

# Town and County of Nantucket Select Board • County Commissioners

Dawn E. Hill, Chair/Select Board  
Thomas M. Dixon, Chair/County Commissioners  
Matt Fee  
Malcolm W. MacNab  
Brooke Mohr



16 Broad Street  
Nantucket, Massachusetts 02554

Telephone (508) 228-7255  
Facsimile (508) 228-7272  
[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

C. Elizabeth Gibson  
Town & County Manager

## ***AGENDA FOR THE MEETING OF THE SELECT BOARD MARCH 18, 2026 - 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/K6Mq24Qc6Wg>

***ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:***  
[https://us06web.zoom.us/webinar/register/WN\\_4CUkYBJ2TmSJmLbyOljW9w](https://us06web.zoom.us/webinar/register/WN_4CUkYBJ2TmSJmLbyOljW9w)

### ***I. CALL TO ORDER***

### ***II. SELECT BOARD ACCEPTANCE OF AGENDA***

### ***III. ANNOUNCEMENTS***

1. The Select Board Meeting is Being Audio and Video Recorded.
2. The Nantucket Affordable Housing Trust is Accepting Nominations for the **2026 Dr. Howard Dickler Citizen Award**, which Honors a Community Member who Demonstrates Exceptional Voluntary Leadership and Advocacy in Support of Affordable Housing on Nantucket. Nominations may be Submitted to [Housing@nantucket-ma.gov](mailto:Housing@nantucket-ma.gov) through April 10, 2026. Learn More at: <https://nantucket-ma.gov/3621/Dr-Howard-Dickler-Citizen-Award>.
3. **May 4, 2026 Annual Town Meeting**  
Warrant Article Information May be Found at <https://www.nantucket-ma.gov/3722/2026-Annual-Town-Meeting>.
4. **The Community Claims Fund** Launches on Monday, January 26, 2026 to Accept Claims. This Fund was Created as Part of the Blade Failure Settlement with GEV. Verus, LLC, the Administrator of the Fund, has Created a Dedicated Website with More Information and Instructions for How to File a Claim: [www.NantucketBladeSettlement.com](http://www.NantucketBladeSettlement.com). **Claims Must be Filed No Later than June 26, 2026**. For Questions, Please Contact the Verus Support Team at [NantucketBladeSettlement@Verusllc.com](mailto:NantucketBladeSettlement@Verusllc.com) or 508-305-7225.

5. **Nantucket Lights:** Request to Proclaim April 13 - 20, 2026 “International Dark Sky Week” on Nantucket.
  6. Select Board Announcements/Comments.
- IV. UPDATE ON PUBLIC COMMENT QUESTIONS FROM PRIOR SELECT BOARD MEETINGS** (see <https://nantucket-ma.gov/3788/2026-Public-Comment-Questions-Responses>)
- V. PUBLIC COMMENT\***
- VI. NEW BUSINESS\*\***
- VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS**
1. Approval of Minutes of March 11, 2026 at 5:30 PM; March 12, 2026 at 4:00 PM.
  2. Approval of Payroll Warrants for March 15, 2026.
  3. Approval of Treasury Warrants for March 18, 2026.
  4. Approval of Pending Contracts for March 18, 2026 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.
- VIII. TOWN MANAGER’S REPORT**
1. Our Island Home Pro Forma Overview; Plus Any Project Updates and Review of Private Pay Rates.
- IX. SELECT BOARD REPORTS/COMMENT**
1. Preliminary Review of Potential Select Board Comments to May 4, 2026 Annual Town Meeting Warrant Articles Including Article 11 (Our Island Home) and Article 36 (Off-Shore Wind Stabilization Fund).
  2. Update on the Investigation of the Investigation of African Meeting House Vandalism.
  3. Committee Reports.
- X. 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 they are on the agenda for the same meeting.
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. Such matters may be appropriately deferred to a noticed-agenda item at a future meeting 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.



---

## NANTUCKET LIGHTS

---

March 9, 2026

Dear Select Board Members,

I am writing on behalf of Nantucket Lights (<https://nantucketlights.org>) to ask for your support in helping to protect our dark skies by declaring April 13-20, 2026, to be International Dark Sky Week on Nantucket. I have enclosed draft proclamation language for your consideration and respectfully ask that you consider it at your next meeting.

As you may recall from requests for proclamations in the past, International Dark Sky Week is a global initiative to celebrate the night sky, raise awareness about light pollution, and promote the use of environmentally responsible outdoor lighting during the week of the new moon in April each year. This year, the designated dates for it are April 13-20. (For more details, visit <https://idsw.darksky.org>.)

A proclamation by the Select Board declaring those dates to be International Dark Sky Week on Nantucket would be a great way to reaffirm its support for preserving our dark skies. The proposed language is the same as the proclamation adopted by the Select Board last year, available [here](#) to refresh your memory.

Thanks very much for your consideration. If you have any questions or would like any additional information, please let me know.

Warm regards,

Gail Walker  
Founder and President  
Nantucket Lights

*The mission of Nantucket Lights is to preserve and protect Nantucket's nighttime environment and heritage of dark skies by raising awareness about light pollution on the island and advocating for environmentally responsible outdoor lighting.*



## PROCLAMATION

**WHEREAS,** the aesthetic beauty and wonder of the natural night sky is a part of Nantucket's heritage and culture that should be protected and preserved for residents as well as visitors to the island; and

**WHEREAS,** the excessive use of artificial light at night, also known as light pollution, not only masks the beauty of the natural night sky but also has significant adverse impacts on our health and quality of life; and

**WHEREAS,** light pollution is also harmful to the wildlife on Nantucket that need a natural night environment to thrive, including plants and pollinating insects; and

**WHEREAS,** light pollution also threatens the astronomical research and educational programs of the Maria Mitchell Association, founded in 1902 to preserve the legacy of astronomer and Nantucket native Maria Mitchell; and

**WHEREAS,** light pollution also wastes energy and contributes to diminished energy security; and

**WHEREAS,** International Dark Sky Week is a global initiative to celebrate the night sky, raise awareness about light pollution, and promote the use of environmentally responsible outdoor lighting around the world during the week of the new moon in April each year,

**NOW, THEREFORE,** we, the Nantucket Select Board, hereby declare

**April 13-20, 2026**

to be

**INTERNATIONAL DARK SKY WEEK**

on Nantucket

and call upon all residents to commit to increasing their awareness and understanding of light pollution and the steps that each of us can take to protect and preserve our beautiful dark skies.

Approved this \_\_\_\_\_ day of March 2026

\_\_\_\_\_  
Dawn E. Hill, Chair  
Select Board, Town of Nantucket

**EXHIBIT 1**  
**AGREEMENTS TO BE EXECUTED BY TOWN MANAGER**  
**UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD**  
**March 18, 2026**

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
<b>Leases</b>						
Residential Lease	Housing	Christine Sanford, Trustee	\$158,400	Lease of 3 Mill Street for use by Town employees	Housing Budget	Jun 1, 2026 - May 31, 2028
<b>Grants</b>						
Grant Agreement	Culture & Tourism	Nantucket Comedy Festival	\$1,000	“Stand Up & Learn” educational program	Massachusetts Cultural Council grant	Mar 1, 2026 - Dec 31, 2026
Grant Agreement	Culture & Tourism	Theater Workshop of Nantucket	\$1,000	Theater Workshop’s March production	Massachusetts Cultural Council grant	Mar 1, 2026 - Dec 31, 2026
Grant Agreement	Culture & Tourism	Artists Association of Nantucket	\$1,000	Senior Citizen Art Program	Massachusetts Cultural Council grant	Mar 1, 2026 - Dec 31, 2026
Grant Agreement	PLUS	Remain Nantucket, LLC	(\$15,000)	Solar car port feasibility study (2 Fairgrounds Rd)	N/A	Feb 4, 2026 - Dec 31, 2026
<b>Amendments</b>						
Contract Amendment	Culture & Tourism	OnCell Systems, Inc.	Add \$1,000 to original contract amount of \$16,356.60 for new contract amount of \$17,356.60	Increase scope of Project to include an additional self-guided walking tour	Offshore Wind Grant	Jun 25, 2025 - Jun 24, 2028
Contract Amendment	IT	LCN Networks, a Division of E.G. Sawyer Co., Inc.	Add \$18,168.12 to original contract amount of \$128,361.45 for new contract amount of \$146,529.57	Plan design for network switch upgrades	IT Capital Fund Article 10 ATM 2022 Article 10 ATM 2023	Oct 1, 2025 - Sep 30, 2026
Contract Amendment	Natural Resources	Arcadis US, Inc.	N/A	Extension of contract term to cover permitting	N/A	Mar 26, 2023 - Sep 30, 2026

Contract Amendment	Our Island Home	PointClickCare Technologies, Inc.	Add \$630 to original contract amount of \$29,859.71 for new contract amount of \$30,489.71	Contract amount increase for maintenance of resident electronic medical files	OIH Budget	Jul 1, 2025 - Jun 30, 2026
Contract Amendment	Solid Waste	Waste Options Nantucket, LLC	N/A	Amendment 1 to Waste Services Agreement clarifying billing procedures	N/A	Dec 1, 2025 - Nov 30, 2025
Contract Amendment	Town Clerk	Nantucket Community Television, Inc.	Second year option \$135,000, for a new contract amount of \$265,000	Exercise second year option under audio-visual services agreement for Town Meeting	Town Clerk Budget	Apr 1, 2025 - Mar 31, 2027
<b>Professional Services &amp; Purchase Agreements</b>						
Professional Services Agreement	Parks & Recreation	Cameron Mooney Irrigation, LLC	\$61,800	Town-wide irrigation services including spring startup and winter shut down at 14 Town locations	Parks & Recreation Budget	Apr 1, 2026 - Mar 31, 2029
Purchase Agreement	Police	New England Cycle Works	\$42,744.60	Purchase of six (6) replacement ATVs for summer beach lifeguard and police patrols	Beach Revolver	Mar 1, 2026 - Jun 30, 2029



*We'll get you there.*

CPAs | CONSULTANTS | WEALTH ADVISORS

# Our Island Home

## *Key Assumptions & Financial Projections*

*March 2026*



The information herein has been provided by CliftonLarsonAllen LLP for general information purposes only. The presentation and related materials, if any, do not implicate any client, advisory, fiduciary, or professional relationship between you and CliftonLarsonAllen LLP and neither CliftonLarsonAllen LLP nor any other person or entity is, in connection with the presentation and/or materials, engaged in rendering auditing, accounting, tax, legal, medical, investment, advisory, consulting, or any other professional service or advice. Neither the presentation nor the materials, if any, should be considered a substitute for your independent investigation and your sound technical business judgment. You or your entity, if applicable, should consult with a professional advisor familiar with your particular factual situation for advice or service concerning any specific matters.

CliftonLarsonAllen LLP is not licensed to practice law, nor does it practice law. The presentation and materials, if any, are for general guidance purposes and not a substitute for compliance obligations. The presentation and/or materials may not be applicable to, or suitable for, your specific circumstances or needs, and may require consultation with counsel, consultants, or advisors if any action is to be contemplated. You should contact your CliftonLarsonAllen LLP or other professional prior to taking any action based upon the information in the presentation or materials provided. CliftonLarsonAllen LLP assumes no obligation to inform you of any changes in laws or other factors that could affect the information contained herein.

# Introduction

The accompanying projected financial statements include the following departures from the guidelines for presentation of a projection established by the AICPA: The projected financial statements omit substantially all of the disclosures required by accounting principles generally accepted in the United States of America. The projected financial information omits the summary of significant accounting policies. The projected financial information are not in conformity with GAAP accounting standards. The effects of these departures have not been determined

These financial projections present, to the best of management's knowledge and belief, the Organization's expected financial position, results of operations, and support needed for the projection periods if the Organization's attains the hypothetical assumptions listed on the next page; they should not be considered to be a presentation of expected future results. Accordingly, the projections reflect its judgment as of March 2nd, 2026, the date of these projections, of the expected conditions of the hypothetical assumptions listed on the next page. The assumptions disclosed herein are those that management believes are significant to the projections. Furthermore, even if the Organization attains the hypothetical assumptions above, there will usually be differences between the projected and actual results, because events and circumstances frequently do not occur as expected, and those differences may be material. In addition, the degree of uncertainty related to this reporting generally increases as the time span presented increases

**These projections and the related analyses are intended for the internal use of the Our Island Home management and Town of Nantucket board members and should not be read by or relied on by other third-party users for any purpose.**



# Proforma Assumptions

Assumes for Y1 of new facility  
(2028/2029 dollars)

Includes 4% to wages & 10% to  
Medical Insurance and  
Retirement Obligation

Total Operational Savings of  
\$95K a Year

## Scenario Analysis - New OIH Facility

### Baseline Assumptions

Private Rooms	45
Occupancy %	93% (42 ADC)
Private ADC	10
<i>Private Daily Rate</i>	<i>\$800/day</i>
Medicare ADC	9
<i>Medicare Daily Rate</i>	<i>\$800/day</i>
Medicaid ADC	23
<i>Medicaid Daily Rate</i>	<i>\$260/day</i>
Operating Revenue	\$7.6M
Operating Expenses	\$11.8M
<i>Y1 Operating Deficit</i>	<i>-\$4.2M</i>

### Forecast Assumptions

Private Pay Rate Increases	3.0%/year
Medicare Rate Increases	2.0%/year
Medicaid Rate Increases	2.0%/year
Labor Expense Increases	5.5%/year
Non Labor Expense Increases	3.0%/year
<i>Operating Environment/Spread</i>	<i>-2.3%/year</i>

### Strategic Assumptions

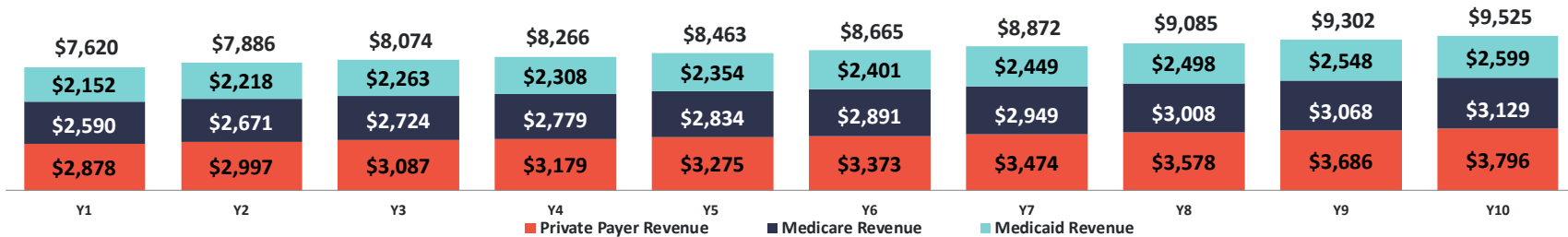
Contract Labor Savings	\$100K
Additional Housekeeping FTE	(\$100K)
Utilities Savings	\$155K
Repairs and Maintenance Savings	\$40K
Additional Therapy Costs	(\$100K)

### Capital Assumptions

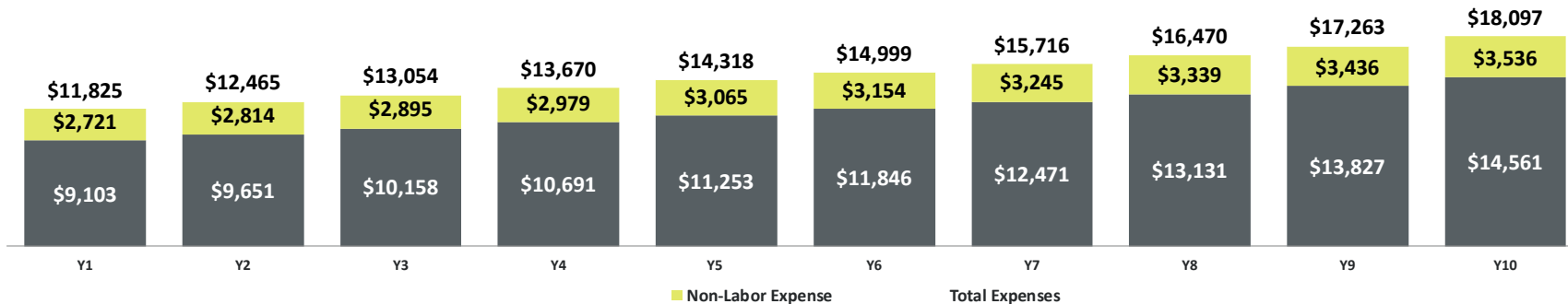
Capital Project Costs	\$134.4M
Debt Portion	\$125.5M



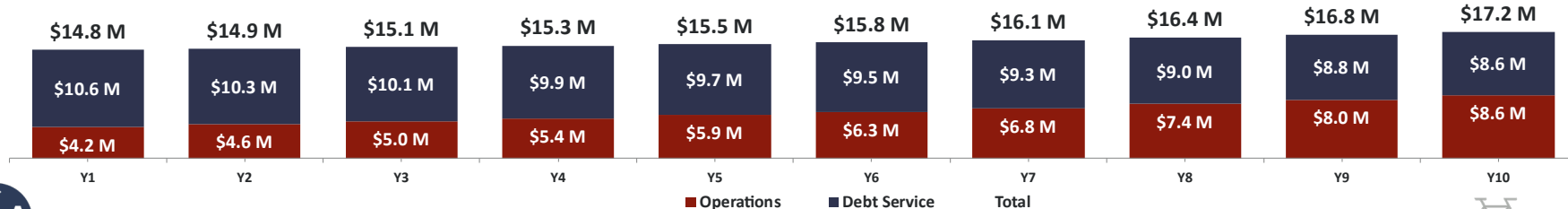
### Annual Operating Revenues (\$ in thousands)



### Annual Operating Expenses (\$ in thousands)



### Annual Investment (\$ in millions)



**Our Island Home**  
**Projected Statement of Operations (No Assurances Provided)**  
(\$ in Thousands)

(\$ in Thousands)

	Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9	Y10
<b>OPERATING REVENUES</b>										
Total Revenues	7,620	7,886	8,074	8,267	8,464	8,666	8,873	9,085	9,303	9,526
<b>Operating Revenue % Change</b>		<b>3.5%</b>	<b>2.4%</b>	<b>2.4%</b>	<b>2.4%</b>	<b>2.4%</b>	<b>2.4%</b>	<b>2.4%</b>	<b>2.4%</b>	<b>2.4%</b>
<b>OPERATING EXPENSES</b>										
Labor Expense	9,103	9,651	10,158	10,691	11,253	11,846	12,471	13,131	13,827	14,561
Non-Labor Expense	2,721	2,814	2,895	2,979	3,065	3,154	3,245	3,339	3,436	3,536
Total Non Capital Expenses	11,825	12,465	13,054	13,670	14,318	14,999	15,716	16,470	17,263	18,097
<b>Operating Loss</b>	<b>(4,205)</b>	<b>(4,578)</b>	<b>(4,980)</b>	<b>(5,403)</b>	<b>(5,854)</b>	<b>(6,333)</b>	<b>(6,843)</b>	<b>(7,385)</b>	<b>(7,960)</b>	<b>(8,571)</b>
<b>Debt Service</b>										
Interest Expense	4,283	4,063	3,843	3,624	3,404	3,185	2,965	2,745	2,526	2,306
Add Principal Payments	6,275	6,275	6,275	6,275	6,275	6,275	6,275	6,275	6,275	6,275
Total Debt Service Payments	10,558	10,338	10,118	9,899	9,679	9,460	9,240	9,020	8,801	8,581
Total Expenses	22,383	22,803	23,172	23,569	23,997	24,459	24,956	25,490	26,064	26,678
<b>Subsidy/Investment</b>	<b>(14,763)</b>	<b>(14,916)</b>	<b>(15,098)</b>	<b>(15,302)</b>	<b>(15,533)</b>	<b>(15,793)</b>	<b>(16,083)</b>	<b>(16,405)</b>	<b>(16,761)</b>	<b>(17,152)</b>



**\*\*\*DRAFT AS OF 031226\*\*\***

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF NANTUCKET  
2026 ANNUAL TOWN MEETING**

**[INSERT PHOTO]**

**Monday, May 4, 2026 - 4:30 PM  
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](http://www.nantucket-ma.gov)**

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

**FINANCE COMMITTEE**  
Jill Vieth, Chair  
Joanna Roche, Vice Chair  
Jeremy Bloomer  
Robert Giacchetti  
Christopher A. Glowacki  
Anthonie Goudemond  
Martin McKerrow  
Peter N. Schaeffer  
Joseph H. Wright

**PLANNING BOARD**  
David Iverson, Chair  
Nathaniel Lowell, Vice Chair  
John Kitchener  
Hillary Hedges Rayport  
Joseph Topham

**MODERATOR**  
Sarah F. Alger

## AMERICANS WITH DISABILITIES ACT NOTICE

The Town of Nantucket advises applicants, participants and the public that it does not discriminate on the basis of disability in, admission to, access to, treatment or employment in its programs, services and activities. The Town of Nantucket will provide auxiliary aids and services to access programs upon request. Inquiries, requests and complaints should be directed to the Town Manager, 16 Broad Street, Nantucket, MA 02554 (508) 228-7255.

**IF YOU NEED A LARGE PRINT  
VERSION OF THIS DOCUMENT,  
PLEASE CONTACT THE  
TOWN MANAGER'S OFFICE AT  
(508) 228-7255**

*Cover photo courtesy of **XXXXXX***

**TOWN OF NANTUCKET  
2026 ANNUAL TOWN MEETING  
TABLE OF CONTENTS**

Article Number		Page Number
1	Receipt of Reports	
2	Appropriation: Unpaid Bills	
3	Appropriation: Prior Year Articles	
4	Revolving Accounts: Spending Limits for FY 2027	
5	Appropriation: Reserve Fund	
6	Fiscal Year 2026 General Fund Budget Transfers	
7	Personnel Compensation Plans for Fiscal Year 2027	
8	Appropriation: Fiscal Year 2027 General Fund Operating Budget	
9	Appropriation: Health and Human Services	
10	Appropriation: General Fund Capital Expenditures	
11	Appropriation: Our Island Home	
12	Appropriation: School Athletic Facilities Improvements	
13	Appropriation: Town Employee Housing Design, Owner's Project Manager and Construction Costs	
14	Appropriation: LORAN Barracks Repairs	
15	Appropriation: Somerset Sewer Needs Area - Sewer Extension	
16	Appropriation: Tom Nevers Park Debris Removal and Erosion Control/Dune Restoration	
17	Supplemental Appropriation: Public Works Facility Improvements - Design	
18	Appropriation: Fiscal Year 2027 Enterprise Funds Operations	
19	Appropriation: Enterprise Funds Capital Expenditures	
20	Enterprise Funds: Fiscal Year 2026 Budget Transfers	
21	Appropriation: Waterways Improvement Fund	
22	Appropriation: Ambulance Reserve Fund	
23	Appropriation: Ferry Embarkation Fee	
24	Appropriation: County Assessment	
25	Appropriation: Finalizing Fiscal Year 2027 County Budget	
26	Rescind Unused Borrowing Authority	
27	Appropriation: Other Post-Employment Benefits Trust Fund	
28	Acceptance of Massachusetts General Law: Expansion of Tax Work- off Program to Include Qualified Veterans	
29	Appropriation: Fiscal Year 2027 Senior Work-off Program	
30	Appropriation: Special Purpose Stabilization Fund for Airport Employee Accrued Liabilities	
31	Appropriation for Special Purpose Stabilization Fund for Town Employee Accrued Liabilities	

**TOWN OF NANTUCKET  
2026 ANNUAL TOWN MEETING  
TABLE OF CONTENTS**

Article Number		Page Number
32	Renewal of Board of Health Septic System Betterment Loan Program	
33	Appropriation: Fiscal Year 2027 Community Preservation Committee	
34	Community Preservation Committee: Fiscal Year 2026 Budget Transfers	
35	Appropriation: Stop Signs on Surfside Road at Intersection of Miacomet Road and Surfside Drive/Flaherty	
36	Off-Shore Wind Stabilization Fund/Oliver	
37	Appropriation: Municipal Waste and Hazardous Material Incineration/Williams	
38	Zoning Bylaw Amendment: Prohibited Uses	
39	Zoning Bylaw Amendment: Demolition Delay	
40	Zoning Bylaw Amendment: Use Chart - Restaurants, Large	
41	Zoning Bylaw Amendment: Rear Lot Subdivision	
42	Zoning Bylaw Amendment: Flood Hazard Overlay District	
43	Zoning Bylaw Amendment: Definitions - Apartment Building	
44	Zoning Bylaw Amendment: Attainable Housing	
45	Zoning Bylaw Amendment: Community Land Trust	
46	Zoning Bylaw Amendment: Fractional Ownership, Interval, or Time Share Unit	
47	Zoning Bylaw Amendment: Accessory Dwelling Unit	
48	Zoning Bylaw Amendment: Protected Use Accessory Dwelling Unit (ADU)	
49	Zoning Bylaw Amendment: Gross Floor Area	
50	Zoning Bylaw Amendment: Primary Dwelling	
51	Zoning Bylaw Amendment: Secondary Dwelling	
52	Zoning Bylaw Amendment: Tertiary Dwelling	
53	Zoning Bylaw Amendment: Garage Apartment	
54	Zoning Bylaw Amendment: Apartment	
55	Zoning Map Change: RC and R-1 to CN - Jefferson Avenue	
56	Zoning Map Change: RC-2 to CMI - Arrowhead Drive and Hinsdale Road	
57	Zoning Map Change: RC-2 to CN - Miacomet Avenue and Surfside Road	
58	Zoning Map Change: RC-2 to R-5, CN, or CMI - Old South Road, Forrest Avenue, Rose Bud Lane, Hinsdale Road	
59	Zoning Map Change: RC-2 to CI, CMI, or CN - Sun Island Road	

