the Warrant, this report provides additional information to help voters understand the basis for each motion. In an effort to provide better information about the planning process, the Board has added a report and glossary to the Warrant since 2011. The Board is guided by the approved Master Plan, unanimously accepted by Town Meeting in April of 2009¹. Overall, the Board's motions are consistent with the goals and policies of the Master Plan, they advance and implement the goals, and they represent a balanced approach to guiding the community's future physical development.

As a part of the Planning Board motion, for some articles, the Board included a determination establishing a reduction in voting threshold from 2/3 to a simple majority as a result of Chapter 358 of the Acts of 2020 (sometimes referred to as the economic development legislation of 2020).

Articles 31 through 41 (sponsored by the Board) and Articles 57 through 64 (submitted by citizen petition) are Zoning Map changes.

Articles 42 through 56 (sponsored by the Board) and Articles 65, 66, and 67 (submitted by citizen petition) are Zoning Bylaw (hereafter Bylaw) changes.

The proposed map changes that were recommended by the Board match the existing character of the area with the designated zoning districts and advance Master Plan objectives. The Board considered compliance with the Master Plan, including, but not limited to, such policies as:

- Advancing Master Plan actions identified in the "Zoning District Implementation Schedule"²
- Better manage the design and location of new commercial development³
- Matching zoning districts with the character of the surrounding area⁴

Board sponsored map changes in Articles 31 through 37 implement the continued RC-2 and RC phase out. The intent of the map change in Article 39 is to revert a portion of the property that was inadvertently included as open space, but is privately owned, back to the ROH district, which aligns with the remainder of the property. Article 38 is a proposed change from a residential district to a commercial district, where two of the three properties historically have operated as commercial inns. Article 40 is a proposed change from a residential district to a commercial district to match the use on the property and the abutting properties and uses.

¹ Warrant Article 26 of the 2009 Annual Town Meeting

² 2009 Nantucket Master Plan, Figure 39, page 90 (Articles 31-37)

³ 2009 Nantucket Master Plan, Goal 2.3, page 91 (Articles 36 and 40)

⁴ 2009 Nantucket Master Plan, Goal 2.1, Policy 2.1.3, page 91 (Article 31-40)

Citizen petitions for map changes, Articles 57 through 60 and 62 through 64, did not receive positive recommendations from the Planning Board. Article 61 did receive a positive recommendation from the Planning Board, and the article sponsor voluntarily offered to work with planning and other relevant staff to produce and record deed restrictions limiting use of the property. A list of restrictions will be finalized in advance of Annual Town Meeting and if not, the Planning Board intends to change their recommendation.

All Bylaw amendments proposed by the Board in Articles 42 through 56 received positive recommendations except Article 50 (Cottage Community) and Article 52 (Use Chart - Pickleball) which received a “take no action” recommendation. Articles 43 through 48 incorporate language changes required by the Affordable Homes Act, which was recently adopted by the Legislature. A more detailed explanation of the Affordable Homes Act is in the Glossary (following this report). Article 42 is also related to the Affordable Homes Act, as the proposed temporary moratorium on tertiary dwellings is necessary for the Planning Board to take time to evaluate the impact of the by-right Accessory Dwelling Unit allowance. Article 49 inserts language into the Bylaw that aligns with terminology adopted by and programs available through the Nantucket Affordable Housing Trust. Article 51 is a follow-up to a citizen petition from the 2024 STM, however, this version does not include a commercial component and does not apply to by-right development options. Article 53 inserts definitions and uses into the Bylaw that codify existing practice and add a level of clarity and transparency to what is and is not allowed relative to solar energy systems. Articles 54, 55, and 56 are technical updates.

Bylaw amendments proposed by citizens in Articles 65 (as modified in the Planning Board motion) and 66 received support from the Planning Board. Article 66 was supported by the Board based on their opinion that short term rentals should primarily be regulated through a general bylaw, not through zoning, and Article 67 was inconsistent with that position and received a “take no action” recommendation.

The Board recognizes the hard work of its staff, the active participation by citizens, and appreciates the thoughtful review of these articles by Town Meeting voters. If you have questions or concerns about the zoning articles, we encourage you to seek answers in advance of Town Meeting from individual Board members or contact PLUS staff at 508-325-7587.

ZONING ARTICLE GLOSSARY

The Planning Board has provided this glossary to serve as a summarized reference for selected terms in Articles 31 through 66. The entire Zoning Bylaw (Chapter 139 of the Code of the Town of Nantucket) and maps (under Town Meetings and Elections) can be further researched at www.nantucket-ma.gov.

The intensity regulations for zoning districts identified in the Zoning Map changes are referenced below.