**TOWN OF NANTUCKET  
2026 ANNUAL TOWN MEETING  
TABLE OF CONTENTS**

Article Number		Page Number
60	Zoning Map Change: RC-2 to CN - 5 Bartlett Farm Road, LUG-3 to CN - portion of 162 Hummock Pond Road, and LUG-2 to CN - portion of 162 Hummock Pond Road	
61	Town and Country Overlay District Change: Bartlett Farm Road and Hummock Pond Road	
62	Zoning Map Change: R-20 to CN - 3 Toombs Court (portion of)/ McClure	
63	Zoning Bylaw Amendment: Preexisting Nonconforming Uses, Structures and Lots/Molden	
64	Acceptance of Massachusetts General Law: Establish Tax Title Collection Revolving Fund	
65	Acceptance of Massachusetts General Law: Affordable Housing Property Tax Exemption	
66	Amendment of Declaration of Trust for Affordable Housing Trust Fund	
67	Bylaw Amendment: Solid Waste Disposal	
68	Bylaw Amendment: Noise	
69	Bylaw Amendment: Council for Human Services Membership	
70	Bylaw Amendment: Finances/Amend Purpose of Revolving Account/Add Revolving Account	
71	General Bylaw: Stormwater Management	
72	Bylaw Amendment: Signs; Satellite Dishes; Rooflines/Webb	
73	Real Estate Lease/License of Baxter Road Property for Erosion Control	
74	Home Rule Petition: An Act to Amend the Nantucket Planning and Economic Development Commission	
75	Home Rule Petition: An Act to Amend the Nantucket Planning and Economic Development Commission (NP&EDC) Enabling Legislation/ Rayport	
76	Home Rule Petition: Conveyance of School Street from County to Town	
77	Home Rule Petition: Real Estate Conveyances from Town of Nantucket to Nantucket Islands Land Bank	
78	Town Council Form of Government/Barnes	
79	Real Estate Conveyances: Portion of 21 South Shore Road, a/k/a 1-43 Sherburne Commons Lane, Map 80, Parcel 1	
80	Real Estate Disposition: Utility Easement - Waitt Drive and Ticcoma Green Workforce Housing	
81	Real Estate Acquisition: 46 Sparks Avenue	
82	Real Estate Acquisition: Boynton Lane/Barnes	
83	Appropriation: Stabilization Fund	

**TOWN OF NANTUCKET  
2026 ANNUAL TOWN MEETING  
TABLE OF CONTENTS**

<b>Article Number</b>		<b>Page Number</b>
84	Appropriation: Free Cash	
	Planning Board Report	
	Zoning Article Glossary	
	Zoning Districts by Land Area	
	May 19, 2026 Annual Town Election Warrant	

***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***

**ARTICLE 1  
(Receipt of Reports)**

To receive the reports of various departments and committees as printed in the Fiscal Year 2025 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 2025 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 Nineteen Thousand Twenty-six Dollars and Eighty-one Cents (\$19,026.81) be transferred from Free Cash to pay the General Fund unpaid bills from prior fiscal years; that Five Hundred Forty Dollars and Thirty-three Cents (\$540.33) be appropriated from Retained Earnings of the Airport Enterprise Fund to pay Airport Enterprise Fund unpaid bills from prior fiscal years; that One Thousand Two Hundred and Sixty Dollars (\$1,260.00) be appropriated from Retained Earnings of the Our Island Home Enterprise Fund to pay Our Island Home Enterprise Fund unpaid bills from prior fiscal years; that One Hundred Twenty-two Dollars and Forty Cents (\$122.40) be appropriated from Retained Earnings of the Sewer Enterprise Fund to pay Sewer Enterprise Fund unpaid bills from prior fiscal years; that One Thousand Dollars (\$1,000.00) be appropriated from Undesignated Fund Balance of the Community Preservation Committee (CPC) Fund to pay CPC unpaid bills from prior fiscal years:

<i>DEPARTMENT</i>	<i>VENDOR</i>	<i>AMOUNT</i>
Culture & Tourism	Oriental Trading Company, Inc.	\$171.96
Finance	Albert Risk Management Consultants	\$12,587.39
Human Resources	Concentra, Inc	\$1,395.00
Human Resources	Massachusetts Municipal Association	\$90.00
Town Administration	Avalon Consulting Group	\$4,143.75
Town Administration	GLOBO Language Solutions, LLC	\$638.71
<i>Subtotal General Fund</i>		<i>\$19,026.81</i>
Airport	Galls, LLC	\$90.97
Airport	National Grid	\$449.36
<i>Subtotal Airport Enterprise Fund</i>		<i>\$540.33</i>

Our Island Home	WellSky	\$1,260.00
<i>Subtotal Our Island Home Enterprise Fund</i>		<i>\$1,260.00</i>
Sewer	Grainger	\$122.40
<i>Subtotal Sewer Enterprise Fund</i>		<i>\$122.40</i>
Community Preservation Committee	Nantucket Radio, LLC	\$1,000.00
<i>Subtotal Community Preservation Committee</i>		<i>\$1,000.00</i>

*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 (*NOTE: items to be stricken are shown by strike-out; language to be modified shown by highlighted text*):

<i>DEPARTMENT</i>	<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Revolving Account	Community Recreation Programming Revolving Account	Tennis Court Revolving Account	\$103,648.33
<i>Subtotal of Revolving Fund</i>			<i>\$103,648.33</i>
Airport	Article 20 of 2019 Annual Town Meeting (Maintenance Truck Replacement)	Article 22 of 2024 Annual Town Meeting (Groundwater and Soil Investigation)	\$49,869.20
Airport	Article 16 of 2021 Annual Town Meeting (Airport Improvement Projects: Taxiway G)	Article 22 of 2024 Annual Town Meeting (Groundwater and Soil Investigation)	\$242,126.77
Airport	Article 16 of 2021 Annual Town Meeting (ALP Update Geo Study 74)	Article 22 of 2024 Annual Town Meeting (Groundwater and Soil Investigation)	\$24,513.70

Airport	Article 22 of 2022 Annual Town Meeting (Nobadeer Farm Road Housing)	Article 22 of 2024 Annual Town Meeting (Groundwater and Soil Investigation)	\$181,613.05
Airport	Article 22 of 2022 Annual Town Meeting (Vehicle and Maintenance Equipment)	Article 22 of 2024 Annual Town Meeting (Groundwater and Soil Investigation)	\$5,263.28
Airport	Article 22 of 2023 Annual Town Meeting (Nobadeer Farm Road Housing)	Article 22 of 2024 Annual Town Meeting (Groundwater and Soil Investigation)	\$1,212,387.69
Airport	Article 22 of 2023 Annual Town Meeting (Perimeter Road and Fence Relocation)	Article 22 of 2024 Annual Town Meeting (Groundwater and Soil Investigation)	\$463,800.00
Airport	Article 22 of 2023 Annual Town Meeting (Truck 15, Parking Lot Repainting and Luggage Cart Replacement)	Article 22 of 2024 Annual Town Meeting (Groundwater and Soil Investigation)	\$882.01
Airport	Article 22 of 2023 Annual Town Meeting (Lektro Tug Replacement)	Article 22 of 2024 Annual Town Meeting (Groundwater and Soil Investigation)	\$229,503.20
Airport	Airport Retained Earnings	Article 22 of 2022 Annual Town Meeting (Commuter Apron Reconstruction)	\$320,000.00
Airport	Airport Retained Earnings	Article 22 of 2022 Annual Town Meeting (Terminal Improvements)	\$3,500,000.00
Airport	Airport Retained Earnings	Article 22 of 2022 Annual Town Meeting (ARFF Truck)	\$116,000.00

Airport	Airport Retained Earnings	Article 22 of 2022 Annual Town Meeting (Airport Master Plan)	\$63,000.00
Airport	Airport Retained Earnings	Article 22 of 2022 Annual Town Meeting (Security Screening Area Floor Replacement)	\$46,955.75
Airport	Airport Retained Earnings	Article 16 of 2021 Annual Town Meeting (South Apron Expansion)	\$3,512,871.52
Airport	Airport Retained Earnings	Article 22 of 2023 Annual Town Meeting (ARFF Tools and Equipment Purchase and PFAS Decontamination)	\$154,357.17
Airport	Airport Retained Earnings	Article 22 of 2024 Annual Town Meeting (Ramp High Mast Lights Replacement)	\$136,000.00
Airport	Airport Retained Earnings	Article 22 of 2024 Annual Town Meeting (Milling and Overlay of Parking Lots and Airport Access Loop Road)	\$400,000.00
Airport	Airport Retained Earnings	Article 22 of 2024 Annual Town Meeting (Milling and Overlay of Runway 6-24)	\$95,000.00
Airport	Airport Retained Earnings	HRP - Environmental Monitoring	\$1,700.00
Airport	Airport Retained Earnings	Article 16 of 2025 Annual Town Meeting (Airfield Paint, Beads & Rubber Markings Removal)	\$56,318.25

Airport	Airport Retained Earnings	Article 16 of 2025 Annual Town Meeting (South Apron Noise Barrier Construction)	\$1,257,808.51
Airport	Airport Retained Earnings	Article 16 of 2025 Annual Town Meeting (FBO Ground Support Equipment)	\$357,762.28
<b><i>Subtotal of Airport Enterprise</i></b>			<b><i>\$12,427,732.38</i></b>
Solid Waste	Article 20 of 2019 Annual Town Meeting (Materials Recovery Facility Electrical System Repairs)	Article 16 of 2020 Annual Town Meeting (Materials Recovery Facility Improvements and Repairs Landfill Facility Repairs and Maintenance)	\$50,000.00
Solid Waste	Article 20 of 2019 Annual Town Meeting (Materials Recovery Facility Overhead Door Replacement)	Article 16 of 2020 Annual Town Meeting (Materials Recovery Facility Improvements and Repairs Landfill Facility Repairs and Maintenance)	\$50,000.00
Solid Waste	Article 20 of 2019 Annual Town Meeting (Materials Recovery Facility Fire Alarm Improvements)	Article 16 of 2020 Annual Town Meeting (Materials Recovery Facility Improvements and Repairs Landfill Facility Repairs and Maintenance)	\$60,000.00
Solid Waste	Article 22 of 2022 Annual Town Meeting (Materials Recovery Facility Sprinkler System Replacement)	Article 16 of 2020 Annual Town Meeting (Materials Recovery Facility Improvements and Repairs Landfill Facility Repairs and Maintenance)	\$60,000.00
Solid Waste	Article 22 of 2022 Annual Town Meeting (Landfill Front Gate Replacement)	Article 16 of 2020 Annual Town Meeting (Materials Recovery Facility Improvements and Repairs Landfill Facility Repairs and Maintenance)	\$11,330.00
<b><i>Subtotal of Solid Waste Enterprise</i></b>			<b><i>\$231,330.00</i></b>

#### ARTICLE 4

##### (Revolving Accounts: Spending Limits for FY 2027)

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 2027; 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; coastal resilience projects*	\$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
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

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>	<i>SPENDING LIMIT</i>
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	\$8,500,000
Employee Housing	Rental payments	Town Manager with approval of Select Board	Defrayment of maintenance/ upkeep of Town employee housing facilities/houses	\$100,000
Concessions	Rental Payments	Town Manager with approval of Select Board	Defrayment of maintenance/upkeep of Town owned concession facilities and premises	\$400,000
Electric Vehicle (EV) Charging Station*	Electric vehicle charging station fees	Town Manager with approval of Select Board	Defrayment of maintenance/upkeep of Town-owned electric vehicle (EV) charging stations	\$16,000
Tax Title*	Statutory fees and charges collected from redemption of sale of foreclosed property	Town Manager with approval of Select Board	Eligible tax-title costs, including but not limited to legal fees, recordings, filings, title exams, legal notices	\$30,000

*\*Note: Article 70 (Bylaw Amendment: Finances/Rename; Establish Revolving Account) contains amendments to the Use of one fund (shown in highlighted text); the name of one fund (shown as stricken) and adds two additional funds (shown in highlighted text)*

## 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 2027; said sum not to exceed five (5) percent of the Fiscal Year 2026 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 2027 tax levy and other general revenues of the Town to establish a reserve fund for Fiscal Year 2027 pursuant to Chapter 40, section 6 of the General Laws.

## ARTICLE 6

### (Fiscal Year 2026 General Fund Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2026 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 2026 accounts and expenditures as follows:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
General Insurance	Housing: Operating	\$100,000
Free Cash	Snow and Ice Removal: Payroll	\$137,500
Free Cash	Snow and Ice Removal: Operating	\$290,000
Medical Insurance	Barnstable County Retirement Fund	\$426,285

## ARTICLE 7

### (Personnel Compensation Plans for Fiscal Year 2027)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2027:

#### *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)	\$28.00
Dietician/Our Island Home (hourly)	\$45.00
Election Warden (hourly)	\$35.00
Election Worker (hourly)	\$32.00
Exercise Instructors/Senior Center (hourly)	Up to \$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)	\$35.50
Our Island Home Ancillary (Per Diem - hourly)	\$25.50
Paramedic, Certified (Per Diem - hourly)	\$32.00

Registered Nurse/Our Island Home (Per Diem - hourly)	\$51.00
Registrar of Voters (yearly)	\$600.00
Registrar, Temporary Assistant (hourly)	\$32.00
Seasonal Assistant Harbormaster (hourly)	\$34.00
Seasonal Lifeguard Supervisor (hourly)	\$34.00
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 5, 2026)*

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$22.00	\$23.00	\$24.00	\$25.50
B-Hourly*	\$23.00	\$24.00	\$25.00	\$26.00
C-Hourly*	\$24.00	\$25.00	\$26.00	\$27.00
D-Hourly*	\$26.00	\$26.50	\$27.00	\$27.50
E-Hourly*	\$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	\$1,000 per year
Select Board Member, Chair	\$6,000/per year
Select Board Members	\$4,500/per year
Town Clerk	\$154,130

\*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)	\$28.00
Dietician/Our Island Home (hourly)	\$45.00
Election Warden (hourly)	\$35.00
Election Worker (hourly)	\$32.00
Exercise Instructors/Senior Center (hourly)	Up to \$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)	\$35.50
Our Island Home Ancillary (Per Diem - hourly)	\$25.50
Paramedic, Certified (Per Diem - hourly)	\$32.00
Registered Nurse/Our Island Home (Per Diem - hourly)	\$51.00
Registrar of Voters (yearly)	\$600.00
Registrar, Temporary Assistant (hourly)	\$32.00
Seasonal Assistant Harbormaster (hourly)	\$34.00
Seasonal Lifeguard Supervisor (hourly)	\$34.00
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 5, 2026)***

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$22.00	\$23.00	\$24.00	\$25.50
B-Hourly*	\$23.00	\$24.00	\$25.00	\$26.00
C-Hourly*	\$24.00	\$25.00	\$26.00	\$27.00
D-Hourly*	\$26.00	\$26.50	\$27.00	\$27.50
E-Hourly*	\$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	\$1,000 per year
Select Board Member, Chair	\$6,000/per year
Select Board Members	\$4,500/per year
Town Clerk	\$154,130

*\*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 2027 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 2027; or to take any other action related thereto.

*(Select Board)*

**FINANCE COMMITTEE MOTION:** Moved that the following Fiscal Year 2027 operating budget is established for the various offices, boards, and commissions of the Town as follows:

Department	Fiscal Year 2027			FY 2026
	Payroll	Operating	Total Budget	Article 8 Total
<b>GENERAL GOVERNMENT</b>				
Finance Committee		\$23,680	\$23,680	\$23,680
Finance & Operations	\$2,637,840	\$580,600	\$3,218,440	\$2,970,185
Human Resources	\$575,094	\$305,378	\$880,472	\$940,091
Information Systems	\$1,113,932	\$1,128,656	\$2,242,588	\$2,042,348
Legal		\$611,000	\$611,000	\$461,000
Moderator	\$1,015	\$1,500	\$2,515	\$2,515
Planning & Land Use Services	\$2,353,406	\$269,100	\$2,622,506	\$2,472,520
Natural Resources	\$1,157,232	\$211,112	\$1,368,344	\$1,322,543
Town Administration	\$2,087,583	\$1,962,376	\$4,049,959	\$2,689,600
Nantucket Housing Office	\$333,693	\$7,800,195	\$8,133,887	\$7,790,094
Town Clerk	\$348,591	\$255,900	\$604,491	\$523,802
<b>Subtotal</b>	<b>\$10,608,386</b>	<b>\$13,149,497</b>	<b>\$23,757,882</b>	<b>\$21,238,376</b>
<b>SAFETY &amp; PROTECTION</b>				
Emergency Management		\$8,000	\$8,000	\$8,000
Fire Department	\$4,974,695	\$481,450	\$5,456,145	\$5,373,333
Police Department	\$8,386,880	\$914,600	\$9,301,480	\$9,064,066

Street Lighting		\$330,000	\$330,000	\$310,000
<i>Subtotal</i>	\$13,361,576	\$1,734,050	\$15,095,626	\$14,755,398

**MARINE & COASTAL RESOURCES**

Marine Dept	\$999,646	\$98,350	\$1,097,996	\$1,087,550
<i>Subtotal</i>	\$999,646	\$98,350	\$1,097,996	\$1,087,550

**MAINTENANCE**

Gas/Town Vehicles		\$375,000	\$375,000	\$375,000
Mosquito Control		\$195,410	\$195,410	\$190,644
Public Buildings		\$1,907,300	\$1,907,300	\$1,744,200
Public Works	\$3,946,592	\$1,118,200	\$5,064,792	\$4,914,168
Parks and Recreation	\$199,860	\$685,000	\$884,860	\$825,371
Snow and Ice Removal	\$7,600	\$75,000	\$82,600	\$82,600
<i>Subtotal</i>	\$4,154,052	\$4,355,910	\$8,509,962	\$8,131,983

**HUMAN SERVICES**

Health & Human Services	\$1,237,091	\$240,255	\$1,477,346	\$1,417,827
<i>Subtotal</i>	\$1,237,091	\$240,255	\$1,477,346	\$1,417,827

**CULTURE & RECREATION**

Atheneum		\$866,755	\$866,755	\$845,614
Town Clock		\$4,700	\$4,700	\$4,700
Culture & Tourism	\$423,847	\$170,900	\$594,747	\$539,944
<i>Subtotal</i>	\$423,847	\$1,042,355	\$1,466,202	\$1,390,259

**CONTRACTUAL OBLIGATIONS**

	\$445,000		\$445,000	\$445,000
--	-----------	--	-----------	-----------

**TOTAL OF DEPT OPERATING BUDGETS**

	\$31,229,598	\$20,620,416	\$51,850,014	\$48,466,394
--	--------------	--------------	--------------	--------------

**EDUCATION**

Community School	\$600,000		\$600,000	\$600,000
School Department	\$37,497,172	\$8,077,675	\$45,574,847	\$43,146,176
<i>Subtotal</i>	\$38,097,172	\$8,077,675	\$46,174,847	\$43,746,176

**GRAND TOTAL OF GEN GOV'T OPERATING BUDGETS**

	\$69,326,770	\$28,698,091	\$98,024,861	\$92,212,570
--	--------------	--------------	--------------	--------------

**DEBT SERVICE**

Principal & Interest		\$16,454,911	\$16,454,911	\$16,872,456
<i>Subtotal</i>		\$16,454,911	\$16,454,911	\$16,872,456

**INSURANCES**

Auto Casualty		\$451,113	\$451,113	\$382,299
Blanket Liability		\$3,553,793	\$3,553,793	\$4,219,316
Claims Deductible		\$203,235	\$203,235	\$172,233
Insurance Consulting		\$58,658	\$58,658	\$58,658
Medical Insurance	\$20,002,100		\$20,002,100	\$18,312,077
Life Insurance	\$6,500		\$6,500	\$6,500
Unemployment	\$175,000		\$175,000	\$175,000
Workers Compensation	\$557,672		\$557,672	\$484,932
Laborer's Union Pension	\$75,000		\$75,000	\$75,000
<i>Subtotal</i>	\$20,816,272	\$4,266,799	\$25,083,071	\$23,886,015

**ASSESSMENTS**

Barnstable Retirement		\$9,338,623	\$9,338,623	\$7,642,850
<i>Subtotal</i>		\$9,338,623	\$9,338,623	\$7,642,850

<b>GRAND TOTAL OF OPERATING BUDGET</b>	\$90,143,042	\$58,758,424	\$148,901,465	\$140,613,890
----------------------------------------	--------------	--------------	---------------	---------------

And to meet these appropriations, the sum of One Hundred Forty Million Three Hundred Thirty-six Thousand Six Hundred Seventy-six Dollars (\$140,336,676) be raised and appropriated from the Fiscal Year 2027 tax levy and other general revenues of the Town; and that One Million Five Hundred Thousand Sixty-five Dollars (\$1,565,000) 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, including the Nantucket Public Schools; and further that Six Million Nine Hundred Ninety-nine Thousand Seven Hundred Eighty-nine Dollars (\$6,999,789) be raised and appropriated from the Fiscal Year 2027 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 2027 is Forty-six Million One Hundred Seventy-four Thousand Eight Hundred Forty-seven Dollars (\$46,174,847).

**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 2027, 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 2027 tax levy and other general revenues of the Town, and One Hundred Seventy-five Thousand Dollars (\$175,000) 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 2027, which contracts shall stipulate mutually agreed upon terms and conditions, and provided further that the grants to the National Alliance on Mental Illness, Addiction Solutions, and Health Imperatives 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
Artist's Association of Nantucket	\$30,000.00
Cape Cod Health Care (Visting Nurses Association)	\$20,000.00
CSBH - New Hope	\$35,000.00
Elder Services of Cape Cod	\$35,600.00
Fairwinds - Nantucket's Counseling Center	\$42,400.00
Health Imperatives	\$135,000.00
In the Herd	\$45,000.00
Lighthouse School	\$20,000.00
Martha's Vineyard Community Services	\$19,000.00
Nantucket Community Television	\$10,000.00
Nantucket Interfaith Council	\$80,000.00
Nantucket STAR	\$23,000.00
National Alliance on Mental Illness	\$45,000.00
PASCON	\$45,000.00
Sherburne Commons	\$10,000.00
Small Friends	\$25,000.00
The Warming Place	\$45,000.00
Addiction Solutions of Nantucket	\$100,000.00
<b><i>TOTAL</i></b>	<b><i>\$825,000.00</i></b>

**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 purchase of two (2) replacement compact all-terrain fire engines	Raise and appropriate \$1,000,000 from Fiscal Year 2027 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)	\$1,000,000
IS/GIS	Costs associated with replacement of Town phone system	Transfer \$350,000 from Certified Free Cash into the Treasury of the Town	\$350,000
IS/GIS	Costs associated with replacement of Town computers, printers, and associated equipment	Transfer \$110,000 from Certified Free Cash into the Treasury of the Town	\$110,000

IS/GIS	Costs associated with replacement of online permitting software	Raise and appropriate \$100,000 from the Fiscal Year 2027 tax levy and other general revenues of the Town	\$100,000
Marine	Costs associated with purchase of replacement patrol boat	Authorize the Treasurer, with the approval of the Select Board, to borrow \$603,900 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	\$603,900
Marine	Costs associated with purchase of replacement Harbormaster truck	Transfer \$58,900 from the Waterways Improvement Fund	\$58,900
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 fertilizer education and licensing program	Raise and appropriate \$390,000 from the Fiscal Year 2027 tax levy and other general revenues of the Town	\$390,000
Natural Resources	Costs associated with Sesachacha Pond groundwater mapping and nutrient loading study	Raise and appropriate \$350,000 from the Fiscal Year 2027 tax levy and other general revenues of the Town	\$350,000
Natural Resources	Costs associated with Dredge Plan implementation and maintenance dredging and associated activities, including permitting; and all other costs	Authorize the Treasurer, with 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

	incidental and related thereto		
Police	Costs associated with expansion and renovation of women's locker room at Public Safety Facility (Police side)	Raise and appropriate \$115,000 from the Fiscal Year 2027 tax levy and other general revenues of the Town	\$115,000
Public Works/Central Fleet	Costs associated with purchase of replacement transit van	Raise and appropriate \$70,500 from the Fiscal Year 2027 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)	\$70,500
Public Works/Central Fleet	Costs associated with purchase of replacement truck	Raise and appropriate \$97,000 from the Fiscal Year 2027 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)	\$97,000
Public Works/Central Fleet	Costs associated with purchase of replacement forestry bucket truck and associated equipment	Raise and appropriate \$303,400 from the Fiscal Year 2027 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	\$303,400

		accordance with General Laws Ch. 59, Sec. 21C(m)	
Public Works/Central Fleet	Costs associated with purchase of replacement hook lift truck	Raise and appropriate \$295,000 from the Fiscal Year 2027 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)	\$295,000
Public Works/Central Fleet	Costs associated with purchase of replacement dump truck	Raise and appropriate \$134,900 from the Fiscal Year 2027 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)	\$134,900
Public Works/Central Fleet	Costs associated with purchase of new truck for Housing Department	Raise and appropriate \$60,000 from the Fiscal Year 2027 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)	\$60,000

Public Works/Facilities	Costs associated with purchase of replacement generator	Raise and appropriate \$70,000 from the Fiscal Year 2027 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)	\$70,000
Public Works/Facilities	Costs associated with purchase and replacement of central fleet garage doors	Raise and appropriate \$75,000 from the Fiscal Year 2027 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)	\$75,000
Public Works/Parks	Costs associated with installation of fencing at Tom Nevers softball field	Raise and appropriate \$75,000 from the Fiscal Year 2027 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)	\$75,000
Public Works/Parks	Costs associated with installation of fencing at Delta Field	Raise and appropriate \$93,500 from the Fiscal Year 2027 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	\$93,500

		accordance with General Laws Ch. 59, Sec. 21C(m)	
Public Works/Parks	Costs associated with reconstruction of Tom Nevers Park roller hockey rink and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$1,090,000 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	\$1,090,000
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 \$1,230,000 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	\$1,230,000
Public Works/Transportation	Costs associated with annual Island-wide road improvements and maintenance	Transfer \$2,500,000 from Certified Free Cash into the Treasury of the Town	\$2,500,000
Public Works/Transportation	Costs associated with annual multi-use path maintenance and repair	Transfer \$1,070,000 from Certified Free Cash into the Treasury of the Town	\$1,070,000
Public Works/Transportation	Costs associated with annual cobblestone roadway improvements and maintenance	Transfer \$550,000 from Certified Free Cash into the Treasury of the Town	\$550,000

School	Costs associated with upgrades, repairs, and replacement of IT infrastructure	Authorize the Treasurer, with the approval of the Select Board, to borrow \$763,000 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	\$763,000
School	Costs associated with grounds equipment replacements; playground and other grounds improvements	Raise and appropriate \$305,000 from the Fiscal Year 2027 tax levy and other general revenues of the Town	\$305,000
School	Costs associated with school building improvements	Transfer \$550,000 from Certified Free Cash into the Treasury of the Town	\$550,000
School	Costs associated with replacement of bleachers at Nantucket High School gymnasium	Raise and appropriate \$153,100 from the Fiscal Year 2027 tax levy and other general revenues of the Town	\$153,100
School	Costs associated with replacement of bleachers at Cyrus Pierce Middle School gymnasium	Raise and appropriate \$57,900 from the Fiscal Year 2027 tax levy and other general revenues of the Town	\$57,900
School	Costs associated with replacement of kitchen equipment	Transfer \$458,400 from Certified Free Cash into the Treasury of the Town	\$458,400
School	Costs associated with purchase and replacement of (40) two-way radios	Transfer \$133,000 from Certified Free Cash into the Treasury of the Town	\$133,000

Town Administration	Costs associated with Town-wide document management system	Transfer \$250,000 from Certified Free Cash into the Treasury of the Town	\$250,000
<i>TOTAL</i>			<i>\$16,642,500</i>

And, to meet this appropriation that Six Million Nine Hundred Seventy-one Thousand Four Hundred Dollars (\$6,971,400) be transferred from Free Cash in the Treasury of the Town so specified; that One Million Four Hundred Seventy-one Thousand Dollars (\$1,471,000) be raised and appropriated from the FY 2027 tax levy; that Two Million Two Hundred Seventy-four Thousand Three Hundred Dollars (\$2,274,300) be raised and appropriated from the FY 2027 tax levy, provided that the appropriation shall be contingent on the passage of a Proposition Two and One-half capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, sec. 21C(m); that Fifty-eight Thousand Nine Hundred Dollars (\$58,900) be transferred from the Waterways Improvement Fund; and that the Treasurer, with the approval of the Select Board be authorized to borrow One Million Ninety Thousand Dollars (\$1,090,000) for costs associated with the reconstruction of the Tom Nevers Roller Hockey Rink; Two Million Dollars (\$2,000,000) for costs associated with the Dredge Plan implementation; Seven Hundred Sixty-three Thousand Dollars (\$763,000) for costs associated with the upgrades, repairs and replacement of IT infrastructure; Six Hundred Three Thousand Nine Hundred Dollars (\$603,900) for costs associated with the purchase and replacement of (1) patrol boat; One Million Two Hundred Thirty Thousand Dollars (\$1,230,000) for costs associated with the continuation of annual sidewalk improvements; 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 Seventeen Million Nine Hundred Sixty-two Thousand Five Hundred Dollars (\$16,462,500).

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

**ARTICLE 11**  
**(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 not to adopt the Article.**

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

## **ARTICLE 12**

### **(Appropriation: School Athletic Facilities Improvements)**

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 spent by the Superintendent of Schools with the approval of the School Committee, to pay costs of professional services for owner's project manager, design, permitting, architecture, construction supervision, construction and other related professional services for the construction, installation and equipping of new, and/or additions or other improvements to the Nantucket Public Schools Athletic Facilities, including a synthetic turf field the materials of which have been tested and reported PFAS as none detected by EPA Method 1633A and Massachusetts Department of Environmental Protection WSC-CAM Section X A Revision 1, or any other federal, state, or local requirements that are enacted prior to the issuance of bids for this Project which are more stringent than the above-referenced requirements; and, all 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 for School Committee)*

**FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Twenty-six Million Dollars (\$26,000,000) to be spent by the Superintendent of Schools with the approval of the School Committee to pay costs of professional services for owner's project manager, design, permitting, architecture, construction supervision, construction and other related professional services for the construction, installation and equipping of new, and/or additions or other improvements to the Nantucket Public Schools Athletic Facilities, including a synthetic turf field the materials of which have been tested and reported PFAS as none detected by EPA Method 1633A and Massachusetts Department of Environmental Protection WSC-CAM Section X A Revision 1, or any other federal, state, or local requirements that are enacted prior to the issuance of bids for this Project which are more stringent than the above-referenced requirements; and, all 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: 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 Seven Million Dollars (\$7,000,000) to be spent by the Town Manager with the approval of the Select Board for design and construction of 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.

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

## ARTICLE 14

### (Appropriation: LORAN Barracks Repairs)

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 funding repairs to the LORAN Barracks facility (Phase IV) located at 54 Low Beach 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 Five Million Four Hundred Thousand Dollars (\$5,400,000) to be spent by the Town Manager with the approval of the Select Board for the purpose of funding repairs to the LORAN Barracks facility (Phase IV) located at 54 Low Beach 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: Somerset Sewer Needs Area - Sewer Extension)**

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 spent by the Town Manager with the approval of the Select Board, to pay costs of professional services for design, permitting, engineering, construction supervision, and other related professional services, for the construction, installation and equipping of the extension of municipal sewer lines and associated infrastructure from the Surfside Wastewater Treatment Facility to the areas established in the Comprehensive Wastewater Management Plan Update adopted June 3, 2015 and described as "Somerset Needs Area" including all payment of all costs incidental and related thereto, and acquisition of any interests in land as may be necessary or appropriate; and further to authorize said Select Board to acquire any such interests in land by purchase, gift, and/or eminent domain; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

*(Select Board/Sewer Commissioners)*

**FINANCE COMMITTEE MOTION:** Moved to appropriate the sum of Forty-four Million Eight Hundred Thousand Dollars (\$44,800,000) to be spent by the Town Manager with the approval of the Select Board, to pay costs of professional services for design, permitting, engineering, construction supervision, and other related professional services, for the construction, installation and equipping of the extension of municipal sewer lines and associated infrastructure from the Surfside Wastewater Treatment Facility to the areas established in the Comprehensive Wastewater Management Plan Update adopted June 3, 2015 and described as "Somerset Needs Area" and acquisition of any interests in land as may be necessary or appropriate, including the payment of all other costs incidental and related thereto; that to meet said appropriation the Treasurer, with the approval of the Select Board, is hereby authorized to borrow the sum of Forty-four Million Eight Hundred Thousand Dollars (\$44,800,000) pursuant to General Laws Chapter 44, Sections 7 or 8, Chapter 29C or any other enabling authority, and to issue bonds and notes of the Town therefor; and further to authorize said Select Board to acquire any such interests in land by purchase, gift, and/or eminent domain necessary or appropriate to carry out the project; and that the Select Board, acting as the Board of Sewer Commissioners, is authorized to assess up to 25% of sewer extension project costs on the owners of land to be served by the new sewers pursuant to the uniform unit method authorized under General Laws Chapter 83, Chapter 398 of the Acts of 2008, or any other enabling authority, and that the remaining balance of sewer related project costs and all other associated project costs shall be paid by the Town; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; and that to the extent that any State, Federal or other funds are or become available for the purposes set forth above, the Select Board is authorized to apply for and accept such funds and to enter into any and all agreements necessary to carry out the intent of this vote.

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

#### **ARTICLE 16**

##### **(Appropriation: Tom Nevers Park Debris Removal and Erosion Control/Dune Restoration)**

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 various improvements (Phase II) at Tom Nevers Park including debris removal and erosion control/dune restoration, including the cost of professional services, 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 Eight Million Dollars (\$8,000,000) to be spent by the Town Manager with the approval of the Select Board to make various improvements (Phase II) at Tom Nevers Park including debris removal and erosion control/dune restoration, including the cost of professional services, 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 17**

##### **(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; 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) from Certified Free Cash 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.

**ARTICLE 18**

**(Appropriation: Fiscal Year 2027 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 2027, 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 2027 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	FY 2027 PAYROLL	FY 2027 EXPENSES	FY 2027 TOTAL BUDGET	FY 2026 BUDGET
Airport	\$7,077,498	\$6,677,631	\$13,755,129	\$14,064,250
Our Island Home	\$8,249,453	\$3,172,826	\$11,422,279	\$10,741,152
Sewer	\$3,439,725	\$11,358,988	\$14,798,713	\$14,585,837
Solid Waste	\$758,959	\$19,219,153	\$19,978,112	\$18,092,111
Stormwater	\$183,067	\$355,379	\$538,446	\$525,313
Water	\$2,721,245	\$5,302,198	\$8,023,442	\$8,056,246
<i>Total</i>	<i>\$22,429,947</i>	<i>\$46,086,174</i>	<i>\$68,516,121</i>	<i>\$66,064,909</i>

Further, that the above appropriations be funded as follows:

FUND	FUNDING SOURCE	AMOUNT
Airport	FY27 Anticipated Revenue	\$13,355,129
Airport	Retained Earnings - Passenger Facility Charge	\$400,000
Our Island Home	FY27 Anticipated Revenue	\$6,565,238
Our Island Home	FY27 Tax Levy and Other General Revenues	\$4,857,041
Sewer	FY27 Anticipated Revenue	\$14,798,713
Solid Waste	FY27 Anticipated Revenue	\$8,002,723
Solid Waste	FY27 Tax Levy and Other General Revenues	\$7,937,049
Solid Waste	FY27 Tax Levy and Other General Revenues	\$4,038,340
Stormwater	FY27 Tax Levy and Other General Revenues	\$538,446
Water	FY27 Anticipated Revenue	\$8,023,442

**ARTICLE 19**

**(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:

<b>DEPARTMENT</b>	<b>ITEM</b>	<b>FUNDING SOURCE(S)</b>	<b>AMOUNT</b>
Airport	Costs associated with construction of Gates 1 and 2A hardstands (supplemental appropriation)	Transfer \$900,000 from the Airport Fuel Revolving fund	\$900,000
Airport	Costs associated with door and floor repairs at Airport Rescue and Firefighting Building	Transfer \$100,000 from Certified Retained Earnings into the Airport Enterprise Fund	\$100,000
Airport	Costs associated with purchase of forklift	Transfer \$120,000 from Certified Retained Earnings into the Airport Enterprise Fund	\$120,000
Airport	Costs associated with environmental monitoring at Taxiway G and South Apron and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$400,000 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	\$400,000
Airport	Costs associated with purchase of replacement maintenance vehicle	Authorize the Treasurer, with the approval of the Select Board to borrow \$105,000 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	\$105,000

		from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	
Airport	Costs associated with the purchase of replacement security vehicle	Authorize the Treasurer, with the approval of the Select Board to borrow \$55,000 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	\$55,000
Airport	Costs associated with purchase of replacement administrative vehicle	Authorize the Treasurer, with the approval of the Select Board to borrow \$55,000 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	\$55,000
Airport	Costs associated with improvements and upgrades of computers, printers and associated equipment	Transfer \$100,000 from Certified Retained Earnings into the Airport Enterprise Fund	\$100,000
Airport	Costs associated with the purchase of replacement paint machine and loader	Authorize the Treasurer, with the approval of the Select Board to borrow \$420,000 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	\$420,000

Airport	Costs associated with Bunker Road stormwater improvements	Transfer \$330,000 from Certified Retained Earnings into the Airport Enterprise Fund	\$330,000
Airport	Costs associated with purchase of skid steer	Authorize the Treasurer, with the approval of the Select Board to borrow \$120,000 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	\$120,000
Airport	Costs associated with purchase of seasonal terminal tent	Transfer \$500,000 from the Airport Fuel Revolving fund	\$500,000
<b><i>Subtotal of Airport Enterprise Fund</i></b>			<b><i>\$3,205,000</i></b>
Sewer	Costs associated with upgrades to the Surfside Wastewater Treatment Facility (supplemental appropriation)	Authorize the Treasurer, with the approval of the Select Board to borrow \$9,250,000 pursuant to G.L. c.44 Section 7 or 8, Chapter 29C 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. To the extent that any State, Federal or other funds are or become available for the purposes set forth above, the Select Board is authorized to apply for and accept such funds and to enter into any and all agreements necessary to carry out the intent of this vote	\$9,250,000

Sewer	Costs associated with design and engineering of the South Shore Road sewer pump station	Authorize the Treasurer, with the approval of the Select Board to borrow \$2,000,000 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	\$2,000,000
Sewer	Costs associated with design and implementation of coastal resiliency measures for Surfside Wastewater Treatment Facility	Authorize the Treasurer, with the approval of the Select Board to borrow \$500,000 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	\$500,000
<b><i>Subtotal of Sewer Enterprise Fund</i></b>			<b><i>\$11,750,000</i></b>
Stormwater	Costs associated with replacement of stormwater mains and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$1,500,000 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	\$1,500,000
<b><i>Subtotal of Stormwater Enterprise Fund</i></b>			<b><i>\$1,500,000</i></b>
Water	Costs associated with purchase of replacement truck	Transfer \$55,000 from Certified Retained Earnings into the Water Enterprise Fund	\$55,000
<b><i>Subtotal of Water Enterprise Fund</i></b>			<b><i>\$55,000</i></b>
<b><i>Total of all Enterprise Funds</i></b>			<b><i>\$16,510,000</i></b>

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

**ARTICLE 20**

**(Enterprise Funds: Fiscal Year 2026 Budget Transfers)**

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2026 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 amounts listed below be transferred between the various Fiscal Year 2026 accounts and expenditures as follows:**

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Our Island Home: Salaries	Our Island Home: Operating	\$350,000

**ARTICLE 21**

**(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 Four Hundred Fifty Thousand Dollars (\$450,000) 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 22**

**(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 23**

### **(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 24**

### **(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 2027, 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 Fifty Thousand One Hundred Fifty-five Dollars (\$250,155); or to take any other action related thereto.

*(Select Board/County Commissioners)*

**FINANCE COMMITTEE MOTION:** Moved that Two Hundred Fifty Thousand One Hundred Fifty-five Dollars (\$250,155) be raised and appropriated from the Fiscal Year 2027 tax levy and other general revenues of the Town to fund the Fiscal Year 2027 county assessment.

**ARTICLE 25**

**(Appropriation: Finalizing Fiscal Year 2027 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 2027 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 26**

**(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 following projects be rescinded:**

<i>Department</i>	<i>Item</i>	<i>Article/Town Meeting</i>	<i>Amount to be Rescinded</i>
Airport	PFAS Investigation and Remediation	Article 16/ATM 2021	\$6,000,000.00
Airport	Employee Housing on Nobadeer Farm Road	Article 22/ATM 2022	\$1,152,000.00
Airport	South Apron Noise Berm Construction	Article 22/ATM 2022	\$1,350,000.00
Airport	Airport Markings Paint Beads Removal	Article 22/ATM 2023	\$503,500.00
Airport	Perimeter Road and Fence Relocation	Article 22/ATM 2023	\$400,000.00
Airport	Jet A Tank Exterior Painting	Article 22/ATM 2023	\$96,000.00
Airport	Grounding & Lightning Protection System Improvements	Article 22/ATM 2024	\$139,000.00
Airport	Airport Markings Paint Beads Removal	Article 22/ATM 2024	\$421,600.00

## ARTICLE 27

### **(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 2027.

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 2027 tax levy and other general revenues of the Town to be deposited by the Treasurer into the Other Post-Employment Benefits Trust Fund.

## ARTICLE 28

### **(Acceptance of Massachusetts General Law: Expansion of Tax Work-off Program to Include Qualified Veterans)**

To see if the Town will vote to accept the provisions of MGL Chapter 59, Section 5N, to allow the Town to provide an additional property tax exemption to qualifying veterans who are already eligible for statutory veterans' exemptions and who meet established income and asset limits. Or to take any other action relative thereto.

*(Select Board)*

**FINANCE COMMITTEE MOTION:** Moved that the provisions of MGL Chapter 59, Section 5N are hereby accepted.

## ARTICLE 29

### **(Appropriation: Fiscal Year 2027 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, Sections 5K and 5N for the Town of Nantucket for Fiscal Year 2027; 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, Sections 5K and 5N for the Town of Nantucket for Fiscal Year 2027.

## ARTICLE 30

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

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds to be placed in the Airport special purpose stabilization fund established pursuant to M.G.L. Chapter 40,

Section 5B, Paragraph 2, for the benefit of the Nantucket Airport, such fund to be used for the future payment of accrued liabilities for compensated absences due any employee upon termination of the employee's full-time employment; or take any action relative thereto.

*(Select Board for Airport Commission)*

**FINANCE COMMITTEE MOTION:** Moved that One Hundred Thousand Dollars (\$100,000) be transferred from Certified Retained Earnings of the Nantucket Airport to be deposited into the Special Purpose Stabilization Fund for Nantucket Airport Employee Accrued Liabilities.

### **ARTICLE 31**

#### **(Appropriation for Special Purpose Stabilization Fund for Town Employee Accrued Liabilities)**

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

*(Select Board)*

**FINANCE COMMITTEE MOTION:** Moved that Four Hundred Thousand Dollars (\$400,000) be transferred from Certified Free Cash in the Treasury of the Town to be deposited by the Treasurer into the Special Purpose Stabilization Fund for Town Employee Accrued Liabilities.

### **ARTICLE 32**

#### **(Renewal of Board of Health Septic System Betterment Loan Program)**

To see if the Town will vote to appropriate a sum of money for the purpose of financing the following water pollution facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with Board of Health and residential property owners, including all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Clean Water Trust or otherwise, or to take any other action relative thereto.

*(Select Board for Board of Health)*

**FINANCE COMMITTEE MOTION:** Moved to appropriate the sum of Two Million Dollars (\$2,000,000) for the purpose of financing the following water pollution facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with Board of Health and residential property owners, including all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this 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 29C, or any other enabling authority.

*The quantum of vote for passage of this motion is 2/3*

**ARTICLE 33**

**(Appropriation: Fiscal Year 2027 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:** Move that the following sums be appropriated or reserved for later appropriation from the Community Preservation Fund Fiscal Year 2027 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 2027 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
<b>Historic Preservation</b>	
<p><b>Landmark House - Nantucket Community Services, Inc.</b>            Landmark House meets a critical affordable housing need by providing 25 quality units for older and disabled Nantucket residents. Though there is an affordability aspect, this is an application for funding for the 1840s historic structure. It was moved from Quaise as the "Alms House" by 1900. The CPC has approved funding to restore the structure on seven previous occasions. This request is for replacement of antiquated plumbing, fixtures, water tanks, lining of sewer pipes. This will ensure safe, reliable, handicap accessible living conditions and will preserve Landmark House as a vital resource for older residents with limited incomes and allowing them to remain in the community with dignity and independence.</p>	<p><b>\$152,870</b></p>
<b>Nantucket Historical Association - Restoration of Old Mill - Phase II</b>	<p><b>\$715,000</b></p>

<p>This is a recurring request for funding to continue to restore the 1746 “Old Mill”, enabling the Mill to become fully operational while increasing handicap accessibility. The Mill is believed to be the oldest continuously operating windmill in the country and sits in its original location as the last remaining windmill of the four on “Mill Hill”. After a detailed survey was commissioned in 2021, it was recommended that NHA begin restoration to protect the historic integrity and operational ability of the windmill. Critical intervention measures were then undertaken in 2022 - 2025. This work will include carpentry, shingling, new teeth, lightning suppression system, pest control intervention. CPC funding has been essential in restoring the multiple important historic resources under the stewardship of the NHA. This Phase II funding will secure the Mill’s structural integrity, restore its mechanical components and rehabilitate the interior and surrounding grounds. As both an agricultural and cultural icon central to Nantucket’s history, the preservation of the Old Mill is essential to maintaining the island’s heritage and preserving its role as a vital educational and tourism resource.</p>	
<p><b>Nantucket Historical Association - Hadwin and Barney Oil and Candle Factory - Next Phase</b></p> <p>The CPC has worked closely with the NHA to restore its historic resources. Several grants have been made since 2003 for various preservation efforts for this building. This request is for installation of an HVAC system to preserve the historic artifacts in the museum. Six deteriorating windows will be replaced, accessibility upgrades made, installation of fire suppression system and modernization of the lighting and electrical system. This structure, known as the “Whaling Museum”, is one of the last remaining oil and candle factories in the world and the cornerstone of the downtown historic district.</p>	<p><b>\$267,274.52</b></p>
<p><b>Nantucket Island School of Design &amp; the Arts - Sea View Farm Art Center</b></p> <p>This funding request will support restoration and preservation of the contributing cottages that were moved from the corner of Francis and Washington Streets to Wauwinet Road to bolster the operation of NISDA. This is Phase III of the restoration of its West Cottage that is part of the Artists’ and Educators’ Residency program. Shingling, replacement of roofs, plumbing, electrical and interior restoration will be undertaken. In the previous location in town the cottages suffered damage from repeated flooding. Preservation will enable the cottages to be used for classes, workshops, residency of teachers and as a cultural resource.</p>	<p><b>\$361,256</b></p>

<p><b>Town of Nantucket with Preservation Institute Nantucket - Farm Survey</b></p> <p>This is a public/private joint application to undertake a comprehensive historic survey and assessment of the historic farms as outlined in the historic property survey plan. This is a new application as no extensive documentation of these farms has been done to date and they are increasingly at risk from development, climate change and shifting land use. The last incomplete map is dated 1850. This project will research, map and document historic farms, buildings and oral histories for a baseline of information critical for preservation.</p>	<p><b>\$140,000</b></p>
<p><b>Town of Nantucket with Preservation Institute Nantucket - West Miacomet Neighborhood Survey - Phase II</b></p> <p>This is a public/private joint application to complete the comprehensive historic survey and assessment of the West Miacomet, New Guinea and New Town neighborhoods. Phase I began the project under a previous CPC grant. Assessment of about 250 properties in the Old Historic District south of Main Street has begun. This area was identified as having a critical need for surveying as it is under threat of demolition, redevelopment and changes in use. The area has been under-represented despite its importance in the African American, New Guinea and Guinea community contributions to Nantucket's evolution. These properties will be placed on the appropriate Mass. Historical Commission Form B survey forms as part of Phase II and be available to the public and the HDC as they review proposals.</p>	<p><b>\$140,000</b></p>
<p><b>Town of Nantucket Planning and Land Use Services - BWNIM Update</b></p> <p>This is the second request for funding to update and improve the HDC's guide book "Building with Nantucket in Mind". A previous CPC grant of \$30,000 was held as the amount was insufficient to complete the project as required. This amount will allow the Town to seek a professional entity to undertake the much needed update and make it more "user friendly". New construction techniques, materials and sustainability measures will be addressed using pictures and rendering examples with improved clarity.</p>	<p><b>\$45,000</b></p>
<p><b>Town of Nantucket Planning and Land Use Services Historic Aerial Scanning Project</b></p> <p>This is a new application to the CPC from the Town. The Town is in possession of sets of aerials that are deteriorating with original negatives lost to time. The aerials encompass 1938, 1940, 1957 and 1995. The 1938 aerials are particularly compromised and are used for historic research to establish history of structures for HDC and other purposes. These will</p>	<p><b>\$40,000</b></p>

<p>be professionally scanned to preserve them and to allow digital access to the public. By safeguarding these photographic archives, the project will preserve invaluable records of Nantucket's past landscape for future generations while providing an essential tool for property owners, historians and town agencies.</p>	
<p><b>First Congregational Church of Nantucket - Old North Vestry</b>  This request is to support the continuing effort to restore and protect the over 300-year-old church structure as an historic architectural resource. Restoration and preservation of the exterior will include work to repair mortar, brick, plaster and wood. Lower windows will be repaired/replaced and repointing and repainting significant architectural features will be undertaken. Interior work will include repairing walls, ceilings and window frames. Repainting, repairing floors, removing carpeting, and refinishing of sections of the Summer Church will also be done. The work will continue to preserve and protect this significant cultural and historic landmark that is used for community events.</p>	<p><b>\$194,800</b></p>
<p><b>Folger Block Condominium Trust - Phase II</b>  This is an application on behalf of the Folger Block Condominium Trust for Phase II of a three-part project. This is a prominent individually significant historic structure on Main Street that is eligible for funding as the building is considered in the "public domain". It is unique due to the architectural features and exterior composition of the building. It has a specific place in time that no other structure has. This is the third request for funding to continue the restoration and preservation of the structure. Funding will enable restoration of the brick, sandstone material and granite elements. Windows, lintels and unique decorative features will be restored. A storm water management system will be improved to protect the structure in collaboration with the Sewer Department. Restoration will protect the structural integrity and honor its cultural and architectural significance.</p>	<p><b>\$341,199</b></p>
<p><b>Nantucket Cottage Hospital Thrift Shop</b>  This request is to enable the continuing effort to restore and preserve this historically significant pre-1800 building in stages. The CPC has funded primarily exterior work over the past nine years. The structure is heavily accessed by the public during the months the Thrift Shop is open. Public access started about 100 years ago as a shop for donated items. This request involves installation of an HVAC system, including dehumidifiers. These upgrades will preserve the building's historic integrity, improve energy efficiency and provide safe and reliable climate control for the staff and the interior of the building. The Thrift Shop Board has been good</p>	<p><b>\$135,000</b></p>

stewards of this historic building by preemptively and conscientiously addressing the needs of a challenging historic structure.	
<b>The Sconset Trust - Phase III Preservation of Sankaty Head Light</b> The Sconset Trust is the steward of the 1850 Sankaty Head Light. This is the fourth request for funding to continue to address the needs of the lighthouse. Masonry, windows, doors, metalwork and the Lantern Room floor will be restored in accordance with the Secretary of the Interior's Standards safeguarding the lighthouse's structural integrity and historic character. As one of the oldest U.S. Coast Guard lighthouses still in operation and a landmark listed in the National Register of Historic Places, this work will protect Nantucket's iconic symbol of the island's heritage, while ensuring its continued use as a navigational aid, public educational site and open conservation space.	<b>\$263,249</b>
<b>Sub-total</b>	<b>\$2,795,648.52</b>
All the funds to be used in this category are from the Community Preservation surcharge, interest, and the State matching funds.	
<b>Community Housing</b>	
<b>Nantucket Interfaith Council</b> Rental assistance program provides housing and rental assistance to low and moderate-income Nantucket year-round working families. The program has been very successful and assisted many Nantucket residents to secure safe, legal housing.	<b>\$400,000</b>
<b>Affordable Housing Trust Fund</b> 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 to be used to pay the cost of acquiring land, which may include buildings thereon, and infrastructure, for the development of affordable housing and to pay the cost of designing, constructing, reconstructing and equipping affordable housing.	<b>\$350,000</b>
<b>Sub-total</b>	<b>\$750,000</b>
All the funds to be used in this category are from the Community Preservation surcharge, interest, and the State matching funds.	
<b>Open Space Conservation/Recreation</b>	
<b>Nantucket Racquet Sports Association - Campus Expansion</b> The CPC has been funding the Campus since 2019 with the long-term goal of securing sufficient funds to carry to conclusion. The project includes expansion and improvements to various racquet sport courts. The	<b>\$400,000</b>

<p>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. This request is for an additional \$208,000 to cover a funding gap due to cost increases and \$192,000 for contingencies and landscaping buffers between the expanded courts and nearby sports fields and bike paths. The complex will strengthen the island's recreational infrastructure, fostering a healthy outdoor activity option.</p>	
<p><b>Linda Loring Foundation</b>  The Foundation continues to improve public access and preserve and restore native habitats on its 275-acre property off of Eel Point Road. These efforts protect the island's biologically diverse ecosystems. Through educational programs, the community can learn about restoration with particular consideration for the impacts of climate change. This request is to enhance open space fire safety management and emergency preparedness on the western end of the property particularly due to the drier conditions. The project will implement a fuel reduction and firebreak plan to protect habitats and safeguard surrounding neighborhoods.</p>	<b>\$94,267.63</b>
<p><b>Town of Nantucket Parks &amp; Recreation - Little League Fields Reconstruction</b>  This is the first Request for this "Delta Fields" complex. The fields are over 30 years old. The Parks &amp; Rec Division has diligently tried to keep the fields up. The complex has reached a point where upgrades and replacement of materials are desperately needed. Bleachers, backstops, fencing, batting cages, scoreboards, and other practice equipment will be replaced. Improvements will ensure a safe and more functional facility for players, coaches and families while extending the lifespan of the fields. The fields were originally constructed by the Nantucket Little League and a tremendous community volunteer effort on Airport property.</p>	<b>\$719,007.58</b>
<p><b>MA Audubon Nantucket Sanctuaries</b>  This is the first request for funding from MA Audubon. The funding would enable Audubon to protect and enhance its 1,000 acres of preserved conservation land by improving and maintaining open trails, controlling invasive species, while promoting greater visitor access to high-quality recreational and wildlife habitat. Biodiversity and ecosystems would be protected and sustained. A key component of the project is the Youth Environmental Stewards program, which will train and employ youth to assist with invasive species, trail management and ecological monitoring thus fostering the next generation of conservation leaders.</p>	<b>\$64,931</b>

<i>Sub-total</i>	<b>\$1,278,206.21</b>
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<i>Administrative</i>	
Community Preservation Committee Administrative and operating expenses. CPC enabling legislation requires CPCs to set aside 5% of the available funds to administrative costs.	<b>\$200,000</b>
<i>Sub-total</i>	<b>\$200,000</b>
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<b>TOTAL</b>	<b>\$5,023,854.73</b>
All amounts to be appropriated as follows:	
<b>SOURCES</b>	<b>AMOUNT</b>
Raised and appropriated from FY 2027 Community Preservation Surcharge	<b>\$3,056,608</b>
From State matching funds for FY 2026, to be received in 2027	<b>\$850,000</b>
From Open Space Reserves	<b>\$382,900</b>
From Undesignated Reserves	<b>\$640,954.73</b>
From Interest	<b>\$93,392</b>
<i>Total Revenues</i>	<b>\$5,023,854.73</b>
For Fiscal Year 2027 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. And further, to authorize the Town Manager, with the approval of the Select Board, to enter into grant agreements as appropriate.	