Yard Setback					
District Defined in § 139-3	Minimum Lot Size (square feet)	Front (feet)	Side/Rear (feet)**	Frontage (feet)*	Ground Cover Ratio
VR	20,000	20	10	100	10%
LUG-1	40,000	35	10	100	7%
LUG-2	80,000	35	15	150	4%
LUG-3	120,000	35	20	200	3%
MMD	10 acres	50	50	300	.5%
CMI	5,000	0	0	50	50%
RC	5,000	None	5	40	50%
RC-2	5,000	10	5	40	50%
CN	7,500	10	Side: 5 Rear: 10	50	40%
CTEC	10,000	10	Side: 5 Rear: 10	50	40%
VN	10,000	10	10	50	30%
CI	15,000	20	Side:0 Rear:10	50	50%
VTEC	40,000	30	20	100	25%
CDT	3,750	0	Side:0 Rear:5	35	75%
ROH/SOH	5,000	None	5	50	ROH 40% SOH 50%
R-1/SR-1	5,000	10	5	50	30%
R-5/R-5L	5,000	10	Side: 10 minimum on one side; 5 thereafter Rear: 5	50	40% R-5L 30%
R-10/R-10L/SR-10	10,000	R-10/R-10L: 20 SR-10: 15	R-10/R-10L:10 SR-10: 5	75	25%
R-20/SR-20	20,000	30	10	75	12.5%
R-40	40,000	30	10	75	10%

Area Plan - the Nantucket Planning and Economic Development Commission (NP&EDC) has developed a participatory process to foster and facilitate the implementation of the land use and other relevant sections of the 2009 Master Plan. The areas are designated, mapped, and volunteer advisory members are appointed. The topics that each group evaluates are the nine elements of an MGL Chapter 41 section 81D master plan. A final plan is accepted by the NP&EDC. Final plans have been completed for Brant Point, Madaket, Mid Island, Monomoy, Naushop Crossing, Siasconset, Surfside, and Tom Nevers. Updates to existing plans and the creation of new plans are currently underway. *(Source: Goal 2.2, Policy 2.2.1, Nantucket Master Plan)*

Country Overlay District (COD) - a zoning overlay district encompassing those areas not included in the Town Overlay District. The purpose of the COD is to preserve areas characterized by traditional and historic rural land use patterns and to discourage the spread of dispersed development patterns that promote automobile dependency. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 12B)*

Exclusionary Zoning - zoning that has the effect of keeping out of a community or neighborhood certain groups, or additional population. Techniques such as large-lot zoning, which increase housing costs, have been challenged for their exclusionary effects. *(Source: A Planner's Dictionary (2004). Published by the American Planning Association)*

Ground Cover - The horizontal area of a lot covered at grade by structures, together with those portions of any overhangs which contain enclosed interior space; excluding, for instance, tents, retaining walls, substantially below grade finished or unfinished space, exterior insulation, decks, unenclosed porches, unenclosed roofed overhangs and connectors, entryway hoods and projections, gazebos, pergolas, play structures, platforms and steps, docks, game playing courts at grade, exterior in-ground residential swimming pools, exterior in-ground or above grade hot tub/spas, chimneys, bulkheads, bay and bow windows, window wells, unenclosed breezeways, air conditioning units, generators and generator enclosures, mechanical and utility equipment unroofed walled enclosures, exterior showers, fuel tanks, roof eaves, trash bins, and one detached shed not exceeding 200 square feet in ground cover and 16 feet in height, as measured from the top of the slab, pier, or crawl space foundation. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 2)*

Inclusionary Housing - refers to a range of policies and practices that mandate or provide incentives for the inclusion of affordable housing units in new developments to encourage mixed-income neighborhoods and increase the supply of affordable housing. *(Source: Planetizen <https://www.planetizen.com/definition/inclusionary-zoning>)*

Overlay District - establishes alternative zoning requirements to address area specific needs, to promote specific development projects, or to meet specific community goals. *(Source: American Planning Association <https://www.planning.org/divisions/planningandlaw/propertytopics.htm#Overlay>)*

Special Permit - requires a super-majority (4 out of 5 members in favor) vote of the special permit granting authority. Special permits may impose conditions, safeguards, and limitations intended to ensure that the use or structure is in harmony with the general purpose and intent of the Zoning Bylaw. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 30)*

Spot Zoning - the Massachusetts Supreme Judicial Court found that spot zoning occurs where one lot or a small area has been singled out for treatment less onerous than that imposed upon nearby, indistinguishable properties. The Court of Appeals has found that spot zoning arises “where a zoning change is designed solely for the economic benefit of the owner of the property receiving special treatment and is not in accordance with a well considered plan for the public welfare.” *(Source: Massachusetts Municipal Association)*

“In assessing spot zoning challenges, it is quite proper to consider the effect of the zoning change on the municipality as a whole. The court now favours a balancing test to assess a spot zoning challenge. This is especially important where the growth of the municipality has been addressed by a plan.” Challenges alleging spot zoning have a heavy burden of proof, as great weight is given to validity arising from the Town Meeting process. The total area being rezoned is only important where it is not an extension of a district by the inclusion of border lots. Generally, newly established zoning areas greater than two acres are not considered to be a spot zone. *(Source: Bobrowski, Mark “Handbook of Massachusetts Land Use and Planning Law” pages 91through 95)*