**ARTICLE 34**

**(Community Preservation Committee: Fiscal Year 2026 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 35**

**(Appropriation: Stop Signs on Surfside Road at Intersection of Miacomet Road and Surfside Drive)**

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 Department of Public Works, with the approval of the Town Manager and the Select Board, for the purpose of making Traffic and Pedestrian Safety Improvements at the intersection of Surfside Drive, Surfside Road, and Miacomet Road by the installation of two (2) stop signs creating a 4-way stop; not to include the addition of additional turning lanes. This sum should include the costs of professional services for design, installation and the cost of equipment and materials, and any other costs incidental and related thereto

*(Walter S. Flaherty, et al)*

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

**ARTICLE 36**

**(Off-Shore Wind Stabilization Fund)**

To see if the Town will vote to dedicate, without further appropriation, into a special purpose Off-Shore Wind Farm Stabilization Fund, created herein in accordance with M.G.L., Chapter 40, Section 5B, for the purposes (a) to cover expenses and damages suffered by the Town and its inhabitants arising from off-shore wind farms affecting Nantucket, (b) to provide for the costs of litigation to enforce rights against the operators of off-shore wind farms and the manufacturers and installers of off-shore wind farm equipment, (c) to seek termination and removal of existing off-shore wind farms affecting Nantucket, (d) to oppose and prevent the permitting, approval, installation and operation of off-shore wind farms affecting Nantucket, and (e) to provide information to the public and to governmental agencies as to the harm to Nantucket and its inhabitants arising from off-shore wind farms; to be funded by all payments received by the Town during fiscal year 2026 and all future years in connection with off-shore wind farms;

or take other action with regard thereto.

*(Vallorie Oliver, et al)*

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

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

## ARTICLE 37

### (Appropriation: Municipal Waste and Hazardous Material Incineration)

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 be spent for the purposes of funding the purchase or lease of a municipal waste incinerator or gasification facility for the Nantucket Landfill. Moreover, to seek permitting for incineration of waste and hazardous materials under Massachusetts Environmental Regulations (310 SMR 7.08).

*(Clifford J. Williams, et al)*

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

*Depending on the funding source identified in a positive motion , the quantum of vote for passage may require a 2/3 vote*

## ARTICLE 38

### (Zoning Bylaw Amendment: Prohibited Uses)

To see if the Town will vote to amend Chapter 139 (Zoning), Section 7B(3) "Prohibited Uses" 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)*:

Use of a trailer or building-like containers as a temporary office or for construction materials storage (permitted only when incidental and accessory to construction actively underway on the same lot) longer than 12 months total. This prohibition shall not apply to the use of storage containers or trailers authorized by Special Permit.

Or to take any other action related thereto.

*(Select Board for Planning Board)*

**PLANNING BOARD MOTION:** Moved that Chapter 139 (Zoning), Section 7B(3) "Prohibited Uses" 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)*:

Use of a trailer or building-like containers as a temporary office or for construction materials storage (permitted only when incidental and accessory to construction actively underway on the same lot) longer than 12 months total. This prohibition shall not apply to the use of storage containers or trailers authorized by Special Permit.

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

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

### **ARTICLE 39**

#### **(Zoning Bylaw Amendment: Demolition Delay)**

To see if the Town will vote to amend Chapter 139 (Zoning), Section 26A(1)(f)[5] 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*):

A determination shall be made within 20 days after the request. If it is determined that the structure does not require immediate demolition and that it does have reuse potential the applicant shall place a public notice in any print newspaper or electronic media, having general circulation within the Town of Nantucket ~~a local newspaper~~. The public notice shall take place only after the Building Commissioner's review and the issuance of a certificate of appropriateness for a move-off/demolition has been issued from the Nantucket Historic Districts Commission pursuant to Chapter 395, Acts of 1970, as amended.

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 40**

#### **(Zoning Bylaw Amendment: Use Chart - Restaurants, Large)**

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 for Restaurants: Large (71-200 seats):

1. Change from a "N" to a "SP" in the Commercial Neighborhood "CN" district

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 7A (Use-Chart) as follows for Restaurants: Large (71-200 seats):

1. Change from a “N” to a “SP” in the Commercial Neighborhood “CN” district

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

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

#### ARTICLE 41

##### **(Zoning Bylaw Amendment: Rear Lot Subdivision)**

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 8F (Special permit to create rear lot subdivisions) as follows:

Insert a new subsection (3)I

The Planning Board may require a year round housing and/or attainable housing restriction on any of the newly created lot(s).

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 8F (Special permit to create rear lot subdivisions) as follows:

Insert a new subsection (3)I

The Planning Board may require a year round housing and/or attainable housing restriction on any of the newly created lot(s).

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

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

## ARTICLE 42

### (Zoning Bylaw Amendment: Flood Hazard Overlay 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 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) as follows:

#### FLOOD HAZARD DISTRICT

An overlay district to all other districts. The district includes all special flood hazard zones designated as Zone A, AH, AE, AO, A5-8, V5-8, or VE and the FEMA Flood Boundary and Floodway Map, all of which indicate the one-hundred-year regulatory floodplain on Nantucket's Flood Insurance Rate Map (FIRM), dated ~~July 2, 1992~~ June 9, 2014, and issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). Exact boundaries are further defined by the Flood Insurance study booklet dated ~~June 3, 1986~~ June 9, 2014. The FIRM, and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, and Conservation Commission.

Amend Section 4B as follows:

The Flood Hazard Overlay District (FHOD) includes all special flood hazard areas within the Town of Nantucket designated as Zone A, AE, AO, or VE on the Nantucket County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) on June 9, 2014 for the administration of the National Flood Insurance Program. ~~The map panels of the Nantucket County FIRM that are wholly, or partially within the Town of Nantucket are panel numbers~~ 25019C0018G, 25019C0019G, 25019C0033G, 25019C0034G, 25019C0042G, 25019C0061G, 25019C0062G, 25019C0063G, 25019C0064G, 25019C0066G, 25019C0067G, 25019C0068G, 25019C0069G, 25019C0082G, 25019C0083G, 25019C0084G, 25019C0086G, 25019C0087G, 25019C0088G, 25019C0089G, 25019C0091G, 25019C0092G, 25019C0093G, 25019C0094G, 25019C0103G, 25019C0111G, 25019C0112G, 25019C0113G, 25019C0114G, 25019C0132G, 25019C0151G, 25019C0152G, 25019C0156G, 25019C0157G,

~~25019C0176G, and 25019C0177G, dated June 9, 2014.~~ The exact boundaries of the FHOD may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the Nantucket County Flood Insurance Study (FIS) booklet dated June 9, 2014. The FIRM and FIS booklet are incorporated herein by reference and are on file with the offices of Planning and Land Use Services and Conservation Commission.

Amend Section 12H as follows:

Flood Hazard Overlay District (FHOD).

(1) Statement of purpose. The purposes of the Flood Hazard Overlay District (FHOD) are to ensure public safety through reducing the threats to life and personal injury; prevent the occurrence of public emergencies resulting from water quality contamination and pollution due to flooding; avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact the community beyond the site of flooding; reduce costs associated with the response and cleanup of flooding conditions; reduce damage to public and private property resulting from flooding waters. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes. The degree of flood protection required by overlay is considered reasonable but does not imply total flood protection. If any section, provision or portion of this section is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

(1) Relevant flood zones:

- (a) ZONE A means an area of special flood hazard without water surface elevations determined
- (b) ZONE AE means area of special flood hazard with water surface elevations determined
- (c) ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined
- (d) ZONE AO means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)
- (e) ZONE A99 means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating

purposes. (Flood elevations may not be determined.)

- (f) ZONES X means an area of minimal or moderate flood hazards or areas of future-conditions flood hazard.
- (g) ZONE V means area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area)
- (h) ZONE VE (for new and revised maps) means area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)

(2) Use regulations. The FHOD is herein established as an overlay district to all other districts. The FHOD includes all special flood hazard areas within the Town of Nantucket designated as Zone A, AE, AO or VE on the Nantucket County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) on June 9, 2014 for the administration of the National Flood Insurance Program. ~~The map panels of the Nantucket County FIRM that are wholly or partially within the Town of Nantucket are panel numbers 25019C0018G, 25019C0019G, 25019C0033G, 25019C0034G, 25019C0042G, 25019C0061G, 25019C0062G, 25019C0063G, 25019C0064G, 25019C0066G, 25019C0067G, 25019C0068G, 25019C0069G, 25019C0082G, 25019C0083G, 25019C0084G, 25019C0086G, 25019C0087G, 25019C0088G, 25019C0089G, 25019C0091G, 25019C0092G, 25019C0093G, 25019C0094G, 25019C0103G, 25019C0111G, 25019C0112G, 25019C0113G, 25019C0114G, 25019C0132G, 25019C0151G, 25019C0152G, 25019C0156G, 25019C0157G, 25019C0176G, and 25019C0177G, dated June 9, 2014.~~ The exact boundaries of the District ~~may~~ shall be defined by the ~~one-hundred-year~~ 1%-chance base flood elevations shown on the FIRM and further defined by the Nantucket County Flood Insurance Study (FIS) booklet dated June 9, 2014. The FIRM and FIS booklet are incorporated herein by reference and are on file with the offices of Planning and Land Use Services and Conservation Commission. In addition to meeting the requirements of district in which a particular piece of land may lie all development which lies within a boundary of the FHOD, including structural and nonstructural activities alterations, additions, relocations and demolitions, must be in compliance with MGL c. 181, § 40, and the requirements of the Massachusetts State Building Code pertaining to construction in floodplains and the following additional requirements:

- (a) VE Zones: All new construction as defined by the National Flood Insurance Program (NFIP) , except water-related

structures such as piers, groins, and similar structures shall be located landward of the reach of mean high tide. Man-made, alteration of sand dunes which would increase potential flood damage is prohibited;

- (b) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (c) In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways;
- (d) In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge;
- (e) Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- (f) ~~Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A Zones. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the applicant must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.~~
- (g) Where applicable, in A, A1-30, AH, AO, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

(h) In a riverine situation, the Natural Resources Coordinator shall notify the following of any alteration or relocation of a watercourse:

- ~~Adjacent communities~~
- ~~NFIP State Coordinator~~  
Massachusetts Department of Conservation and Recreation
- ~~251 Causeway Street Suite 600-700~~
- ~~Boston, MA 02114-2104~~
- ~~NFIP Program Specialist~~  
Federal Emergency Management Agency, Region I
- ~~99 High Street, 6<sup>th</sup> Floor~~
- ~~Boston, MA 02110~~

(i) Nantucket requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

(j) Nantucket requires that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

(k) All subdivision proposals must be designed to assure that:

- [1] Such proposals minimize flood damage;
- [2] All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- [3] Adequate drainage is provided to reduce exposure to flood hazards.

### (3) Definitions

(a) DEVELOPMENT means any man-made change to improved or

unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

(b) FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

(c) FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

(d) HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

(e) HISTORIC STRUCTURE means any structure that is:

[1] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

[2] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

[3] Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

[4] Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

[a] By an approved state program as determined by the Secretary of the Interior or

[b] Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

(f) **NEW CONSTRUCTION.** Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

(g) **RECREATIONAL VEHICLE** means a vehicle which is:

[1] Built on a single chassis;

[2] 400 square feet or less when measured at the largest horizontal projection;

[3] Designed to be self-propelled or permanently towable by a light duty truck; and

[4] Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

(h) **REGULATORY FLOODWAY** - see **FLOODWAY**.

(i) **SPECIAL FLOOD HAZARD AREA.** The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, AO, AH, V, VO, VE. [Base Code, Chapter 2, Section 202]

(j) **START OF CONSTRUCTION.** The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers

or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

- (k) STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]
- (l) SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported by a foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9<sup>th</sup> Edition BC]
- (m) VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]
- (n) VIOLATION means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), l(2), l(4), or l(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

(4) Existing regulations. All development in the district including structural and nonstructural activities whether permitted by right, by site plan review or by special permit, will require the applicant to obtain and submit documentation of all local, state and federal permits that will be necessary in order to carry out the proposed development in the

floodplain overlay district and must be in compliance with the following:

- (a) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR);
  - i. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
  - ii. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
  - iii. Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
  - iv. Minimum Requirements for Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

(b) Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations. A variance from these provisions and requirements may only be granted if:

- [1] Good and sufficient cause and exceptional non-financial hardship exist;
- [2] the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
- [3] the variance is the minimum action necessary to afford relief.

(5) All other, applicable Nantucket regulations and bylaws.

(a) Requirement to submit new technical data:

- i. If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief

And copy of notification to:

Massachusetts NFIP State Coordinator  
MA Dept. of Conservation & Recreation

(6) Designation of Community Floodplain Administrator:

(a) The Town hereby designates the position of Building Commissioner to be the official floodplain administrator for the Town/City.

(7) Variances to building code floodplain standard

(a) Nantucket will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's file.

(b) Nantucket shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

(c) Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

(8) Enforcement

(a) Violations of any section or provision of this Bylaw may be enforced by the institution of enforcement actions, either criminal or civil, either legal or equitable or both, or by fines of not more than three hundred dollars (\$300) for each offense. Each day that such offense continues *shall constitute a separate offense.*

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) as follows:

**FLOOD HAZARD DISTRICT**

An overlay district to all other districts. The district includes all special flood hazard zones designated as Zone A, AH, AE, AO, A5-8, V5-8, or VE and the FEMA Flood Boundary and Floodway Map, all of which indicate the one-hundred-year regulatory floodplain on Nantucket's Flood Insurance Rate Map (FIRM), dated July 2, 1992 June 9, 2014, and issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). Exact boundaries are further defined by the Flood Insurance study booklet dated June 3, 1986 June 9, 2014. The FIRM, and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, and Conservation Commission.

Amend Section 4B as follows:

The Flood Hazard Overlay District (FHOD) includes all special flood hazard areas within the Town of Nantucket designated as Zone A, AE, AO, or VE on the Nantucket County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) on June 9, 2014 for the administration of the National Flood Insurance Program. ~~The map panels of the Nantucket County FIRM that are wholly, or partially within the Town of Nantucket are panel numbers 25019C0018G, 25019C0019G, 25019C0033G, 25019C0034G, 25019C0042G, 25019C0061G, 25019C0062G, 25019C0063G, 25019C0064G, 25019C0066G, 25019C0067G, 25019C0068G, 25019C0069G, 25019C0082G, 25019C0083G, 25019C0084G, 25019C0086G, 25019C0087G, 25019C0088G, 25019C0089G, 25019C0091G, 25019C0092G, 25019C0093G, 25019C0094G, 25019C0103G, 25019C0111G, 25019C0112G, 25019C0113G, 25019C0114G, 25019C0132G, 25019C0151G, 25019C0152G, 25019C0156G, 25019C0157G, 25019C0176G, and 25019C0177G, dated June 9, 2014.~~ The exact boundaries of the FHOD may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the Nantucket County Flood Insurance Study (FIS) booklet dated June 9, 2014. The FIRM and FIS booklet are incorporated herein by reference and are on file with the offices of Planning and Land Use Services and Conservation Commission.

Amend Section 12H as follows:

**Flood Hazard Overlay District (FHOD).**

- (1) **Statement of purpose.** The purposes of the Flood Hazard Overlay District (FHOD) are to ensure public safety through reducing the threats to life and

personal injury; prevent the occurrence of public emergencies resulting from water quality contamination and pollution due to flooding; avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact the community beyond the site of flooding; reduce costs associated with the response and cleanup of flooding conditions; reduce damage to public and private property resulting from flooding waters. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes. The degree of flood protection required by overlay is considered reasonable but does not imply total flood protection. If any section, provision or portion of this section is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

(1) Relevant flood zones:

- (a) ZONE A means an area of special flood hazard without water surface elevations determined
- (b) ZONE AE means area of special flood hazard with water surface elevations determined
- (c) ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined
- (d) ZONE AO means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)
- (e) ZONE A99 means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)
- (f) ZONES X means an area of minimal or moderate flood hazards or areas of future-conditions flood hazard.
- (g) ZONE V means area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area)
- (h) ZONE VE (for new and revised maps) means area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)

(2) Use regulations. The FHOD is herein established as an overlay district to all other districts. The FHOD includes all special flood hazard areas within the Town of Nantucket designated as Zone A, AE, AO or VE on the Nantucket County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) on June 9, 2014 for the administration of the National Flood Insurance Program. ~~The map panels of the Nantucket County FIRM that are wholly or partially within the Town of Nantucket are panel numbers 25019C0018G, 25019C0019G, 25019C0033G, 25019C0034G, 25019C0042G, 25019C0061G, 25019C0062G, 25019C0063G, 25019C0064G, 25019C0066G, 25019C0067G, 25019C0068G, 25019C0069G, 25019C0082G, 25019C0083G, 25019C0084G, 25019C0086G, 25019C0087G, 25019C0088G, 25019C0089G, 25019C0091G, 25019C0092G, 25019C0093G, 25019C0094G, 25019C0103G, 25019C0111G, 25019C0112G, 25019C0113G, 25019C0114G, 25019C0132G, 25019C0151G, 25019C0152G, 25019C0156G, 25019C0157G, 25019C0176G, and 25019C0177G, dated June 9, 2014.~~ The exact boundaries of the District may shall be defined by the ~~one-hundred-year 1%-chance~~ base flood elevations shown on the FIRM and further defined by the Nantucket County Flood Insurance Study (FIS) booklet dated June 9, 2014. The FIRM and FIS booklet are incorporated herein by reference and are on file with the offices of Planning and Land Use Services and Conservation Commission. In addition to meeting the requirements of district in which a particular piece of land may lie all development which lies within a boundary of the FHOD, including structural and nonstructural activities alterations, additions, relocations and demolitions, must be in compliance with MGL c. 181, § 40, and the requirements of the Massachusetts State Building Code pertaining to construction in floodplains and the following additional requirements:

- (a) VE Zones: All new construction as defined by the National Flood Insurance Program (NFIP) , except water-related structures such as piers, groins, and similar structures shall be located landward of the reach of mean high tide. Man-made, alteration of sand dunes which would increase potential flood damage is prohibited;
- (b) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (c) In A Zones, in the absence of FEMA BFE data and floodway

data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways;

(d) In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge;

(e) Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

(f) ~~Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A Zones. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the applicant must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.~~

(g) Where applicable, in A, A1-30, AH, AO, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

(h) In a riverine situation, the Natural Resources Coordinator shall notify the following of any alteration or relocation of a watercourse:

- ~~Adjacent communities~~
- ~~NFIP State Coordinator~~  
Massachusetts Department of Conservation and Recreation
- ~~251 Causeway Street Suite 600-700~~
- ~~Boston, MA 02114-2104~~

- NFIP Program Specialist  
Federal Emergency Management Agency,  
Region I
- 99 High Street, 6<sup>th</sup> Floor
- Boston, MA 02110

(i) Nantucket requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

(j) Nantucket requires that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

(k) All subdivision proposals must be designed to assure that:

[4] Such proposals minimize flood damage;

[5] All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

[6] Adequate drainage is provided to reduce exposure to flood hazards.

### (3) Definitions

(a) DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

(b) FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

(c) FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or

carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

(d) **HIGHEST ADJACENT GRADE** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

(e) **HISTORIC STRUCTURE** means any structure that is:

[1] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

[2] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

[3] Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

[4] Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

[a] By an approved state program as determined by the Secretary of the Interior or

[b] Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

(f) **NEW CONSTRUCTION.** Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New

construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

(g) **RECREATIONAL VEHICLE** means a vehicle which is:

- [1] Built on a single chassis;
- [2] 400 square feet or less when measured at the largest horizontal projection;
- [3] Designed to be self-propelled or permanently towable by a light duty truck; and
- [4] Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

(h) **REGULATORY FLOODWAY** - see **FLOODWAY**.

(i) **SPECIAL FLOOD HAZARD AREA**. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, AO, AH, V, VO, VE. [Base Code, Chapter 2, Section 202]

(j) **START OF CONSTRUCTION**. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

(k) **STRUCTURE** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title

**44, Part 59]**

- (l) SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported by a foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9<sup>th</sup> Edition BC]**
- (m) VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]**
- (n) VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), l(2), l(4), or l(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]**
- (4) Existing regulations. All development in the district including structural and nonstructural activities whether permitted by right, by site plan review or by special permit, will require the applicant to obtain and submit documentation of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district and must be in compliance with the following:**

  - (a) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR);**

    - i. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);**
    - ii. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);**

- iii. Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- iv. Minimum Requirements for Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

(b) Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations. A variance from these provisions and requirements may only be granted if:

- [1] Good and sufficient cause and exceptional non-financial hardship exist;
- [2] the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
- [3] the variance is the minimum action necessary to afford relief.

(5) All other, applicable Nantucket regulations and bylaws.

(a) Requirement to submit new technical data:

- i. If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief

And copy of notification to:

Massachusetts NFIP State Coordinator  
MA Dept. of Conservation & Recreation

(6) Designation of Community Floodplain Administrator:

- (a) The Town hereby designates the position of Building Commissioner to be the official floodplain administrator for the Town/City.

**(7) Variances to building code floodplain standard**

- (a) Nantucket will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's file.**
- (b) Nantucket shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.**
- (c) Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.**

**(8) Enforcement**

- (a) Violations of any section or provision of this Bylaw may be enforced by the institution of enforcement actions, either criminal or civil, either legal or equitable or both, or by fines of not more than three hundred dollars (\$300) for each offense. Each day that such offense continues *shall constitute a separate offense.***

**PLANNING BOARD COMMENT:** These updates are required to comply with FEMA regulations, mirror the model bylaw text endorsed by the State, and do not alter any development potential. Most importantly, these updates are required in order for property owners on Nantucket to maintain flood insurance. The language as proposed has received preliminary approval from the Massachusetts Department of Conservation & Recreation (DCR), and any changes to this language would jeopardize approval of compliance at the State and Federal level.

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

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

**ARTICLE 43**

**(Zoning Bylaw Amendment: Definitions - Apartment Building)**

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).*

Amend section 2 (Definitions) as follows:

APARTMENT BUILDING(S) – A structure or structures containing a maximum of up to eight bedrooms in up to six dwelling units on a single lot , or an equivalent density, through the issuance of a special permit granted by the Planning Board, for a project, comprised of one or more parcels of land in the same ownership or control, that could be divided into multiple lots on a conventional subdivision plan meeting all dimensional and upland requirements of the bylaw and consistent with the Rules and Regulations Governing the Subdivision of Land, as may be amended by the Planning Board from time to time, as demonstrated by the submission of a dimensioned lotting plan, with no commercial or other uses, shall be allowed in the following districts:

- (1) CN/VN – one dwelling unit is permitted for each 2,500 square feet of lot area.
- (2) CMI – One dwelling unit is permitted for each 1,250 square feet of lot area.

~~The Planning Board shall be the special permit granting authority.~~

Additional bedrooms may be allowed subject to all dwelling units within the building being placed on the Subsidized Housing Inventory (SHI) list.

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) as follows:

**APARTMENT BUILDING(S) – A structure or structures containing a maximum of up to eight bedrooms in up to six dwelling units on a single lot , or an equivalent density, through the issuance of a special permit granted by the Planning Board, for a project, comprised of one or more parcels of land in the same ownership or control, that could be divided into multiple lots on a conventional subdivision plan meeting all dimensional and upland requirements of the bylaw and consistent with the Rules and Regulations Governing the Subdivision of Land, as may be amended by the Planning Board from time to time, as demonstrated by the submission of a dimensioned lotting plan, with no commercial or other uses, shall be allowed in the following districts:**

- (1) CN/VN – one dwelling unit is permitted for each 2,500 square feet of lot area.**

(2) CMI – One dwelling unit is permitted for each 1,250 square feet of lot area.

The Planning Board shall be the special permit granting authority.

Additional bedrooms may be allowed subject to all dwelling units within the building being placed on the Subsidized Housing Inventory (SHI) list.