Town Overlay District (TOD) - a zoning overlay district encompassing those areas not included in the Country Overlay District. The purpose of the TOD is to encourage development within an area where infrastructure already exists or can be extended without undue expense, to create opportunities to produce affordable housing for year-round residents through in-fill development and to create development patterns that are conducive to service by alternatives to the automobile, such as transit, bicycle, and pedestrian systems. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 12A).*

Affordable Homes Act - On August 6, 2024, Governor Maura Healey signed the Affordable Homes Act into law. The historic legislation authorizes \$5.16 billion in spending over the next five years along with nearly 50 policy initiatives to counter rising housing costs caused by high demand and limited supply (from www.mass.gov). Specifically, Section 8 of Chapter 150 of the Acts of 2024 allows for the creation of by right accessory dwelling units in all municipalities across the Commonwealth. Regulations regarding the creation of accessory dwelling units can be found at <https://www.mass.gov/doc/760-cmr-7100-protected-use-adus-final-version/download>. Additionally, the Affordable Homes Act created the “Seasonal Communities Designation” a framework for communities, such as Nantucket, to develop policies and programs through the Seasonal Communities Advisory Council’s recommendation to

the Executive Office of Housing and Livable Communities that is intended to target and align with our community's unique needs.

ZONING DISTRICTS BY LAND AREA

(Updated through November 2024)

In 2005, when the Planning Board first began the research necessary to draft the Master Plan, 8.65% of the island was in a high density (minimum lots size of 5,000 square feet or less) zoning district and 81.75% was in a low density (minimum lot sizes of 40,000 square feet or more) zoning district. Today, 3.33% of the island is in a high density zoning district and 86.96% is in a low density zoning district. The amount of land within a moderate density district has remained stable. The chart below demonstrates how the land area of the island contained within each zoning district has changed over time.

	2005		2024	
Zone	Acres	Percentage of Total Land Area	Acres	Percentage of Total Land Area
AH	1.18	0%	0	0%
OIH	4.71	0.01%	4.76	0.01%
ALC	21.01	0.06%	21.01	0.06%
VN	0	0%	20.81	0.06%
VTEC	0	0%	27.65	0.09%
LC	37.93	0.11%	0	0%
CDT	23.48	0.07%	37.55	0.12%
SR-1	48.9	0.15%	25.78	0.08%
CTEC	0	0%	75.76	0.25%
SOH	34.83	0.11%	50.07	0.16%
SR-10	13.91	0.04%	45.21	0.15%
CMI	0	0%	57.96	0.19%
RC	330.39	1%	22.40	0.07%
R-5/5L	0	0%	188.92	0.62%
CN	0	0%	225.29	0.74%
RC-2	1380.7	4%	52.85	0.17%
ROH	209.38	0.6%	227.70	0.75%
VR	0	0%	336.91	1.11%
SR-20	445.86	1.4%	273.63	0.90%
R-1	641.01	1.9%	335.81	1.11%
R-40	0	0%	438.56	1.45%
R-10/10L	346.22	1.05%	437.22	1.45%
CI	0	0%	456.28	1.51%

LUG-1	989.92	3%	996.81	3.31%
R-20	2505	7.6%	1029.72	3.42%
MMD	618.59	1.9%	1,790.02	5.94%
LUG-2	7481.8	22.6%	2236.35	7.42%
LUG-3	17986	54.3%	20693.84	68.744%
TOTAL	33121	99.9%	30108.87	100%

Prepared By: Megan Trudel, AICP, Deputy Director of Planning
Nathan Porter, GIS Coordinator

Data Source: Town of Nantucket GIS Files

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
2025 ANNUAL TOWN ELECTION**



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

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 1

Shadbush Road and/or 188 Madaket 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: 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?

3. Debt Exclusion: Supplemental Appropriation for Tom Nevers Bike Path

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to make various improvements for the construction of a bike path on Tom Nevers Road including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

4. Debt Exclusion for Town Employee Housing Design, Owners Project Manager and Construction Costs

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so called, the amounts required to pay for the bonds issued to 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?

5. Capital Outlay Exclusion

Shall the Town of Nantucket be allowed to assess an additional \$1,556,000 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
DPW - Central Fleet	Replacement of (2) Assessor's Office Vehicles	\$100,000
DPW - Central Fleet	Ford E-Transit Van Purchase	\$73,000
DPW - Central Fleet	Front-end Loader Replacement	\$282,000
DPW - Central Fleet	10-Wheel Dump Truck Replacement	\$375,000
DPW - Parks	Natural Grass Maintenance Equipment Replacement	\$96,000
Fire Department	Fire Prevention Vehicle Replacement	\$80,000
School Department	Security Camera System Replacement	\$550,000

Total Capital Exclusion	\$1,556,000
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6. 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.

Town of Nantucket
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