*NOTE: 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 an increase in permissible density of population or intensity of a particular use in a proposed multi-family or mixed use development by special permit.*

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

#### ARTICLE 44

##### (Zoning Bylaw Amendment: 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- Attainable Housing) as follows:

Dwelling units(s) restricted to occupancy by households who earn at or below ~~240%~~ 250% of the median annual household income for Nantucket County....

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- Attainable Housing) as follows:

Dwelling units(s) restricted to occupancy by households who earn at or below ~~240%~~ 250% of the median annual household income for Nantucket County....

PLANNING BOARD COMMENT: An increase to 250% AMI aligns with both the Seasonal Communities regulations drafted by the State and language proposed by the Affordable Housing Trust in Article 66.

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

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

#### ARTICLE 45

##### (Zoning Bylaw Amendment: Community Land Trust)

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, in alphabetical order, a new definition for “Community Land Trust” as follows:

A private nonprofit community housing development organization that is established to acquire parcels of land, held in perpetuity, primarily for conveyance under long-term ground leases.

The following criteria shall apply to dwelling unit(s) located on property owned by a Community Land Trust

- (1) shall be subject to a deed restriction limiting occupancy to conformance with “Year-round Housing” and “Attainable Housing” as defined in this chapter; and
- (2) each structure, or portion of a structure, constituting a dwelling unit may be held in separate ownership and shall not be subject to the common ownership requirements outlined in the definition of “Secondary Dwelling” or “Protected Use Accessory Dwelling Unit (ADU)” in this chapter.

Lots shall be subject to the same intensity and density regulations for the underlying zoning district as defined in this chapter.

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, in alphabetical order, a new definition for “Community Land Trust” as follows:

A private nonprofit community housing development organization that is established to acquire parcels of land, held in perpetuity, primarily for conveyance under long-term ground leases.

The following criteria shall apply to dwelling unit(s) located on property owned by a Community Land Trust

- (1) shall be subject to a deed restriction limiting occupancy to conformance with "Year-round Housing" and "Attainable Housing" as defined in this chapter; and
- (2) each structure, or portion of a structure, constituting a dwelling unit may be held in separate ownership and shall not be subject to the common ownership requirements outlined in the definition of "Secondary Dwelling" or "Protected Use Accessory Dwelling Unit (ADU)" in this chapter.

Lots shall be subject to the same intensity and density regulations for the underlying zoning district as defined in this chapter.

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

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

#### ARTICLE 46

##### (Zoning Bylaw Amendment: Fractional Ownership, Interval, or Time Share 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*):

1. Amend section 2 (Definitions) by deleting the existing definition of "Time sharing or time interval ownership dwelling unit or dwelling" and inserting a new definition of "Fractional ownership, interval, or time share unit" as follows:

##### ~~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.~~

#### FRACTIONAL OWNERSHIP, INTERVAL, OR TIME SHARE UNIT

Any real or personal property which is owned by a limited liability company, corporation, partnership, or other joint ownership structure in which unrelated persons or entities own, sell, purchase or otherwise for consideration create or acquire any divided property interest including co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are subject to, or subsequently bound by any agreement limiting the right or functional ability of interest holders or their designees to occupy or use the property to their respective interests or any other agreement which limits interest holders' or their designees' use of the property to fractional reservations through stay limitations of any duration. Such use is established by any of the following elements:

1. Co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are openly advertised, marketed, or offered for sale and sold individually at separate times;
2. Centralized or professional management;
3. Reservation systems;
4. Maximum or minimum day limits on each interest holder's occupancy or use of the property; or
5. Management agreements or fees reflective of interval use or ownership, irrespective of whether the agreement may be canceled individually or by any party.

This section shall not be deemed to preclude 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 non-commercial groups, such as families, partnerships, associations, or trusts with divided interests or agreements in which the real estate is held and transferred within the family, partnership, association, or trust, as opposed to sold in fractional or divided interests on the open market.

2. Amend section 7A (Use Chart) as follows:

1. ~~Time sharing/Interval dwelling units~~ Fractional ownership, interval, or time share unit
2. Change from "Y" to "SP" in the CDT, CMI, CN, and VN districts.
3. Change from "Y" to "N" in the RC district

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 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*):

1. Amend section 2 (Definitions) by deleting the existing definition of "Time sharing or time interval ownership dwelling unit or dwelling" and inserting a new definition of "Fractional ownership, interval, or time share unit" as follows:

~~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.~~

**FRACTIONAL OWNERSHIP, INTERVAL, OR TIME SHARE UNIT**

Any real or personal property which is owned by a limited liability company, corporation, partnership, or other joint ownership structure in which unrelated persons or entities own, sell, purchase or otherwise for consideration create or acquire any divided property interest including co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are subject to, or subsequently bound by any agreement limiting the right or functional ability of interest holders or their designees to occupy or use the property to their respective interests or any other agreement which limits interest holders' or their designees' use of the property to fractional reservations through stay limitations of any duration. Such use is established by any of the following elements:

1. Co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are openly advertised, marketed, or offered for sale and sold individually at separate times;
2. Centralized or professional management;
3. Reservation systems;
4. Maximum or minimum day limits on each interest holder's occupancy or use of the property; or
5. Management agreements or fees reflective of interval use or ownership, irrespective of whether the agreement may be canceled individually or by any party.

This section shall not be deemed to preclude 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 non-commercial groups, such as families, partnerships, associations, or trusts with divided interests or agreements in which the real estate is held and transferred within the family, partnership, association, or trust, as opposed to sold in fractional or divided interests on the open market.

2. Amend section 7A (Use Chart) as follows:
  1. ~~Time-sharing/Interval dwelling units~~ Fractional ownership, interval, or time share unit
  2. Change from “Y” to “SP” in the CDT, CMI, CN, and VN districts.
  3. Change from “Y” to “N” in the RC district

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

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

#### ARTICLE 47

##### (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 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*):

1. Amend section 2 (Definitions- Accessory Dwelling) by striking the definition in its entirety.

~~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.~~

2. Amend section 7A (Use Chart) by removing “Accessory Dwelling”

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):*

1. Amend section 2 (Definitions- Accessory Dwelling) by striking the definition in its entirety.

~~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.~~

2. Amend section 7A (Use Chart) by removing “Accessory Dwelling”

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

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

#### ARTICLE 48

##### **(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):*

1. Amend section 2 (Definitions) by inserting and defining, in alphabetical order with existing definitions, a new term “Protected Use Accessory Dwelling Unit “ADU””

A self-contained housing unit, either attached or detached, inclusive of sleeping, cooking and sanitary facilities on the same lot as a Principal Dwelling 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.

A Protected Use ADU shall be in the same ownership as the Principal Dwelling.

Any existing or proposed dwelling unit meeting these criteria shall be determined to be a Protected Use ADU.

2. Amend section 7A (Use-Chart) as follows:
  1. Insert a new term “Protected Use ADU” after “Secondary dwelling”
  2. For the new term “Protected Use ADU”, insert a “Y” in the R-1/SR-1, ROH/SOH, R-5/R-5L, R-10/R-10L/SR-10, R-20, R-40, V-R, LUG-1, LUG-2, LUG-3, and MMD districts.
  3. For the new term “Protected Use ADU”, insert a “N” in the CDT, CMI, CN, CTEC, CI, RC, RC-2, VN, and VTEC districts.

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):*

1. Amend section 2 (Definitions) by inserting and defining, in alphabetical order with existing definitions, a new term “Protected Use Accessory Dwelling Unit “ADU””

A self-contained housing unit, either attached or detached, inclusive of sleeping, cooking and sanitary facilities on the same lot as a Principal Dwelling 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.

A Protected Use ADU shall be in the same ownership as the Principal Dwelling and only one Protected Use ADU is allowed on a lot.

Any existing or proposed dwelling unit meeting these criteria shall be determined to be a Protected Use ADU.

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

1. Insert a new term “Protected Use ADU” after “Secondary dwelling”
2. For the new term “Protected Use ADU”, insert a “Y” in the R-1/SR-1, ROH/SOH, R-5/R-5L, R-10/R-10L/SR-10, R-20, R-40, V-R, LUG-1, LUG-2, LUG-3, and MMD districts.
3. For the new term “Protected Use ADU”, insert a “N” in the CDT, CMI, CN, CTEC, CI, RC, RC-2, VN, and VTEC districts.

*NOTE: 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 by right an accessory dwelling unit, whether within the principal dwelling or a detached structure on the same lot.*

PLANNING BOARD COMMENT: Section 8 of Chapter 150 of the Acts of 2024 allow accessory dwelling units by-right in single family zoning districts in all municipalities in the Commonwealth. This article is part of a series of articles to bring out local zoning bylaw into conformance with the State regulations. Please refer to the “Protected Use Accessory Dwelling Unit (ADU) Related Articles Summary” in the “Planning Board Report” at the rear of the Warrant for an explanation on why this is being proposed and how it relates to the other articles in the series.

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

#### ARTICLE 49

##### (Zoning Bylaw Amendment: Gross Floor Area)

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- Floor Area, Gross) as follows:

##### FLOOR AREA, GROSS

The sum of the areas of the several floors of the structure, as measured by the exterior ~~interior~~ faces of the exterior walls, ~~including fully enclosed porches and the like~~ as measured by the exterior limits thereof, but excluding basement and cellar areas devoted exclusively to uses accessory to the operation of the structure; ~~and~~ areas devoted to housing mechanical equipment customarily located in the basement or cellar, such as heating and air-conditioning equipment, plumbing, electrical equipment, and residential laundry facilities;

crawl spaces; garage parking areas; attics; enclosed porches; and similar spaces.

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- Floor Area, Gross) as follows:

**FLOOR AREA, GROSS**

The sum of the areas of the several floors of the structure, as measured by the exterior ~~interior~~ faces of the exterior walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding basement and cellar areas devoted exclusively to uses accessory to the operation of the structure; and areas devoted to housing mechanical equipment customarily located in the basement or cellar, such as heating and air-conditioning equipment, plumbing, electrical equipment, and residential laundry facilities; crawl spaces; garage parking areas; attics; enclosed porches; and similar spaces.

**PLANNING BOARD COMMENT:** Section 8 of Chapter 150 of the Acts of 2024 allow accessory dwelling units by-right in single family zoning districts in all municipalities in the Commonwealth. This article is part of a series of articles to bring out local zoning bylaw into conformance with the State regulations. Please refer to the “Protected Use Accessory Dwelling Unit (ADU) Related Articles Summary” in the “Planning Board Report” at the rear of the Warrant for an explanation on why this is being proposed and how it relates to the other articles in the series.

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

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

**ARTICLE 50**

**(Zoning Bylaw Amendment: Primary 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 7A (Use-Chart) as follows for Primary dwelling:

1. Change from “A” to “N” in the CDT, CMI, CN, VN, and VTEC districts.
2. Change from “Y” to “N” in the CTEC, RC, and RC-2 districts.

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 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 for Primary dwelling:

1. Change from “A” to “N” in the CDT, CMI, CN, VN, and VTEC districts.
2. Change from “Y” to “N” in the CTEC, RC, and RC-2 districts.

**PLANNING BOARD COMMENT:** Section 8 of Chapter 150 of the Acts of 2024 allow accessory dwelling units by-right in single family zoning districts in all municipalities in the Commonwealth. This article is part of a series of articles to bring out local zoning bylaw into conformance with the State regulations. Please refer to the “Protected Use Accessory Dwelling Unit (ADU) Related Articles Summary” in the “Planning Board Report” at the rear of the Warrant for an explanation on why this is being proposed and how it relates to the other articles in the series.

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

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

## ARTICLE 51

### **(Zoning Bylaw 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)*:

1. Amend section 2 (Definitions - Secondary Dwelling) as follows:

## SECONDARY DWELLING

A detached single-family dwelling unit or a dwelling unit within an attached or detached garage located on the same lot as a primary dwelling unit that is larger than 900 square feet of gross floor area or does not meet the criteria of a Protected Use Accessory Dwelling Unit (ADU). 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.~~

Both dwelling units 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 unless one of the two dwelling units is subject to the NHNC or is located on a lot owned by a Community Land Trust. The ownership of a lot by a condominium cooperative housing corporation, ~~land trust,~~ or other common interest ownership entity in which there is a separate beneficial ownership of the principal and secondary dwellings on the lot shall not be deemed to constitute "the same legal and beneficial ownership." If the dwelling is subject to a restriction limiting occupancy to a year-round household, the restriction shall be presented to the Planning Board as the enforcement authority prior to the issuance of a Certificate of Occupancy and shall be held in perpetuity;

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;

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 granted after April 8, 1996, shall be valid for a period of two years from the date of plan endorsement.

The principal purpose of secondary dwellings is to create housing opportunities through the provision of affordable rental housing for year round residents, including senior citizens, while affording the owner of the primary residence with the opportunity to generate supplemental income. The intent of this provision is

also that one of the two dwellings be designated and constructed at such scale and bulk so as to be clearly subordinate in both use and appearance.

Notwithstanding any language contained herein to the contrary, any property that is owned by a validly created and existing cooperative housing corporation as of December 31, 2012, may be converted to a residential condominium form of ownership, maintaining the separate beneficial ownership of the primary and secondary dwellings, without subjecting such property to the Nantucket Housing Needs Covenant.

Relief from any of the standards contained in this definition may be granted through the issuance of a special permit by the Planning Board.

2. Amend section 7A (Use-Chart) as follows for Secondary Dwelling:
  1. In the R-1, SR-1, ROH, SOH, SR-20, VR, CDT, RC, and RC-2 change from "Y" to "N"
  2. In the R-5L and R-10L change from "SP" to "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 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):*

1. Amend section 2 (Definitions - Secondary Dwelling) as follows:

#### **SECONDARY DWELLING**

A detached single-family dwelling unit or a dwelling unit within an attached or detached garage located on the same lot as a primary dwelling unit that is larger than 900 square feet of gross floor area or does not meet the criteria of a Protected Use Accessory Dwelling Unit (ADU). 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.~~

Both dwelling units 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 unless one of the two dwelling units is subject to the NHNC or is located on a lot owned by a Community Land Trust. The ownership of a lot by a condominium cooperative housing corporation, land trust, or other common interest ownership entity in which there is a separate beneficial ownership of the principal and secondary dwellings on the lot shall not be deemed to constitute "the same legal and beneficial ownership." If the dwelling is subject to a restriction limiting occupancy to a year-round household, the restriction shall be presented to the Planning Board as the enforcement authority prior to the issuance of a Certificate of Occupancy and shall be held in perpetuity;

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;

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 granted after April 8, 1996, shall be valid for a period of two years from the date of plan endorsement.

The principal purpose of secondary dwellings is to create housing opportunities through the provision of affordable rental housing for year round residents, including senior citizens, while affording the owner of the primary residence with the opportunity to generate supplemental income. The intent of this provision is also that one of the two dwellings be designated and constructed at such scale and bulk so as to be clearly subordinate in both use and appearance.

Notwithstanding any language contained herein to the contrary, any property that is owned by a validly created and existing cooperative housing corporation as of December 31, 2012, may be converted to a residential condominium form of ownership, maintaining the separate beneficial ownership of the primary and secondary dwellings, without subjecting such property to the Nantucket Housing Needs Covenant.

Relief from any of the standards contained in this definition may be granted through the issuance of a special permit by the Planning Board.

2. Amend section 7A (Use-Chart) as follows for Secondary Dwelling:

3. In the R-1, SR-1, ROH, SOH, SR-20, VR, CDT, RC, and RC-2 change from “Y” to “N”
4. In the R-5L and R-10L change from “SP” to “N”

PLANNING BOARD COMMENT: Section 8 of Chapter 150 of the Acts of 2024 allow accessory dwelling units by-right in single family zoning districts in all municipalities in the Commonwealth. This article is part of a series of articles to bring out local zoning bylaw into conformance with the State regulations. Please refer to the “Protected Use Accessory Dwelling Unit (ADU) Related Articles Summary” in the “Planning Board Report” at the rear of the Warrant for an explanation on why this is being proposed and how it relates to the other articles in the series.

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

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

**ARTICLE 52  
(Zoning Bylaw Amendment: Tertiary 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 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*):

1. Amend section 2 (Definitions - Tertiary Dwelling) by striking in its entirety:
  - ~~(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:
 
    - ~~(i) A garage apartment not exceeding 900 square feet of gross floor area.~~
    - ~~(ii) 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. 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.~~
    - ~~(iii) A detached building containing not more than 900 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:
 
    - ~~(i) R-5: 1 bedroom per each 1,000 square feet of lot area;~~
    - ~~(ii) R-10: 1 bedroom per each 1,400 square feet of lot area;~~
    - ~~(iii) 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.~~

2. Amend section 7A (Use Chart) by removing "Tertiary Dwelling"

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):*

1. Amend section 2 (Definitions - Tertiary Dwelling) by striking in its entirety:

- ~~(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 garage apartment not exceeding 900 square feet of gross floor area.~~
  - ~~( ) 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. 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.~~
  - ~~( ) A detached building containing not more than 900 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:
  - ~~( ) R-5: 1 bedroom per each 1,000 square feet of lot area;~~
  - ~~( ) R-10: 1 bedroom per each 1,400 square feet of lot area;~~
  - ~~( ) 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.~~

2. Amend section 7A (Use Chart) by removing "Tertiary Dwelling"

PLANNING BOARD COMMENT: Section 8 of Chapter 150 of the Acts of 2024 allow accessory dwelling units by-right in single family zoning districts in all municipalities in the Commonwealth. This article is part of a series of articles to bring out local zoning bylaw into conformance with the State regulations. Please refer to the "Protected Use Accessory Dwelling Unit (ADU) Related Articles Summary" in the "Planning Board Report" at the rear of the Warrant for an explanation on why this is being proposed and how it relates to the other articles in the series.

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

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

ARTICLE 53

(Zoning Bylaw Amendment: Garage Apartment)

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*):

1. Amend section 2 (Definitions - Garage Apartment) by striking in its entirety:

~~GARAGE APARTMENT~~

~~A dwelling unit located within a residential or commercial garage. The dwelling unit shall not exceed 150% of the gross floor area of the garage. If located on the same lot as a primary dwelling unit, the following requirements shall be applicable:~~

~~(1) Both dwelling units shall be in the same ownership unless one of the two dwelling units is subject to the NHNC. The ownership of a lot by a condominium cooperative housing corporation, land trust, or other common interest ownership entity in which there is a separate beneficial ownership of the primary dwelling and garage apartment on the lot shall not be deemed to constitute "the same legal and beneficial ownership."~~

~~(2) 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 granted after April 8, 1996, shall be valid for a period of two years from the date of plan endorsement.~~

2. Amend section 7A (Use Chart) by removing "Garage Apartment"

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):*

1. Amend section 2 (Definitions - Garage Apartment) by striking in its entirety:

**GARAGE APARTMENT**

~~A dwelling unit located within a residential or commercial garage. The dwelling unit shall not exceed 150% of the gross floor area of the garage. If located on the same lot as a primary dwelling unit, the following requirements shall be applicable:~~

- ~~(1) Both dwelling units shall be in the same ownership unless one of the two dwelling units is subject to the NHNC. The ownership of a lot by a condominium cooperative housing corporation, land trust, or other common interest ownership entity in which there is a separate beneficial ownership of the primary dwelling and garage apartment on the lot shall not be deemed to constitute "the same legal and beneficial ownership."~~
- ~~(2) 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 granted after April 8, 1996, shall be valid for a period of two years from the date of plan endorsement.~~

2. Amend section 7A (Use Chart) by removing "Garage Apartment"

**PLANNING BOARD COMMENT:** Section 8 of Chapter 150 of the Acts of 2024 allow accessory dwelling units by-right in single family zoning districts in all municipalities in the Commonwealth. This article is part of a series of articles to bring out local zoning bylaw into conformance with the State regulations. Please refer to the "Protected Use Accessory Dwelling Unit (ADU) Related Articles Summary" in the "Planning Board Report" at the rear of the Warrant for an explanation on why this is being proposed and how it relates to the other articles in the series.

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

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

**ARTICLE 54  
(Zoning Bylaw Amendment: Apartment)**

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 2 (Definitions) for Apartment as follows:

(1) **CI/VN**

one dwelling unit is permitted for each 5,000 square feet of lot area.

(2) **VTEC**

one dwelling unit is permitted for each 20,000 square feet of lot area.

2. Amend section 7A (Use-Chart) as follows for Apartment:

Change from “N” to “Y” in the VN and VTEC districts

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*):

1. Amend section 2 (Definitions) for Apartment as follows:

(1) **CI/VN**

one dwelling unit is permitted for each 5,000 square feet of lot area.

(2) **VTEC**

one dwelling unit is permitted for each 20,000 square feet of lot area.

2. Amend section 7A (Use-Chart) as follows for Apartment:

Change from “N” to “Y” in the VN and VTEC districts

**NOTE:** *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 a multi-family or mixed use development in an eligible location as of right.*

**PLANNING BOARD COMMENT:** Section 8 of Chapter 150 of the Acts of 2024 allow accessory dwelling units by-right in single family zoning districts in all municipalities in the Commonwealth. This article is part of a series of articles to bring out local zoning bylaw into conformance with the State regulations. Please refer to the “Protected Use Accessory Dwelling Unit (ADU) Related Articles Summary” in the “Planning Board Report” at the rear of the Warrant for an explanation on why this is being proposed and how it relates to the other articles in the series.

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

**ARTICLE 55**

**(Zoning Map Change: RC and R-1 to CN - Jefferson Avenue)**

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 properties currently located in the Residential Commercial (RC) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
30	44 (portion of)	46	Jefferson Avenue
30	44.1	54	Jefferson Avenue

2. By placing a portion of the following property currently located in the Residential-1 (R-1) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
30	44 (portion of)	46	Jefferson Avenue

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 taking the following actions:

1. By placing the following properties currently located in the Residential Commercial (RC) district into the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
30	44 (portion of)	46	Jefferson Avenue
30	44.1	54	Jefferson Avenue

2. By placing a portion of the following property currently located in the Residential-1 (R-1) district into the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
30	44 (portion of)	46	Jefferson Avenue

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

*NOTE: 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 a multi-family or mixed use development in an eligible location as of right and/or by special permit.*

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

#### ARTICLE 56

#### (Zoning Map Change: RC-2 to CMI - Arrowhead Drive and Hinsdale 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 Commercial Mid Island (CMI) district:

Map	Lot	Number	Street
69	10.3	13	Arrowhead Drive
69	10.4	-	Arrowhead Drive
69	10.2	19	Arrowhead Drive
69	108	109	Hinsdale Road
69	30.1	110	Hinsdale Road
69	30.2	112	Hinsdale Road
69	30.3	114	Hinsdale 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 Mid Island (CMI) district:

Map	Lot	Number	Street
69	10.3	13	Arrowhead Drive
69	10.4	-	Arrowhead Drive
69	10.2	19	Arrowhead Drive
69	108	109	Hinsdale Road
69	30.1	110	Hinsdale Road
69	30.2	112	Hinsdale Road
69	30.3	114	Hinsdale Road

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

*NOTE: 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 a multi-family or mixed use development in an eligible location as of right and/or by special permit.*

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

#### ARTICLE 57

##### **(Zoning Map Change: RC-2 to CN - Miacomet Avenue and 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 Commercial Neighborhood (CN) district:

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

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

**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 into the Commercial Neighborhood (CN) 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.

**NOTE: 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 a multi-family or mixed use development in an eligible location as of right and/or by special permit.**

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

**ARTICLE 58**

**(Zoning Map Change: RC-2 to R-5, CN, or CMI - Old South Road, Forrest Avenue, Rose Bud Lane, Hinsdale 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 Residential-5 (R-5) district, the Commercial Neighborhood (CN) district, or the Commercial Mid Island (CMI) district:

Map	Lot	Number	Street
68	17	42	Old South Road
68	16	3	Forrest Avenue
68	11	4	Forrest Avenue
68	15	5	Forrest Avenue
68	12.1	6	Forrest Avenue
68	12	6A	Forrest Avenue
68	14	7	Forrest Avenue
68	13	8	Forrest Avenue
68	782	3	Rose Bud Lane
68	782.1	3A	Rose Bud Lane
68	781	4	Rose Bud Lane
68	783.1	5	Rose Bud Lane
68	783.2	5A	Rose Bud Lane
68	783	5B	Rose Bud Lane
68	780	6	Rose Bud Lane
68	784	7	Rose Bud Lane
68	779	8	Rose Bud Lane
68	785	-	Rose Bud Lane
68	786	-	Rose Bud Lane
68	776	9	Hinsdale Road
68	777	11	Hinsdale Road
68	778	13	Hinsdale 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.

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

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

**ARTICLE 59**

**(Zoning Map Change: RC-2 to CI, CMI, or CN - Sun Island 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 Commercial Industrial (CI) district, the Commercial Mid Island (CMI) district, or the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
69	29.6	11	Sun Island Road
69	29.7	13	Sun Island Road
69	29.8	15	Sun Island 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 into the Commercial Industrial (CI) district:

Map	Lot	Number	Street
69	29.6	11	Sun Island Road
69	29.7	13	Sun Island Road
69	29.8	15	Sun Island Road

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

*NOTE: 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 a multi-family or mixed use development in an eligible location as of right and/or by special permit.*

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

**ARTICLE 60**

**(Zoning Map Change: RC-2 to CN - 5 Bartlett Farm Road, LUG-3 to CN - portion of 162 Hummock Pond Road, and LUG-2 to CN - portion of 162 Hummock Pond Road)**

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

2. By placing the following property currently located in the Residential Commercial-2 (RC-2) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
65	14	5	Bartlett Farm Road

3. By placing a portion of following property currently located in the Limited Use General-3 (LUG-3) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
65	13.3 (portion of)	162	Hummock Pond Road

4. By placing a portion of the following property currently located in the Limited Use General-2 (LUG-2) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
65	13.3 (portion of)	162	Hummock Pond 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.**

***NOTE: 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 allows for a multi-family or mixed use development in an eligible location as of right and/or by special permit.***

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

## ARTICLE 61

### (Town and Country Overlay District Change: Bartlett Farm Road and Hummock Pond Road)

To see if the Town will vote 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 properties currently located in the Country Overlay District (COD) in the Town Overlay District (TOD):

Map	Lot	Number	Street
65	14	5	Bartlett Farm Road
65	16.1 (portion of)	19	Bartlett Farm Road
82	502	23	Bartlett Farm Road
82	503	33	Bartlett Farm Road
65	16 (portion of)	39	Bartlett Farm Road
65	13.3	162	Hummock Pond 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 62

**(Zoning Map Change: R-20 to CN - 3 Toombs Court (portion of))**

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) in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
68	79	3	Toombs Court (portion of)

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

Or to take any other action related thereto.

*(Timothy F. McClure, et al)*

**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-20 (R-20) in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
68	79 (portion of)	3	Toombs Court

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

*NOTE: 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 a multi-family or mixed use development in an eligible location as of right and/or by special permit.*

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

### ARTICLE 63

**(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; 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. 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 and height 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 (ither 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.

; or otherwise act thereon.

*(Emily Molden, et al)*

*Note: new language added is shown by highlight, not bold.*

**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 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 and height 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 (ither 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.

**PLANNING BOARD COMMENT:** The Planning Board has been working collaboratively with the article sponsor and strongly supports this article, which provides additional permitting oversight, abutter notification, and requires future development to conform with the total ground cover of the underlying zoning district. This article does not alter the ability to subdivide through 41/81L and does not take away the preexisting non-conforming status of lots created though 41/ 81L prior to the adoption of this article.

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

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

## ARTICLE 64

### (Acceptance of Massachusetts General Law: Establish Tax Title Collection Revolving Fund)

To see if the Town will vote to accept the provisions of MGL Chapter 60, Section 15B which allows the Town to establish one or more tax title collection revolving funds for the Tax Collector and/or Treasurer; or to take any other action relative thereto.

*(Select Board)*

**FINANCE COMMITTEE MOTION:** Moved that the provisions of MGL Chapter 60, Section 15B are hereby accepted.

## ARTICLE 65

### (Acceptance of Massachusetts General Law: Affordable Housing Property Tax Exemption)

To see if the Town will vote to adopt the provisions of MGL Chapter 59, Section 50, effective Fiscal Year 2027, allowing the Town to enter into an Affordable Housing Property Tax Exemption Program and to act fully thereon; or to take any other action relative thereto.

*(Select Board)*

**FINANCE COMMITTEE MOTION:** Moved that the provisions of MGL Chapter 59, Section 50 are hereby accepted, effective Fiscal Year 2027.

## ARTICLE 66

### (Amendment of Declaration of Trust for Affordable Housing Trust Fund)

To see if the Town will vote to authorize the Select Board to amend the Declaration of Trust of the Town of Nantucket Affordable Housing Trust Fund dated February 8, 2010, recorded with the Nantucket County Registry of Deeds in Book 1221, Page 20, as amended by First Amendment to Declaration of Trust of Town of Nantucket Affordable Housing Trust Fund dated September 25, 2014, recorded with said Deeds in Book 1452, Page 272, as amended by Second Amendment to Declaration of Trust dated February 20, 2024, recorded with said Deeds in Book 1967, Page 293, (the "Trust"), pursuant to the authority set forth in Section 17 of said Trust, as follows:

1. Delete Section 2 of the Trust in its entirety and replace it with the following:

"The purpose of the Trust is to provide for the creation and preservation of affordable and attainable housing in the Town of Nantucket for the benefit of year-round residents. For the purposes of this Trust, "affordable housing" is defined as housing that is occupied by a low or moderate income household with incomes less than one hundred percent (100%) of the area median income as determined by the United States Department of Housing and Urban Development (HUD) adjusted for household size. For purposes of this Trust, "attainable housing" is defined as housing that meet the needs of households with incomes less than two hundred fifty percent (250%) of the area wide median income as determined by HUD, adjusted for household size."

2. Add Section 21 to the Trust as follows:

**“21. Year-Round Housing Occupancy Restrictions.**

The Trust, by and through its Board of Trustees, may acquire year-round housing occupancy restrictions to be occupied as primary residences for at least ten (10) months of the year for rental or other housing in perpetuity, provided, however, that any such year-round housing occupancy restriction held by the Trust shall be deemed to be a restriction held by a governmental body with the benefit of G.L. c. 184, § 26.”

All other provisions of the Trust shall remain the same.

Or to take any other action related thereto.

*(Select Board for Nantucket Affordable Housing Trust)*

**FINANCE COMMITTEE MOTION:** Moved that Select Board is hereby authorized to amend the Declaration of Trust of the Town of Nantucket Affordable Housing Trust Fund dated February 8, 2010, recorded with the Nantucket County Registry of Deeds in Book 1221, Page 20, as amended by First Amendment to Declaration of Trust of Town of Nantucket Affordable Housing Trust Fund dated September 25, 2014, recorded with said Deeds in Book 1452, Page 272, as amended by Second Amendment to Declaration of Trust dated February 20, 2024, recorded with said Deeds in Book 1967, Page 293, (the “Trust”), pursuant to the authority set forth in Section 17 of said Trust, as follows:

**3. Delete Section 2 of the Trust in its entirety and replace it with the following:**

**“The purpose of the Trust is to provide for the creation and preservation of affordable and attainable housing in the Town of Nantucket for the benefit of year-round residents. For the purposes of this Trust, “affordable housing” is defined as housing that is occupied by a low or moderate income household with incomes less than one hundred percent (100%) of the area median income as determined by the United States Department of Housing and Urban Development (HUD) adjusted for household size. For purposes of this Trust, “attainable housing” is defined as housing that meet the needs of households with incomes less than two hundred fifty percent (250%) of the area wide median income as determined by HUD, adjusted for household size.”**

**4. Add Section 21 to the Trust as follows:**

**“21. Year-Round Housing Occupancy Restrictions.**

**The Trust, by and through its Board of Trustees, may acquire year-round housing occupancy restrictions to be occupied as primary residences for at least ten (10) months of the year for rental or other housing in perpetuity, provided, however, that any such year-round housing occupancy restriction held by the Trust shall be deemed to be a restriction held by a governmental body with the benefit of G.L. c. 184, § 26.”**

## ARTICLE 67

### (Bylaw Amendment: Solid Waste Disposal)

To see if the Town will vote to amend Chapter 125 (Solid Waste Disposal) 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*):

#### §125-6 Violations and penalties.

All persons violating any section of this article shall be subject to the penalties set forth in Chapter 1 of the Code of the Town of Nantucket. This article may be enforced by any police officer of the Town of Nantucket. In addition, the Director of the Department of Public Works or their designee is authorized to enforce §125-4 at the Town's solid waste disposal facility, including through noncriminal disposition pursuant to MGL c. 40, §21D.

*(Select Board)*

**FINANCE COMMITTEE MOTION:** Moved that Chapter 125 (Solid Waste Disposal) 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*):

#### §125-6 Violations and penalties.

All persons violating any section of this article shall be subject to the penalties set forth in Chapter 1 of the Code of the Town of Nantucket. This article may be enforced by any police officer of the Town of Nantucket. In addition, the Director of the Department of Public Works or their designee is authorized to enforce §125-4 at the Town's solid waste disposal facility, including through noncriminal disposition pursuant to MGL c. 40, §21D.

## ARTICLE 68

### (Bylaw Amendment: Noise)

To see if the Town will vote to amend Chapter 101 (Noise) 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*):

#### §101-1 General prohibitions; exemptions; relief.

- A. **Prohibited noises.** It shall be unlawful for any person or persons to create, assist in creating, cause or suffer or allow any excessive, unnecessary, loud or unusual noise which either annoys, disturbs, injures or endangers the reasonable quiet, comfort, repose or the health or safety of others by taking any of the following actions:

[(1) - (3) unchanged]

- (4) ~~Commercial operation~~ Operating or permitting the ~~commercial~~ operation of any mechanically powered tools or equipment actually being used in ongoing building construction, building renovations, non-emergency building maintenance, or building demolition work is prohibited ~~before 7:30 a.m. and after 6:00 p.m. between the hours of 8:00 p.m. and 7:00 a.m. [7:30 a.m. between June 15 and September 15 in each year, except for in the Old Historic District (OHD) as shown on the map entitled "Core Historic Districts," dated April 9, 2019, as may be amended from time to time, where the prohibition is between the hours of 6:00 p.m. and 8:00 a.m. between and including July 1 and Labor Day]~~ Monday through Saturday, and before ~~12:00 p.m. and after 6:00 p.m.~~ 10:00 a.m. Sundays and federal holidays. The fact that the sound therefrom is plainly audible at a distance of 50 feet from its source or the property line of the building, structure, vehicle, vessel or premises in which or from which it originates shall constitute prima facie evidence of a violation of this section. Work referenced in this section shall include any work for which a building, sidewall or roof, shingle, trench, tent, plumbing, gas, or wiring permit has been issued by the Town of Nantucket and any work for which a certificate of appropriateness has been issued by the Historic District Commission.
- (5) ~~Commercial operation~~ Operating or permitting the ~~commercial~~ operation (other than as for the purposes of routine golf course maintenance) of any mechanically powered tool (such as saws, drills, sanders, grinders, nail guns) or mechanically powered lawn or garden tool, or similar device used outdoors shall be prohibited before ~~7:30 a.m. and after 6:00 p.m. between the hours of 10:00 p.m. and 7:00 a.m. [7:30 a.m. between June 15 and September 15 in each year, except for in the Old Historic District (OHD) as shown on the map entitled "Core Historic Districts," dated April 9, 2019, as may be amended from time to time, where the prohibition is between the hours of 5:00 p.m. and 8:00 a.m. between and including July 1 and Labor Day]~~ Monday through Saturday, and before ~~12:00 p.m. and after 6:00 p.m.~~ 10:00 a.m. Sundays and federal holidays. The fact that the sound is plainly audible at a distance of 50 feet from its source of the property line on which the tools are being used shall be prima facie evidence of a violation of this section.

[(6) unchanged]

*(Select Board)*

**FINANCE COMMITTEE MOTION:** Moved that Chapter 101 (Noise) 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):*

§101-1 General prohibitions; exemptions; relief.

A. Prohibited noises. It shall be unlawful for any person or persons to create, assist in creating, cause or suffer or allow any excessive, unnecessary, loud or unusual noise which either annoys, disturbs, injures or endangers the reasonable quiet, comfort, repose or the health or safety of others by taking any of the following actions:

[(1) - (3) unchanged]

(4) Commercial operation Operating or permitting the commercial operation of any mechanically powered tools or equipment actually being used in ongoing building construction, building renovations, non-emergency building maintenance, or building demolition work is prohibited before 7:30 a.m. and after 6:00 p.m. ~~between the hours of 8:00 p.m. and 7:00 a.m. [7:30 a.m. between June 15 and September 15 in each year, except for in the Old Historic District (OHD) as shown on the map entitled "Core Historic Districts," dated April 9, 2019, as may be amended from time to time, where the prohibition is between the hours of 6:00 p.m. and 8:00 a.m. between and including July 1 and Labor Day]~~ Monday through Saturday, and before 12:00 p.m. and after 6:00 p.m. ~~10:00 a.m.~~ Sundays and federal holidays. The fact that the sound therefrom is plainly audible at a distance of 50 feet from its source or the property line of the building, structure, vehicle, vessel or premises in which or from which it originates shall constitute prima facie evidence of a violation of this section. Work referenced in this section shall include any work for which a building, sidewall or roof, shingle, trench, tent, plumbing, gas, or wiring permit has been issued by the Town of Nantucket and any work for which a certificate of appropriateness has been issued by the Historic District Commission.

(5) Commercial operation Operating or permitting the commercial operation (other than as for the purposes of routine golf course maintenance) of any mechanically powered tool (such as saws, drills, sanders, grinders, nail guns) or mechanically powered lawn or garden tool, or similar device used outdoors shall be prohibited before 7:30 a.m. and after 6:00 p.m. ~~between the hours of 10:00 p.m. and 7:00 a.m. [7:30 a.m. between June 15 and September 15 in each year, except for in the Old Historic District (OHD) as shown on the map entitled "Core Historic Districts," dated April 9, 2019, as may be amended from time to time, where the prohibition is between the hours of 5:00 p.m. and 8:00 a.m. between and including July 1 and Labor Day]~~ Monday through Saturday, and before 12:00 p.m. and after 6:00 p.m. ~~10:00 a.m.~~ Sundays and federal holidays. The fact that the sound is plainly audible at a distance of 50 feet from its source of the property line

on which the tools are being used shall be prima facie evidence of a violation of this section.

## ARTICLE 69

### (Bylaw Amendment: Council for Human Services Membership)

To see if the Town will vote to amend Chapter 12 (Council for Human Services) 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*):

#### § 12-5 Contract Review Subcommittee - membership, terms, vacancies.

The Contract Review Subcommittee shall consist of seven Nantucket residents. At the beginning of each fiscal year, two members of the Contract Review Subcommittee shall be appointed by and shall be members of the Council for Human Services; one member shall be appointed by and be a member of the Finance Committee; one member shall be appointed by and ~~be a member of~~ the Nantucket Planning and Economic Development Commission. Three members shall be members of the public-at-large and shall be appointed by the Select Board. Members of the Contract Review Subcommittee who are members of the public at large shall be appointed for a term of three years. Each member of the existing Contract Review Committee serving at the time of the passage of this chapter shall take office as a member of the Contract Review Subcommittee and shall remain in office until the end of his or her term and until a successor member is duly appointed. Members of the Contract Review Subcommittee shall be in full compliance with the provisions of Massachusetts General Law Chapter 268A.

*(Select Board)*

**FINANCE COMMITTEE MOTION:** Moved that Chapter 12 (Council for Human Services) 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*):

#### § 12-5 Contract Review Subcommittee - membership, terms, vacancies.

The Contract Review Subcommittee shall consist of seven Nantucket residents. At the beginning of each fiscal year, two members of the Contract Review Subcommittee shall be appointed by and shall be members of the Council for Human Services; one member shall be appointed by and be a member of the Finance Committee; one member shall be appointed by and ~~be a member of~~ the Nantucket Planning and Economic Development Commission. Three members shall be members of the public-at-large and shall be appointed by the Select Board. Members of the Contract Review Subcommittee who are members of the public at large shall be appointed for a term of three years. Each member of the existing Contract Review Committee serving at the time of the

passage of this chapter shall take office as a member of the Contract Review Subcommittee and shall remain in office until the end of his or her term and until a successor member is duly appointed. Members of the Contract Review Subcommittee shall be in full compliance with the provisions of Massachusetts General Law Chapter 268A.

**ARTICLE 70**

**(Bylaw Amendment: Finances/Amend Purpose of 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 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
Electric Vehicle (EV) Charging Station	Electric vehicle (EV) charging station fees	Town Manager with approval of Select Board	Defrayment of maintenance/upkeep of Town-owned electric vehicle (EV) charging stations
Beach Improvement	Beach Permit Sticker sales	Town Manager with approval of Select Board	In accordance with §56-7A of Town Code, including endangered species monitor program; beach patrols/monitors; beach use education/information; coastal resilience projects
Tax Title	Statutory fees and charges collected from redemption or sale of foreclosed property	Town Manager with approval of Select Board	Eligible tax-title costs, including but not limited to legal fees, recordings, filings, title exams, legal notices.

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 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
Electric Vehicle (EV) Charging Station	Electric vehicle (EV) charging station fees	Town Manager with approval of Select Board	Defrayment of maintenance/upkeep of Town-owned electric vehicle (EV) charging stations
Beach Improvement	Beach Permit Sticker sales	Town Manager with approval of Select Board	In accordance with §56-7A of Town Code, including endangered species monitor program; beach patrols/monitors; beach use education/information; coastal resilience projects
Tax Title	Statutory fees and charges collected from redemption or sale of foreclosed property	Town Manager with approval of Select Board	Eligible tax-title costs, including but not limited to legal fees, recordings, filings, title exams, legal notices.

## ARTICLE 71

### (General Bylaw: Stormwater Management)

To see if the Town will vote to amend the Code of the Town of Nantucket by adding a new Chapter 142 (Stormwater Management) as follows:

#### Chapter 142 Stormwater Management

##### §1. Purposes.

A. The purposes of this bylaw are:

1. To establish a fair and equitable regulatory system for utilizing and maintaining the Town of Nantucket's Stormwater System;
2. To authorize the establishment of a Stormwater Utility to administer rules and regulations;
3. To authorize the regulation of stormwater and contaminated stormwater runoff to protect the Town's water bodies and groundwater, protect the Waters of the Commonwealth, and safeguard the public health, safety, welfare, and the environment.

- B. Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are major causes of:
1. Impairment of water quality;
  2. Decreased flow in lakes, ponds, streams, rivers, wetlands, and groundwater;
  3. Contamination of drinking water supplies;
  4. Erosion of stream channels;
  5. Alteration or destruction of aquatic and wildlife habitat;
  6. Flooding;
  7. Overloading or clogging of municipal catch basins, infiltration systems, and storm drainage systems; and
  8. Flooding and erosion on abutting properties.
- C. Sedimentation from land disturbance activities and polluted stormwater runoff from land development and redevelopment are major sources of water pollution and impact drinking water supplies, natural habitats, and recreational resources. Runoff with sediment clogs stormwater infiltration systems causing failure and a need for replacement. Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of the Town of Nantucket's water bodies and groundwater resources, to safeguard the health, safety, and welfare of the general public, and to protect the natural resources of the Town.
- D. The objectives of this bylaw are to:
1. Protect water resources;
  2. Ensure the control of stormwater runoff from new development, redevelopment, and in some cases, existing development;
  3. Protect groundwater and surface water from degradation or depletion;
  4. Promote infiltration and the recharge of groundwater where appropriate;
  5. Prevent pollutants and sediments from entering the municipal storm drain system;
  6. Prevent flooding and erosion to abutting properties;

7. Ensure that land disturbing activities or development incorporate practices that minimize erosion and sedimentation and downgradient impacts;
8. Ensure adequate long-term operation and maintenance of stormwater control measures;
9. Comply with applicable state and federal statutes and regulations relating to stormwater discharges; and
10. Establish the Town of Nantucket's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

## **§2. Authority.**

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act G.L. c. 43B. The Select Board may adopt, through rules and regulations authorized by this Bylaw, a Stormwater Utility pursuant to G.L. c. 83, § 16, G.L. c. 40, § 10, and G.L. c. 40, § 1A and any other applicable provisions of law.

This bylaw authorizes the Town of Nantucket to promulgate regulations applicable to land disturbing activities.

## **§3. Definitions.**

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

### **ABUTTER**

A person or entity that owns property next to or adjoining another piece of property.

### **ALTERATION OF DRAINAGE CHARACTERISTICS**

Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined or discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; or change in the recharge to groundwater on the area.

### **APPLICANT**

Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government, to the extent permitted by law, requesting a Stormwater Permit.

### **BEST MANAGEMENT PRACTICE (BMP)**

An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

**CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC)**  
A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

**CLEAN WATER ACT**

The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

**CLEARING**

Any activity that removes the vegetative surface cover, including mechanical, manual, or chemical methods.

**COMMON PLAN OF DEVELOPMENT OR SALE**

A contiguous area where multiple separate and distinct development or redevelopment activities have occurred, are occurring, or are proposed to occur under one plan. The “plan” in a “common plan of development or sale” is broadly defined as any announcement or piece of documentation (including, but not limited to, a sign, public notice or hearing, advertisement, drawing, permit application) or physical demarcation (including, but not limited to, boundary signs, lot stakes, surveyor markings).

**CONSTRUCTION PERIOD EROSION AND SEDIMENTATION CONTROL AND POLLUTION PREVENTION PLAN (CPPP)**

A document containing a narrative, drawings and details developed by a qualified professional engineer (PE), Certified Professional in Erosion and Sedimentation Control (CPESC), or equivalently certified professional, which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbing activities.

**CRITICAL AREA**

Critical areas include Outstanding Resource Waters as designated in 314 CMR 4.00, Special Resource Waters as designated in 314 CMR 4.00, recharge areas for public water supplies as defined in 310 CMR 22.02 (Zone Is, Zone IIs and Interim Wellhead Protection Areas for groundwater sources and Zone As for surface water sources), bathing beaches as defined in 105 CMR 445.000, cold-water fisheries as defined in 310 CMR 10.04 and 314 CMR 9.02, and shellfish growing areas as defined in 310 CMR 10.04 and 314 CMR 9.02.

**DISCHARGE OF POLLUTANTS**

The addition from any source of any pollutant or combination of pollutants into the Nantucket Stormwater System or into the Waters of the Commonwealth from any source.

**DOWNTOWN DISTRICT**

Inclusive of the Commercial Downtown (CDT) and the Residential Old Historic (ROH) districts.

#### ENVIRONMENTALLY SENSITIVE SITE DESIGN (ESSD)

A suite of practices using nature-based solutions to treat stormwater while reducing or eliminating structural Stormwater Control Measures needed to meet certain stormwater management standards. More specifically, ESSD means designs that incorporate Low Impact Development (LID) techniques or practices to prevent the generation of stormwater and non-point source pollution by reducing impervious surfaces, disconnecting stormwater sheet flow paths and treating stormwater at its source, maximizing open space, minimizing disturbance, protecting natural features and processes, and/or enhancing wildlife habitat.

#### ENVIRONMENTALLY SENSITIVE SITE DESIGN CREDIT (ESSD CREDIT)

A credit for the use of ESSD that counts towards compliance with the stormwater requirements.

#### EQUIVALENT RESIDENTIAL UNIT

A billing unit for stormwater runoff based on the impervious area of an average-sized residential parcel.

#### EROSION

The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, land disturbing activities or vehicle traffic and the subsequent detachment and transportation of soil particles.

#### EXISTING STORMWATER OUTFALL

Existing stormwater discharge points where no work is proposed, and where no additional stormwater runoff is directed.

#### GRADING

Changing the level or shape of the ground surface.

#### GROUNDWATER

Water beneath the surface of the ground.

#### GRUBBING

The act of clearing land surface by digging up roots and stumps.

#### HAZARDOUS MATERIAL

Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" by MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

#### ILLCIT CONNECTION

A surface or subsurface drain or conveyance which allows an illicit discharge into the Nantucket Stormwater System, including without limitation sewage, process wastewater, wash water, or groundwater, and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of these regulations.

#### ILLCIT DISCHARGE

Direct or indirect discharge to the Nantucket Stormwater System or into a watercourse or the Waters of the Commonwealth that is not composed entirely of stormwater, except as exempted in Article II. The term does not include a discharge in compliance with an NPDES stormwater discharge permit or resulting from fire-fighting activities exempted pursuant to Article II of this regulation.

#### IMPAIRED WATER

A water body that does not support one or more of its designated uses in accordance with the Clean Water Act.

#### IMPERVIOUS SURFACE

Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. Impervious Surface includes, without limitation, paved roads, paved parking lots, packed earthen materials, sidewalks, and rooftops.

#### IMPOUNDMENT

A stormwater pond created by either constructing an embankment or excavating a pit which retains a permanent pool of water.

#### IMPRACTICABLE

Impossible in practice to do or carry out based solely on physical constraints.

#### INFILTRATION

The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater surface runoff from a project site.

#### LAND-DISTURBING ACTIVITY

Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing and grading; or results in an alteration of drainage characteristics. Areas that support the land-disturbing activity such as on-site or off-site stockpiles, borrow areas, concrete truck washouts, fueling areas, and material and equipment storage areas are considered part of the land-disturbing activity.

#### LAND USE WITH HIGHER POTENTIAL POLLUTANT LOADS (LUHPPL)

Land uses identified in 310 CMR 22.20B(2), 22.20C(2)(a) through (k) and (m), 22.21(2)(a)1. through 8., and (b)1. through 6.; areas within a site that are the location of activities that are subject to an individual National Pollutant Discharge Elimination

System (NPDES) permit or the NPDES Multi-sector General Permit; auto fueling facilities (gas stations); exterior fleet storage areas; exterior vehicle service and equipment cleaning areas; marinas and boatyards; parking lots with high intensity use; confined disposal facilities and disposal sites.

#### LONG-TERM OPERATOR

A person or organization responsible for the implementation and upkeep of the Operation and Maintenance Plan for a post-construction stormwater management system.

#### LOT

A tract of land in common ownership, including land under water, not divided by a street, which may include multiple parcels of adjacent land in common ownership.

#### LOW IMPACT DEVELOPMENT (LID)

Low Impact Development refers to the application of a stormwater management system that seeks to mimic pre-development hydrology, including managing rainfall at the source using uniformly distributed decentralized micro-scale controls.

#### NANTUCKET STORMWATER SYSTEM

The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Nantucket.

#### NEW DEVELOPMENT

Land disturbing activities, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

#### NONPOINT SOURCE POLLUTION

Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and man-made pollutants finally depositing them into a water resource area.

#### NONRESIDENTIAL PROPERTY

A property that is not considered residential.

#### NONSTORMWATER DISCHARGE

Discharge to the municipal storm drain system not composed entirely of stormwater.

#### OFF-LINE DESIGN

The use of a flow separator structure in order to divert only a portion of flow to a stormwater control.

#### OPEN DRAIN

Any uncovered ditch, swale or culvert used for the conveyance of surface water runoff or groundwater. A culvert that carries a watercourse or intermittent stream is not an open drain.

#### OPERATION AND MAINTENANCE PLAN

A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of stormwater management systems to ensure that it continues to function as designed.

#### OUTFALL

Any point where a storm sewer system discharges to Waters of the Commonwealth or Waters of the United States.

#### OWNER

A person with a legal or equitable interest in property.

#### PERMANENT STABILIZATION

The state of a site being developed or redeveloped when all soil disturbing activities have been completed and a perennial, preferably native, vegetative cover with a uniform density of at least 70 percent has been established on all unpaved areas and areas not covered by permanent structures, and all slopes and channels have been permanently stabilized against erosion.

#### PERSON

An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

#### POINT SOURCE

Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

#### POLLUTANT

Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works, watercourse, or Waters of the Commonwealth. Pollutants include, but are not limited to:

- a. Oil and other automotive fluids;
- b. Nonhazardous liquid and solid wastes and yard wastes;
- c. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations and floatables;

- d. Pesticides, herbicides, and fertilizers;
- e. Hazardous materials and wastes;
- f. Sewage, fecal coliform and pathogens;
- g. Dissolved and particulate metals;
- h. Animal wastes;
- i. Rock, sand, salt, soils;
- j. Construction wastes and residues; and
- k. Noxious or offensive matter of any kind.

#### PRIVATE ROADS

A road that has not been accepted by the Town and is owned by the residents, a homeowner's association, or the original developer.

#### PROJECT SITE

Specific area of land where a development project will be built or implemented. The project site may include development conducted on either a single property or multiple properties as part of a single proposal (e.g., residential subdivision).

#### RECHARGE

The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

#### REDEVELOPMENT

Land disturbing activities, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surfaces on a previously developed site. Redevelopment which will result in a net increase in impervious area shall comply with all stormwater standards applicable to new development.

#### REQUIRED RECHARGE VOLUME

The stormwater volume that must be infiltrated to replicate pre-development groundwater recharge within a developed site per Nantucket Stormwater Standards. It is calculated based on the total post-construction impervious area on a site multiplied by a required depth of runoff which is set by the Nantucket Stormwater Standards according to project location.

#### RESIDENTIAL PROPERTY

Areas that are developed or able to be developed for the purpose of human habitation.

#### RUNOFF

Rainfall, snowmelt, or irrigation water flowing over the ground surface without infiltration.

#### SEDIMENT

An array of particles in water, such as dirt, silt, fine sand, minerals, rust and organic debris.

#### SEDIMENTATION

The process or act of deposition of sediment.

#### SITE

Any lot or parcel of land or area of property where Land-Disturbing Activities are, were, or will be performed.

#### SOIL

Mineral or organic material on the immediate surface of the Earth.

#### STORM DRAIN

A conduit or channel which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

#### STORMWATER

Runoff from precipitation or snow melt and surface water runoff and drainage.

#### STORMWATER CONTROL MEASURE (SCM)

Structural or nonstructural technique for managing stormwater to prevent or reduce point or non-point source pollutants from entering surface waters or ground waters. A Nonstructural Stormwater Control Measure includes but is not limited to source control, Environmentally Sensitive Site Design, some Low Impact Development techniques or practices, street cleaning and pollution prevention measures. A structural Stormwater Control Measure includes, but is not limited to, a basin, discharge outlet, swale, rain garden, filter, some Low Impact Development techniques or practices, or other stormwater treatment practice or measure either alone or in combination, including without limitation, any overflow pipe, conduit, weir control structure that: (a) is not naturally occurring; (b) is not designed as a wetland replication area; and (c) has been designed, constructed, and installed for the purpose of conveying, collecting, storing, discharging, recharging or treating stormwater. A Stormwater Control Measure may be a component of a Stormwater Management System.

#### STORMWATER MANAGEMENT PLAN (SWMP)

A plan required as part of the application for a Stormwater Permit.

#### STORMWATER MANAGEMENT SYSTEM

Stormwater Management System means a physical system and infrastructure for conveying, collecting, storing, discharging, recharging or treating stormwater (and only stormwater) on-site including Stormwater Control Measures and any pipes and outlets

intended to transport, reduce pollutants, and discharge stormwater to ground water or surface water.

#### STORMWATER PERMIT (SWP)

A permit issued by the Stormwater Utility pursuant to this bylaw prior to commencement of Land Disturbing Activity, the addition or replacement of impervious surface, or a new connection to the Nantucket Stormwater System.

#### STORMWATER UTILITY

The entity established by the Select Board to administer, implement and enforce the Town of Nantucket's Stormwater Regulations and to administer the Stormwater Enterprise Fund.

#### TEMPORARY STABILIZATION

The application of vegetation or non-erodible materials to disturbed or exposed soils for erosion protection during active construction and when construction activity has temporarily ceased.

#### TOTAL SUSPENDS SOLIDS or TSS

Undissolved organic or inorganic particles in water.

#### TOWN

The Town of Nantucket.

#### VERNAL POOLS

Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

#### WATERCOURSE

A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

#### WATER QUALITY VOLUME (WQV)

The stormwater runoff volume requiring treatment to reduce defined stormwater pollutants to prescribed treatment levels per Nantucket Stormwater Standards according to project location.

#### WATERS OF THE COMMONWEALTH

All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwater, and Waters of the United States as defined under the Federal Clean Water Act as hereafter amended.

#### WETLANDS

Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and

streams), brackish and salt marshes; common names include marshes, swamps and bogs.

**§4. Applicability.**

- A. A Stormwater Permit shall be required for all construction and/or land disturbing activities that individually or as part of a Common Plan of Development or Sale result in land disturbing activities in excess of the thresholds outlined in the regulations promulgated hereunder.
- B. A Stormwater Permit is not required for emergency repairs or routine maintenance to roads or their drainage systems which are performed to maintain the original line and grade, hydraulic capacity or the original purpose of the stormwater system.
- C. Land disturbing activities that are exempt are:
  - 1. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulations 310 CMR 10.04 and G.L. c. 40A, Section 3;
  - 2. Ground disturbances in the course of customary cemetery use and regular maintenance;
  - 3. Maintenance of existing landscaping, gardens, or lawn areas associated with a single-family dwelling provided such maintenance does not include the addition of more than 100 cubic yards of soil or other material, or alteration of drainage patterns;
  - 4. The construction of fencing that will not alter existing terrain or drainage patterns;
  - 5. Normal maintenance of Town owned land, ways, and appurtenances;
  - 6. Construction or repair or maintenance of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter drainage pattern, including an individual subsurface septic disposal system, and related elements such as pipes, etc. provided that the post-repair drainage is equal to the pre-repair drainage;
  - 7. Any land disturbing activities authorized under approvals and/or permits issued before the effective date of this bylaw;
  - 8. Maintenance or resurfacing of any public way;
  - 9. The Town of Nantucket Department of Public Works ice and snow control operations; and

10. Emergency repairs to any stormwater management system or feature that poses a threat to public health or safety, or as deemed necessary by the Stormwater Utility.

- D. All activities are subject to all existing provisions of the Town of Nantucket's bylaws and regulations. Where any provision of this bylaw imposes restrictions different from those imposed by any other bylaw, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall take precedence.
- E. No activities which require a Stormwater Permit may commence until a Stormwater Permit is issued, regardless of whether other local permits have been received.
- F. Development that drains directly to Waters of the Commonwealth within the limits of the Town of Nantucket is subject to the jurisdiction of the Wetlands Protection Act, which is administered by the Nantucket Conservation Commission.

**§5. Stormwater Utility.**

- A. The Select Board may authorize the formation of a Stormwater Utility to administer, implement and enforce rules and regulations promulgated hereunder. Any powers granted to the Stormwater Utility or duties therein may be delegated in writing by the Stormwater Utility to employees or agents of the Planning Board, Board of Health, Conservation Commission, and/or other Town Departments.
- B. The Stormwater Utility shall have the authority to issue Stormwater Permits as applicable according to Section 4.
- C. The Stormwater Utility shall have the authority, at its discretion, to maintain all stormwater control measures and stormwater drainage systems within the public road right-of-way, within permanent stormwater easements, within publicly owned lands, and within private roads if necessary easements are granted.
- D. All stormwater drainage systems, including open channels, that convey water solely from the property on which they are contained shall be maintained by the property owner.
- E. The Stormwater Utility shall not be responsible for improvements to the stormwater system for private roads except through private road betterments process as stated in Chapter 127 Art VIII of the Town Bylaws. The cost of improvements to the stormwater management system for private roads shall not be funded by the Stormwater Enterprise Fund and shall be borne by the landowners abutting such private ways. All improvements to stormwater systems and drainage on private roads shall be done in accordance with the Town requirements for temporary and permanent repairs on private roads.

- F. The Town hereby establishes a charge for the use of the stormwater management services of the Town to be known as the “Stormwater Utility Fee.” Stormwater Management shall be funded by revenue collected through the Stormwater Utility Fee and other funds as may, from time to time, be appropriated or obtained through grants or low interest loans. The Stormwater Utility Fee shall be imposed on all parcels within the Town.
- G. The Stormwater Utility Fee shall be billed periodically to the record title owner of the property. The Stormwater Utility shall develop and, from time to time, update the Stormwater Utility Fee after consideration of total Stormwater management costs.
- H. Receipts generated from the Stormwater Utility Fee shall be deposited in a Stormwater Enterprise Fund which is hereby established in accordance with the authority granted by G.L. c.44, §53F1/2.
- I. The funds deposited into the Stormwater Enterprise Fund shall be used to fund:
1. Operation and maintenance of the Town’s stormwater system;
  2. Administrative and implementation costs associated with managing the Town’s stormwater system, including the Stormwater Utility Fee;
  3. Water quality monitoring and water quality programs;
  4. Repair, replacement or expansion of the Town’s stormwater system, including design and construction;
  5. Public education and outreach programs relevant to stormwater;
  6. Public participation and involvement programs relevant to stormwater;
  7. Illicit discharge detection and elimination programs, including, but not limited to, mapping and sampling of the drainage system;
  8. Construction and post-construction site runoff control programs, including assistance with comprehensive construction and post-construction site inspections, as well as long-term inspection of stormwater control measures as needed;
  9. Pollution Prevention/Good Housekeeping activities including, but not limited to, catch basin cleaning and street sweeping;
  10. Inspection and enforcement activities; and
  11. Other activities, which are reasonably necessary, including costs related to regulatory compliance.

- J. Failure of the Town to send a bill for the Stormwater Utility Fee shall not relieve the property owner of record from the obligation to pay the fee. If a property is unbilled, or if no bill is sent for a particular parcel of land, the Town may back bill for the fees as applicable for a period not to exceed one year of charges, but no late fees or delinquency charges of any kind shall be charged or recovered from any property owner so back billed.
- K. Stormwater utility bills shall be managed by the Stormwater Utility for collection. The Treasurer shall keep records of all paid and unpaid stormwater utility bills and maintain financial records for the utility. If a Stormwater Utility bill is not paid in full by the thirtieth (30th) day from the date the bill is mailed, interest at the statutory rate shall accrue on any unpaid balance. Interest shall accrue from the date of the mailing of the bill. At any time after interest begins to accrue on an unpaid account, the Treasurer may serve the assessed party a statement of the amount due, including interest, with a demand for payment.
- L. In the event that a property owner believes the Stormwater Utility Fee is improperly calculated or is otherwise incorrect, the property owner may, within thirty (30) days from the date of issuance of the Stormwater Utility bill, and after payment of the bill in full, apply to the Stormwater Utility for an abatement. The Stormwater Utility shall issue a written decision on the abatement request within 30 days. The property owner shall have the right to appeal the Stormwater Utility's abatement decision to the Select Board within 30 days of receipt of the Stormwater Utility's decision. The Select Board shall review the owner's appeal within 60 days of receipt of the appeal and shall issue a decision affirming, reversing or altering the Stormwater Utility's decision within 90 days of receipt of the owner's appeal unless a later date is agreed to in writing by the applicant. The Select Board's decision shall be final and any appeal shall be to a court of competent jurisdiction.

**§6. Administration.**

- A. The Stormwater Utility shall be the permit granting authority for the issuance of Stormwater Permits and shall administer, implement, and enforce this bylaw. Any powers granted to, or duties imposed upon the Nantucket Stormwater Utility may be delegated in writing to any other Town employees or agents.
- B. Stormwater Permit procedures and submission requirements shall be defined and included as part of the Stormwater Rules and Regulations.
- C. Stormwater Rules and Regulations. The Town of Nantucket may adopt, and may periodically amend, rules and regulations relating to the procedures and administration of this bylaw. The Regulations shall be adopted by majority vote of the Select Board after conducting a public hearing.

- D. Waivers. The Nantucket Stormwater Utility may in its discretion and after due consideration decide to waive and exempt strict compliance with any requirement of the Town of Nantucket Stormwater Bylaw or the Rules and Regulations promulgated hereunder, where it makes a written finding that such action is: 1. Allowed by federal, state, or local statutes and/or regulations; 2. In the public interest; and 3. Consistent with the purpose and intent of the Town of Nantucket Stormwater Bylaw and its Rules and Regulations.

**§7. Enforcement.**

- A. The Stormwater Utility shall enforce this bylaw and related regulations, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.

B. Orders

1. The Stormwater Utility or an authorized agent of the Stormwater Utility may issue a written order to enforce the provisions of this Bylaw or the regulations thereunder, which may include requirements to:
  - a. Cease and desist from construction, disturbance of land, or unlawful discharges, practices, or operations until there is compliance with the bylaw and regulations of the Stormwater Utility.
  - b. Eliminate illicit connections or discharges to the Nantucket Stormwater System.
  - c. Repair, maintain, replace or install additional erosion and sediment control measures.
  - d. Repair, maintain, or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan.
  - e. Monitor, analyze, and report.
  - f. Remediate erosion and sedimentation resulting directly or indirectly from the land disturbing activity.
  - g. Abate or remediate adverse impacts that result directly or indirectly from malfunction of the stormwater management system including any contamination in connection therewith. The plan for remediation and/or abatement must be submitted to the Stormwater Utility for approval; and/or
  - h. Complete any abatement or remediation by a deadline established by the Stormwater Utility.

2. If the Stormwater Utility determines that abatement or remediation of erosion, sedimentation, and/or adverse impacts is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Nantucket may, at its option, with the approval of a court of competent jurisdiction, undertake such work, and the property owner shall reimburse the Town's expenses.
  3. The Stormwater Utility must approve the abatement or remediation measures by violators prior to their implementation in writing.
  4. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Nantucket, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Nantucket Select Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Nantucket Select Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at a statutory rate, as provided in G.L. c. 59, §57, after the thirty-first day following the day on which the costs were due.
- C. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Nantucket may elect to utilize the non-criminal disposition procedure set forth in G.L. c. 40, §21D. The penalty for all violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D. Civil Penalties. The Stormwater Utility and/or its duly authorized representative may assess and enforce civil penalties for violations as set forth in the regulations promulgated hereunder.
- E. Appeals. The property owner or its designee may appeal the notice of violation or the enforcement order to the Select Board within five (5) calendar days of receipt of the written notice of violation or enforcement order. Failure to appeal within five (5) calendar days shall render the order final. The Select Board shall review any such appeal during a public meeting and shall issue a decision either affirming, modifying or overturning the order or violation notice within sixty (60) days of receipt of an appeal or such later date as agreed to by the applicant in writing. Further appeal shall be to a court of competent jurisdiction.

- F. Remedies Not Exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

**§8. Access Permission.**

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Nantucket Stormwater Utility and its agents, officers, and employees may request entry upon privately owned property for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys, or sampling as the Nantucket Stormwater Utility deems reasonably necessary to determine compliance with the permit. Denial of entry onto privately-owned property may constitute violation of the Stormwater Permit and/or cause for enforcement.

**§9. Surety.**

The Stormwater Utility may require the permittee to post a surety bond, irrevocable letter of credit, cash, or other acceptable security before the start of land disturbance or construction activity. The form of the bond shall be approved by Select Board at an amount deemed sufficient by the Stormwater Utility to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Utility may release part of the bond as each phase is completed in compliance with the permit, but the bond may not be fully released until the Stormwater Utility has received the final report outlined in the Stormwater Rules and Regulations and issue a certificate of completion. If the permittee defaults on any obligations imposed by the Stormwater Permit, the Stormwater Utility may, after notification of the permittee, inform the holder of the security of the default, in which event the Town shall be entitled to the security funds.

**§10. Severability.**

If any provision, paragraph, sentence, or clause of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

*(Select Board)*

**FINANCE COMMITTEE MOTION: Moved that the Code of the Town of Nantucket is hereby amended by adding a new Chapter 142 (Stormwater Management) as follows:**

**Chapter 142  
Stormwater Management**

**§1. Purposes.**

**A. The purposes of this bylaw are:**

- 1. To establish a fair and equitable regulatory system for utilizing and maintaining the Town of Nantucket's Stormwater System;**

2. To authorize the establishment of a Stormwater Utility to administer rules and regulations;
  3. To authorize the regulation of stormwater and contaminated stormwater runoff to protect the Town's water bodies and groundwater, protect the Waters of the Commonwealth, and safeguard the public health, safety, welfare, and the environment.
- B. Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are major causes of:**
1. Impairment of water quality;
  2. Decreased flow in lakes, ponds, streams, rivers, wetlands, and groundwater;
  3. Contamination of drinking water supplies;
  4. Erosion of stream channels;
  5. Alteration or destruction of aquatic and wildlife habitat;
  6. Flooding;
  7. Overloading or clogging of municipal catch basins, infiltration systems, and storm drainage systems; and
  8. Flooding and erosion on abutting properties.
- C. Sedimentation from land disturbance activities and polluted stormwater runoff from land development and redevelopment are major sources of water pollution and impact drinking water supplies, natural habitats, and recreational resources. Runoff with sediment clogs stormwater infiltration systems causing failure and a need for replacement. Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of the Town of Nantucket's water bodies and groundwater resources, to safeguard the health, safety, and welfare of the general public, and to protect the natural resources of the Town.**
- D. The objectives of this bylaw are to:**
1. Protect water resources;
  2. Ensure the control of stormwater runoff from new development, redevelopment, and in some cases, existing development;
  3. Protect groundwater and surface water from degradation or depletion;

4. Promote infiltration and the recharge of groundwater where appropriate;
5. Prevent pollutants and sediments from entering the municipal storm drain system;
6. Prevent flooding and erosion to abutting properties;
7. Ensure that land disturbing activities or development incorporate practices that minimize erosion and sedimentation and downgradient impacts;
8. Ensure adequate long-term operation and maintenance of stormwater control measures;
9. Comply with applicable state and federal statutes and regulations relating to stormwater discharges; and
10. Establish the Town of Nantucket's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

## **§2. Authority.**

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act G.L. c. 43B. The Select Board may adopt, through rules and regulations authorized by this Bylaw, a Stormwater Utility pursuant to G.L. c. 83, § 16, G.L. c. 40, § 10, and G.L. c. 40, § 1A and any other applicable provisions of law.

This bylaw authorizes the Town of Nantucket to promulgate regulations applicable to land disturbing activities.

## **§3. Definitions.**

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

### **ABUTTER**

A person or entity that owns property next to or adjoining another piece of property.

### **ALTERATION OF DRAINAGE CHARACTERISTICS**

Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined or discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; or change in the recharge to groundwater on the area.

## **APPLICANT**

Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government, to the extent permitted by law, requesting a Stormwater Permit.

## **BEST MANAGEMENT PRACTICE (BMP)**

An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

## **CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC)**

A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

## **CLEAN WATER ACT**

The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

## **CLEARING**

Any activity that removes the vegetative surface cover, including mechanical, manual, or chemical methods.

## **COMMON PLAN OF DEVELOPMENT OR SALE**

A contiguous area where multiple separate and distinct development or redevelopment activities have occurred, are occurring, or are proposed to occur under one plan. The “plan” in a “common plan of development or sale” is broadly defined as any announcement or piece of documentation (including, but not limited to, a sign, public notice or hearing, advertisement, drawing, permit application) or physical demarcation (including, but not limited to, boundary signs, lot stakes, surveyor markings).

## **CONSTRUCTION PERIOD EROSION AND SEDIMENTATION CONTROL AND POLLUTION PREVENTION PLAN (CPPP)**

A document containing a narrative, drawings and details developed by a qualified professional engineer (PE), Certified Professional in Erosion and Sedimentation Control (CPESC), or equivalently certified professional, which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbing activities.

## **CRITICAL AREA**

Critical areas include Outstanding Resource Waters as designated in 314 CMR 4.00, Special Resource Waters as designated in 314 CMR 4.00, recharge areas for public water supplies as defined in 310 CMR 22.02 (Zone Is, Zone IIs and Interim Wellhead Protection Areas for groundwater sources and Zone As for surface water sources), bathing beaches as defined in 105 CMR 445.000, cold-water fisheries as defined in 310 CMR 10.04 and 314 CMR 9.02, and shellfish growing areas as defined in 310 CMR 10.04 and 314 CMR 9.02.

## **DISCHARGE OF POLLUTANTS**

The addition from any source of any pollutant or combination of pollutants into the Nantucket Stormwater System or into the Waters of the Commonwealth from any source.

## **DOWNTOWN DISTRICT**

Inclusive of the Commercial Downtown (CDT) and the Residential Old Historic (ROH) districts.

## **ENVIRONMENTALLY SENSITIVE SITE DESIGN (ESSD)**

A suite of practices using nature-based solutions to treat stormwater while reducing or eliminating structural Stormwater Control Measures needed to meet certain stormwater management standards. More specifically, ESSD means designs that incorporate Low Impact Development (LID) techniques or practices to prevent the generation of stormwater and non-point source pollution by reducing impervious surfaces, disconnecting stormwater sheet flow paths and treating stormwater at its source, maximizing open space, minimizing disturbance, protecting natural features and processes, and/or enhancing wildlife habitat.

## **ENVIRONMENTALLY SENSITIVE SITE DESIGN CREDIT (ESSD CREDIT)**

A credit for the use of ESSD that counts towards compliance with the stormwater requirements.

## **EQUIVALENT RESIDENTIAL UNIT**

A billing unit for stormwater runoff based on the impervious area of an average-sized residential parcel.

## **EROSION**

The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, land disturbing activities or vehicle traffic and the subsequent detachment and transportation of soil particles.

## **EXISTING STORMWATER OUTFALL**

Existing stormwater discharge points where no work is proposed, and where no additional stormwater runoff is directed.

## **GRADING**

Changing the level or shape of the ground surface.

## **GROUNDWATER**

Water beneath the surface of the ground.

## **GRUBBING**

The act of clearing land surface by digging up roots and stumps.

## **HAZARDOUS MATERIAL**

Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" by MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

## **ILLICIT CONNECTION**

A surface or subsurface drain or conveyance which allows an illicit discharge into the Nantucket Stormwater System, including without limitation sewage, process wastewater, wash water, or groundwater, and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of these regulations.

## **ILLICIT DISCHARGE**

Direct or indirect discharge to the Nantucket Stormwater System or into a watercourse or the Waters of the Commonwealth that is not composed entirely of stormwater, except as exempted in Article II. The term does not include a discharge in compliance with an NPDES stormwater discharge permit or resulting from fire-fighting activities exempted pursuant to Article II of this regulation.

## **IMPAIRED WATER**

A water body that does not support one or more of its designated uses in accordance with the Clean Water Act.

## **IMPERVIOUS SURFACE**

Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. Impervious Surface includes, without limitation, paved roads, paved parking lots, packed earthen materials, sidewalks, and rooftops.

## **IMPOUNDMENT**

A stormwater pond created by either constructing an embankment or excavating a pit which retains a permanent pool of water.

## **IMPRACTICABLE**

Impossible in practice to do or carry out based solely on physical constraints.

## **INFILTRATION**

The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater surface runoff from a project site.

## **LAND-DISTURBING ACTIVITY**

Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably

changes the ability of a ground surface to absorb waters; involves clearing and grading; or results in an alteration of drainage characteristics. Areas that support the land-disturbing activity such as on-site or off-site stockpiles, borrow areas, concrete truck washouts, fueling areas, and material and equipment storage areas are considered part of the land-disturbing activity.

#### **LAND USE WITH HIGHER POTENTIAL POLLUTANT LOADS (LUHPPL)**

Land uses identified in 310 CMR 22.20B(2), 22.20C(2)(a) through (k) and (m), 22.21(2)(a)1. through 8., and (b)1. through 6.; areas within a site that are the location of activities that are subject to an individual National Pollutant Discharge Elimination System (NPDES) permit or the NPDES Multi-sector General Permit; auto fueling facilities (gas stations); exterior fleet storage areas; exterior vehicle service and equipment cleaning areas; marinas and boatyards; parking lots with high intensity use; confined disposal facilities and disposal sites.

#### **LONG-TERM OPERATOR**

A person or organization responsible for the implementation and upkeep of the Operation and Maintenance Plan for a post-construction stormwater management system.

#### **LOT**

A tract of land in common ownership, including land under water, not divided by a street, which may include multiple parcels of adjacent land in common ownership.

#### **LOW IMPACT DEVELOPMENT (LID)**

Low Impact Development refers to the application of a stormwater management system that seeks to mimic pre-development hydrology, including managing rainfall at the source using uniformly distributed decentralized micro-scale controls.

#### **NANTUCKET STORMWATER SYSTEM**

The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Nantucket.

#### **NEW DEVELOPMENT**

Land disturbing activities, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

#### **NONPOINT SOURCE POLLUTION**

Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and man-made pollutants finally depositing them into a water resource area.

#### **NONRESIDENTIAL PROPERTY**

A property that is not considered residential.

#### **NONSTORMWATER DISCHARGE**

Discharge to the municipal storm drain system not composed entirely of stormwater.

#### **OFF-LINE DESIGN**

The use of a flow separator structure in order to divert only a portion of flow to a stormwater control.

#### **OPEN DRAIN**

Any uncovered ditch, swale or culvert used for the conveyance of surface water runoff or groundwater. A culvert that carries a watercourse or intermittent stream is not an open drain.

#### **OPERATION AND MAINTENANCE PLAN**

A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of stormwater management systems to ensure that it continues to function as designed.

#### **OUTFALL**

Any point where a storm sewer system discharges to Waters of the Commonwealth or Waters of the United States.

#### **OWNER**

A person with a legal or equitable interest in property.

#### **PERMANENT STABILIZATION**

The state of a site being developed or redeveloped when all soil disturbing activities have been completed and a perennial, preferably native, vegetative cover with a uniform density of at least 70 percent has been established on all unpaved areas and areas not covered by permanent structures, and all slopes and channels have been permanently stabilized against erosion.

#### **PERSON**

An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

#### **POINT SOURCE**

Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

## **POLLUTANT**

Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works, watercourse, or Waters of the Commonwealth. Pollutants include, but are not limited to:

- a. Oil and other automotive fluids;
- b. Nonhazardous liquid and solid wastes and yard wastes;
- c. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations and floatables;
- d. Pesticides, herbicides, and fertilizers;
- e. Hazardous materials and wastes;
- f. Sewage, fecal coliform and pathogens;
- g. Dissolved and particulate metals;
- h. Animal wastes;
- i. Rock, sand, salt, soils;
- j. Construction wastes and residues; and
- k. Noxious or offensive matter of any kind.

## **PRIVATE ROADS**

A road that has not been accepted by the Town and is owned by the residents, a homeowner's association, or the original developer.

## **PROJECT SITE**

Specific area of land where a development project will be built or implemented. The project site may include development conducted on either a single property or multiple properties as part of a single proposal (e.g., residential subdivision).

## **RECHARGE**

The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

## **REDEVELOPMENT**

Land disturbing activities, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surfaces on a previously developed site. Redevelopment which will result in a net increase in impervious area shall comply with all stormwater standards applicable to new development.

#### **REQUIRED RECHARGE VOLUME**

The stormwater volume that must be infiltrated to replicate pre-development groundwater recharge within a developed site per Nantucket Stormwater Standards. It is calculated based on the total post-construction impervious area on a site multiplied by a required depth of runoff which is set by the Nantucket Stormwater Standards according to project location.

#### **RESIDENTIAL PROPERTY**

Areas that are developed or able to be developed for the purpose of human habitation.

#### **RUNOFF**

Rainfall, snowmelt, or irrigation water flowing over the ground surface without infiltration.

#### **SEDIMENT**

An array of particles in water, such as dirt, silt, fine sand, minerals, rust and organic debris.

#### **SEDIMENTATION**

The process or act of deposition of sediment.

#### **SITE**

Any lot or parcel of land or area of property where Land-Disturbing Activities are, were, or will be performed.

#### **SOIL**

Mineral or organic material on the immediate surface of the Earth.

#### **STORM DRAIN**

A conduit or channel which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

#### **STORMWATER**

Runoff from precipitation or snow melt and surface water runoff and drainage.

#### **STORMWATER CONTROL MEASURE (SCM)**

Structural or nonstructural technique for managing stormwater to prevent or reduce point or non-point source pollutants from entering surface waters or ground waters. A Nonstructural Stormwater Control Measure includes but is not limited to source control, Environmentally Sensitive Site Design, some Low Impact Development techniques or practices, street cleaning and pollution prevention measures. A structural Stormwater Control Measure includes, but is not limited to, a basin, discharge outlet, swale, rain garden, filter, some Low Impact Development techniques or practices, or other stormwater treatment practice or measure either alone or in combination, including without limitation, any overflow pipe, conduit, weir control structure that: (a) is not naturally occurring; (b) is not designed as a wetland replication area; and (c) has been designed, constructed, and installed for the purpose of conveying, collecting, storing,

discharging, recharging or treating stormwater. A Stormwater Control Measure may be a component of a Stormwater Management System.

#### **STORMWATER MANAGEMENT PLAN (SWMP)**

A plan required as part of the application for a Stormwater Permit.

#### **STORMWATER MANAGEMENT SYSTEM**

Stormwater Management System means a physical system and infrastructure for conveying, collecting, storing, discharging, recharging or treating stormwater (and only stormwater) on-site including Stormwater Control Measures and any pipes and outlets intended to transport, reduce pollutants, and discharge stormwater to ground water or surface water.

#### **STORMWATER PERMIT (SWP)**

A permit issued by the Stormwater Utility pursuant to this bylaw prior to commencement of Land Disturbing Activity, the addition or replacement of impervious surface, or a new connection to the Nantucket Stormwater System.

#### **STORMWATER UTILITY**

The entity established by the Select Board to administer, implement and enforce the Town of Nantucket's Stormwater Regulations and to administer the Stormwater Enterprise Fund.

#### **TEMPORARY STABILIZATION**

The application of vegetation or non-erodible materials to disturbed or exposed soils for erosion protection during active construction and when construction activity has temporarily ceased.

#### **TOTAL SUSPENDED SOLIDS or TSS**

Undissolved organic or inorganic particles in water.

#### **TOWN**

The Town of Nantucket.

#### **VERNAL POOLS**

Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

#### **WATERCOURSE**

A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

#### **WATER QUALITY VOLUME (WQV)**

The stormwater runoff volume requiring treatment to reduce defined stormwater pollutants to prescribed treatment levels per Nantucket Stormwater Standards according to project location.

## **WATERS OF THE COMMONWEALTH**

All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwater, and Waters of the United States as defined under the Federal Clean Water Act as hereafter amended.

## **WETLANDS**

Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

### **§4. Applicability.**

- A. A Stormwater Permit shall be required for all construction and/or land disturbing activities that individually or as part of a Common Plan of Development or Sale result in land disturbing activities in excess of the thresholds outlined in the regulations promulgated hereunder.**
- B. A Stormwater Permit is not required for emergency repairs or routine maintenance to roads or their drainage systems which are performed to maintain the original line and grade, hydraulic capacity or the original purpose of the stormwater system.**
- C. Land disturbing activities that are exempt are:**
  - 1. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulations 310 CMR 10.04 and G.L. c. 40A, Section 3;**
  - 2. Ground disturbances in the course of customary cemetery use and regular maintenance;**
  - 3. Maintenance of existing landscaping, gardens, or lawn areas associated with a single-family dwelling provided such maintenance does not include the addition of more than 100 cubic yards of soil or other material, or alteration of drainage patterns;**
  - 4. The construction of fencing that will not alter existing terrain or drainage patterns;**
  - 5. Normal maintenance of Town owned land, ways, and appurtenances;**
  - 6. Construction or repair or maintenance of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter drainage pattern, including an individual subsurface septic disposal system, and related elements such**

as pipes, etc. provided that the post-repair drainage is equal to the pre-repair drainage;

7. Any land disturbing activities authorized under approvals and/or permits issued before the effective date of this bylaw;
  8. Maintenance or resurfacing of any public way;
  9. The Town of Nantucket Department of Public Works ice and snow control operations; and
  10. Emergency repairs to any stormwater management system or feature that poses a threat to public health or safety, or as deemed necessary by the Stormwater Utility.
- D. All activities are subject to all existing provisions of the Town of Nantucket's bylaws and regulations. Where any provision of this bylaw imposes restrictions different from those imposed by any other bylaw, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall take precedence.
- E. No activities which require a Stormwater Permit may commence until a Stormwater Permit is issued, regardless of whether other local permits have been received.
- F. Development that drains directly to Waters of the Commonwealth within the limits of the Town of Nantucket is subject to the jurisdiction of the Wetlands Protection Act, which is administered by the Nantucket Conservation Commission.
- §5. Stormwater Utility.
- A. The Select Board may authorize the formation of a Stormwater Utility to administer, implement and enforce rules and regulations promulgated hereunder. Any powers granted to the Stormwater Utility or duties therein may be delegated in writing by the Stormwater Utility to employees or agents of the Planning Board, Board of Health, Conservation Commission, and/or other Town Departments.
  - B. The Stormwater Utility shall have the authority to issue Stormwater Permits as applicable according to Section 4.
  - C. The Stormwater Utility shall have the authority, at its discretion, to maintain all stormwater control measures and stormwater drainage systems within the public road right-of-way, within permanent stormwater easements, within publicly owned lands, and within private roads if necessary easements are granted.

- D. All stormwater drainage systems, including open channels, that convey water solely from the property on which they are contained shall be maintained by the property owner.
- E. The Stormwater Utility shall not be responsible for improvements to the stormwater system for private roads except through private road betterments process as stated in Chapter 127 Art VIII of the Town Bylaws. The cost of improvements to the stormwater management system for private roads shall not be funded by the Stormwater Enterprise Fund and shall be borne by the landowners abutting such private ways. All improvements to stormwater systems and drainage on private roads shall be done in accordance with the Town requirements for temporary and permanent repairs on private roads.
- F. The Town hereby establishes a charge for the use of the stormwater management services of the Town to be known as the "Stormwater Utility Fee." Stormwater Management shall be funded by revenue collected through the Stormwater Utility Fee and other funds as may, from time to time, be appropriated or obtained through grants or low interest loans. The Stormwater Utility Fee shall be imposed on all parcels within the Town.
- G. The Stormwater Utility Fee shall be billed periodically to the record title owner of the property. The Stormwater Utility shall develop and, from time to time, update the Stormwater Utility Fee after consideration of total Stormwater management costs.
- H. Receipts generated from the Stormwater Utility Fee shall be deposited in a Stormwater Enterprise Fund which is hereby established in accordance with the authority granted by G.L. c.44, §53F1/2.
- I. The funds deposited into the Stormwater Enterprise Fund shall be used to fund:
1. Operation and maintenance of the Town's stormwater system;
  2. Administrative and implementation costs associated with managing the Town's stormwater system, including the Stormwater Utility Fee;
  3. Water quality monitoring and water quality programs;
  4. Repair, replacement or expansion of the Town's stormwater system, including design and construction;
  5. Public education and outreach programs relevant to stormwater;
  6. Public participation and involvement programs relevant to stormwater;
  7. Illicit discharge detection and elimination programs, including, but not limited to, mapping and sampling of the drainage system;

8. Construction and post-construction site runoff control programs, including assistance with comprehensive construction and post-construction site inspections, as well as long-term inspection of stormwater control measures as needed;
  9. Pollution Prevention/Good Housekeeping activities including, but not limited to, catch basin cleaning and street sweeping;
  10. Inspection and enforcement activities; and
  11. Other activities, which are reasonably necessary, including costs related to regulatory compliance.
- J. Failure of the Town to send a bill for the Stormwater Utility Fee shall not relieve the property owner of record from the obligation to pay the fee. If a property is unbilled, or if no bill is sent for a particular parcel of land, the Town may back bill for the fees as applicable for a period not to exceed one year of charges, but no late fees or delinquency charges of any kind shall be charged or recovered from any property owner so back billed.
- K. Stormwater utility bills shall be managed by the Stormwater Utility for collection. The Treasurer shall keep records of all paid and unpaid stormwater utility bills and maintain financial records for the utility. If a Stormwater Utility bill is not paid in full by the thirtieth (30th) day from the date the bill is mailed, interest at the statutory rate shall accrue on any unpaid balance. Interest shall accrue from the date of the mailing of the bill. At any time after interest begins to accrue on an unpaid account, the Treasurer may serve the assessed party a statement of the amount due, including interest, with a demand for payment.
- L. In the event that a property owner believes the Stormwater Utility Fee is improperly calculated or is otherwise incorrect, the property owner may, within thirty (30) days from the date of issuance of the Stormwater Utility bill, and after payment of the bill in full, apply to the Stormwater Utility for an abatement. The Stormwater Utility shall issue a written decision on the abatement request within 30 days. The property owner shall have the right to appeal the Stormwater Utility's abatement decision to the Select Board within 30 days of receipt of the Stormwater Utility's decision. The Select Board shall review the owner's appeal within 60 days of receipt of the appeal and shall issue a decision affirming, reversing or altering the Stormwater Utility's decision within 90 days of receipt of the owner's appeal unless a later date is agreed to in writing by the applicant. The Select Board's decision shall be final and any appeal shall be to a court of competent jurisdiction.

**§6. Administration.**

- A. The Stormwater Utility shall be the permit granting authority for the issuance of Stormwater Permits and shall administer, implement, and enforce this bylaw. Any powers granted to, or duties imposed upon the Nantucket Stormwater Utility may be delegated in writing to any other Town employees or agents.
- B. Stormwater Permit procedures and submission requirements shall be defined and included as part of the Stormwater Rules and Regulations.
- C. Stormwater Rules and Regulations. The Town of Nantucket may adopt, and may periodically amend, rules and regulations relating to the procedures and administration of this bylaw. The Regulations shall be adopted by majority vote of the Select Board after conducting a public hearing.
- D. Waivers. The Nantucket Stormwater Utility may in its discretion and after due consideration decide to waive and exempt strict compliance with any requirement of the Town of Nantucket Stormwater Bylaw or the Rules and Regulations promulgated hereunder, where it makes a written finding that such action is: 1. Allowed by federal, state, or local statutes and/or regulations; 2. In the public interest; and 3. Consistent with the purpose and intent of the Town of Nantucket Stormwater Bylaw and its Rules and Regulations.

**§7. Enforcement.**

- A. The Stormwater Utility shall enforce this bylaw and related regulations, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.
- B. Orders
  - 1. The Stormwater Utility or an authorized agent of the Stormwater Utility may issue a written order to enforce the provisions of this Bylaw or the regulations thereunder, which may include requirements to:
    - a. Cease and desist from construction, disturbance of land, or unlawful discharges, practices, or operations until there is compliance with the bylaw and regulations of the Stormwater Utility.
    - b. Eliminate illicit connections or discharges to the Nantucket Stormwater System.
    - c. Repair, maintain, replace or install additional erosion and sediment control measures.
    - d. Repair, maintain, or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan.
    - e. Monitor, analyze, and report.



- D. **Civil Penalties.** The Stormwater Utility and/or its duly authorized representative may assess and enforce civil penalties for violations as set forth in the regulations promulgated hereunder.
- E. **Appeals.** The property owner or its designee may appeal the notice of violation or the enforcement order to the Select Board within five (5) calendar days of receipt of the written notice of violation or enforcement order. Failure to appeal within five (5) calendar days shall render the order final. The Select Board shall review any such appeal during a public meeting and shall issue a decision either affirming, modifying or overturning the order or violation notice within sixty (60) days of receipt of an appeal or such later date as agreed to by the applicant in writing. Further appeal shall be to a court of competent jurisdiction.
- F. **Remedies Not Exclusive.** The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

**§8. Access Permission.**

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Nantucket Stormwater Utility and its agents, officers, and employees may request entry upon privately owned property for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys, or sampling as the Nantucket Stormwater Utility deems reasonably necessary to determine compliance with the permit. Denial of entry onto privately-owned property may constitute violation of the Stormwater Permit and/or cause for enforcement.

**§9. Surety.**

The Stormwater Utility may require the permittee to post a surety bond, irrevocable letter of credit, cash, or other acceptable security before the start of land disturbance or construction activity. The form of the bond shall be approved by Select Board at an amount deemed sufficient by the Stormwater Utility to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Utility may release part of the bond as each phase is completed in compliance with the permit, but the bond may not be fully released until the Stormwater Utility has received the final report outlined in the Stormwater Rules and Regulations and issue a certificate of completion. If the permittee defaults on any obligations imposed by the Stormwater Permit, the Stormwater Utility may, after notification of the permittee, inform the holder of the security of the default, in which event the Town shall be entitled to the security funds.

**§10. Severability.**

If any provision, paragraph, sentence, or clause of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

## ARTICLE 72

(Bylaw Amendment: Signs; Satellite Dishes; Rooflines)

To see if the Town will vote to:

Amend Article IV § 124-9 of the Town Code, "Permit for razing required," by inserting the following language (language to be inserted shown in highlight below).

### § 124-9 Permit for razing required.

Pursuant to Section 9(g) of the HDC Act, no building or structure within the Historic Nantucket District shall be razed without first obtaining a permit approved by the Nantucket Historic District Commission. Permits for razing a structure constructed 50 years ago or longer shall require a two-thirds vote of said Commission.

; or otherwise act thereon.

*(Hollis Webb, et al)*

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

## ARTICLE 73

(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 hereby authorized 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.**

## ARTICLE 74

### (Home Rule Petition: An Act to Amend the Nantucket Planning and Economic Development Commission)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking to amend 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 FURTHER AMENDING CHAPTER 561 OF THE ACTS OF 1973 PERTAINING TO THE NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION*

*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. ~~In order to plan for the orderly and coordinated development and protection of the physical, social and economic resources of the Island of Nantucket, there is hereby established the Nantucket Planning and Economic Development Commission, hereinafter called the "Commission." The Commission shall consist of the members of the Planning Board of the Town of Nantucket; one (1) representative of the Nantucket Housing Authority to be appointed annually by said Authority; one (1) representative of the County Commissioners of Nantucket County to be appointed annually by said County Commissioners; one (1) representative of the Conservation Commission to be appointed annually by said Conservation Commission; and three (3) persons from said town appointed at large by the Commission; one (1) for a term of one (1) year, and one (1) for a term of two (2) years and one (1) for a term of three (3) years.~~ In order to plan for a resilient, sustainable, and equitable region by balancing economic, environmental, and social factors for current and future needs, there is hereby established the Nantucket Regional Commission, hereafter called the "Commission". The Commission members shall be legal residents of Nantucket County and shall serve without compensation. The Commission shall consist of three (3) members of the Planning Board of the Town of Nantucket to be appointed annually by said Board; one (1) member of the County Commissioners of Nantucket County to be appointed annually by said County Commission; one (1) land conservation sector representative to be appointed annually by the Conservation Commission of the Town of Nantucket.; one (1) business sector representative to be appointed annually by Nantucket Island Chamber of Commerce acting in their capacity as a Regional Tourism Council; one (1) historic preservation sector representative to be appointed annually by the Certified Local Government Committee of the Town of Nantucket; one (1) housing sector representative to be appointed annually by the Nantucket Affordable Housing Trust; one (1) social services sector representative to be appointed annually by the Council for Human Services of the Town of Nantucket; one (1) member of the Nantucket Islands Land Bank Commission to be appointed annually by said Nantucket Islands Land Bank Commission; and three (3) persons, with one (1)

appointed annually by the County Commissioners of Nantucket County for a term of three (3) years. Transfer from the existing membership of the Commission to the membership provided in this Act shall take place at the first meeting in July following approval of this Act for appointments from the Planning Board of the Town of Nantucket, the Nantucket Affordable Housing Trust, the County Commissioners of Nantucket County, the Conservation Commission of the Town of Nantucket, the Nantucket Island Chamber of Commerce acting in their Capacity as a Regional Tourism Council, the Certified Local Government Committee of the Town of Nantucket, and the Council for Human Services of the Town of Nantucket, and the Nantucket Islands Land Bank Commission. Transfer of the three (3) at large members shall occur when the terms of the current at large members expire.

~~SECTION 2. The Commission shall be responsible for the preparation of comprehensive plans for the physical, social and economic development of said county and town and shall make recommendations for action to implement said plans to the responsible county and town agencies. Such plans shall include, but not be limited to, the preparation of studies, research reports and maps of natural resources, land utilization, economic development, recreation and conservation, transportation and population characteristics. In order to carry out these responsibilities, the Commission may retain such experts as may be required. The Commission shall provide leadership, support, and coordination for the Nantucket region by developing plans, policies, and projects that consider the diversity of the demographics, culture, and environment to benefit both visitors and residents. The Commission shall serve as an advocate outside of the Nantucket region to foster cooperative efforts with other government entities. The Commission shall promote public and private efforts to resolve issues, solve problems, and explore opportunities when such efforts may benefit from sound regional planning. The Commission may advise and make recommendations for action to implement plans to the responsible county, town, state, and/or federal agencies. Decisions of the Commission shall be by a majority of those present and voting. In order to carry out these responsibilities, the Commission may retain experts as may be required.~~

SECTION 3. To meet the expenses incurred under this Act, the Commission may expend from the treasury of the Town of Nantucket such sums as may be appropriated therefor by said town. All bills incurred in carrying out the provisions of this Act shall be accompanied by proper vouchers and shall be paid by the Town Treasurer of said town only on warrants approved by the Commission or a committee appointed by it for such purpose. Voluntary contributions, either public or private, for such purposes may be deposited in said treasury. No appointments shall be made and no money shall be expended hereunder except by the affirmative vote of a majority of the members of said Commission. No moneys expended under this Act shall be used for recreational advertising or promotion.

SECTION 4. The Commission shall elect a Chair and such other officers as it may, by rule, provide and may make such other rules and regulations not inconsistent with the provisions of this Act as it may, by majority vote, provide. Each member of the Commission shall have one (1) vote. Members of the Commission shall serve without

compensation.

SECTION 5. The commission shall be 1 of the commonwealth's regional planning agencies.

SECTION 6. Certain developments of regional economic impact as hereinafter defined proposed to be constructed within the limits of the town of Nantucket shall not be constructed within that town without a Development of Regional Economic Impact Permit, hereinafter referred to as DREIP, issued by majority vote of the commission. A DREIP shall be in addition to and not a substitute for, nor shall it in any way detract from, any permit, license, approval or other permission issued by the town of Nantucket or any other applicable governmental authority.

SECTION 6A. Developments of regional economic impact shall be those large-scale commercial and industrial developments that have the potential to impact the appearance, society and economy of the town of Nantucket that exceed any 1 of the following minimum thresholds:

- (1) 30,000 gross square feet of interior space in a single building or on a single lot for retail, manufacturing or industrial use;
- (2) 40,000 square feet of exterior storage, exterior industrial use;
- (3) alterations to more than 5 acres of shore, beach, seacoast, pond, marsh, dune, woodland, grassland, heathland, wetland, endangered species habitat, aquifer or other resource area for commercial or industrial use; or
- (4) any commercial or industrial use that requires more than 100 parking spaces as determined by the zoning by-law of the town of Nantucket.

Section 6B. The commission shall by majority vote adopt rules and regulations for the issuance of a DREIP after a public hearing, with a minimum of 14 days prior notice to the Select Board of the Town of Nantucket of the time and place of such hearing; provided, however, that the rules and regulations shall not take effect except upon an affirmative vote of the Town of Nantucket at a duly scheduled town meeting. The rules and regulations shall include specific time lines for action by the commission, including, without limitation, that the commission shall file a written decision with the town clerk within 180 days of the commission's receipt of a complete application for the issuance of a DREIP, and standards and criteria to assess visual and environmental impacts, employment characteristics and requirements for municipal or regional services including solid waste disposal, water, sewer, tourist services and facilities, transportation and education. The rules and regulations shall provide that the commission shall issue a DREIP upon making the following findings:

- (1) the probable benefit of the proposed project will exceed the probable detriment;

(2) the proposed project is in compliance with any master plan adopted by the community pursuant to section 81D of chapter 41 of the General Laws or other authority; and

(3) there are no practical, feasible or practicable options or alternatives that might otherwise be employed due to unique physical, social or economic conditions related to the town of Nantucket's island location.

SECTION 7. This Act shall take effect upon its passage.

Or to take any other action relative thereto.

*(Select Board for Nantucket Planning & Economic Development Commission)*

**FINANCE COMMITTEE MOTION:** Moved that the Town request its representatives in the General Court to introduce legislation seeking to enact 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.

***AN ACT ESTABLISHING THE NANTUCKET REGIONAL COMMISSION***

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

SECTION 1. Chapter 561 of the acts of 1973 is hereby repealed.

SECTION 2. Chapter 98 of the acts of 1981 is hereby repealed.

SECTION 3. Chapter 458 of the acts of 1991 is hereby repealed.

SECTION 4. Chapter 81 of the acts of 2011 is hereby repealed.

SECTION 5. Chapter 347 of the acts of 2018 is hereby repealed.

SECTION 6. Notwithstanding the provisions of sections 3 and 4 of chapter 40B of the general laws, or of any other general or special law to the contrary, there shall hereby be established a multiple member body to serve as a regional district planning commission for the town and county of Nantucket, to be 1 of the commonwealth's regional planning agencies, known as the Nantucket Regional Commission ("commission"), which commission shall be responsible for planning for the orderly and coordinated development and protection of the physical, social and economic resources of Nantucket, by considering economic, environmental, and social factors for current and future needs, including the protection of ground, surface and surrounding waters, natural resources, open space and coastal resources, the provision of adequate facilities including transportation and fair and affordable housing, and the preservation of historic resources.

**SECTION 7. Composition. Commission members shall be legal residents of Nantucket county appearing on the voter rolls of the town of Nantucket prepared pursuant to sections 37 and 37A of chapter 51 of the general laws or the annual street list of the town of Nantucket prepared pursuant section 4 of said chapter 51; provided, however, that the definition of resident appearing herein shall be applicable for purposes of this act only. The commission shall consist of 13 members, with 12 appointed and one elected, as follows:**

- a. 2 members of the planning board of the town of Nantucket to be appointed annually by said board;**
- b. 1 member of the county commissioners of Nantucket county to be appointed annually by said county commissioners;**
- c. 1 member of the conservation commission of the town of Nantucket to be appointed annually by said conservation commission, or, if no member is willing to serve, one land conservation perspective representative to be appointed annually by said commission to represent it;**
- d. 1 member of the Nantucket historical commission to be appointed annually by said commission, or, if no member is willing to serve, one member of the historic district commission to be appointed annually by the historical commission, or in the alternative 1 historic preservation perspective representative to be appointed annually by the historical commission, to represent it;**
- e. 1 member to be appointed annually by the Nantucket affordable housing trust, or, if no member is willing to serve, 1 housing perspective representative to be appointed annually by said trust to represent it;**
- f. 1 member to be appointed annually by the council for human services of the town of Nantucket, or if no member is willing to serve, one community member representing the human services perspective to be appointed annually by the council to represent it;**
- g. 1 member of the Nantucket Islands Land Bank Commission to be appointed annually by said Nantucket Islands Land Bank Commission;**
- h. 4 at-large members to be appointed by the Nantucket county commissioners for terms of 3 years, with 1 at-large member representing Nantucket business interests; and**
- i. 1 at-large member to be elected for a term of 3 years.**

**A vacancy occurring in any of the appointed positions shall be filled by the original appointing authority for the remainder of the appointed term. A vacancy occurring in the elected position shall be filled by the Nantucket regional commission until the next**

annual town election. If the person so appointed is also a candidate for election to the position, they shall not have the words “candidate for reelection” appear on the ballot next to their name.

**SECTION 8. Organization, Applicable Law, and Voting.** The Commission shall annually elect a chair, clerk, and such other officers as it may, by rule, provide and may make such other rules and regulations not inconsistent with the provisions of this Act, and take such other actions as required hereunder, as it may, by majority vote of those present and voting, determine. Each member of the commission shall have 1 vote. Members of the commission shall serve without compensation. The commission shall be subject to the open meeting law, sections 18-25 of chapter 30A of the general laws, the conflict of interest law, chapter 268 of the general laws, and the public records law, sections 10 and 10A of chapter 66 and section 4, clause 26th of chapter seven of the general laws. Less than a quorum of the commission may act only to (1) open a meeting solely for the purposes of continuing that meeting or (2) adjourn.

**SECTION 9. Duties and Responsibilities.** The commission shall be responsible for the preparation of comprehensive plans for the physical, social, and economic development of said county and town and shall provide leadership, support, and coordination for the Nantucket region consistent with its jurisdiction as outlined in this act, to include, but not be limited to the preparation of studies, research reports and maps of natural resources, land utilization, economic development, recreation and conservation, transportation, and population characteristics. The commission shall make recommendations to the responsible county, town, state, or federal agencies for action to implement said plans and shall serve as an advocate outside of the Nantucket region to foster cooperative efforts to resolve issues, solve problems, and explore opportunities for the region. In order to carry out these responsibilities, the commission may retain experts as may be required. The commission shall produce and make available for the annual town meeting of the town of Nantucket a written report of its annual activities.

**SECTION 10. Expenditures.** To meet the expenses incurred under this act, the commission may expend from the treasury of the town of Nantucket such sums as may be appropriated therefor by said town, including for the retention of experts consistent with such appropriation. All bills incurred in carrying out the provisions of this act shall be accompanied by proper vouchers and shall be paid by the town treasurer consistent with the requirements set forth in section 56 of chapter 41 of the general laws. Gifts and grants to the commission shall be deposited in the town treasury and, notwithstanding section 53A of chapter 44 of the general laws, may be expended by the commission without approval of the select board or county commissioners. No moneys expended under this act shall be used for recreational advertising or promotion.

**SECTION 11. Developments of regional economic impact.** Developments of regional economic impact, as defined in section 12, proposed to be constructed within the limits of the town and county of Nantucket, shall not be constructed without a Development of Regional Economic Impact Permit (“DREIP”) approved by the commission. The requirement for a DREIP shall be in addition to and not substitute for, or otherwise render unnecessary, any other permit, license, approval or other permission issued by

the town of Nantucket and as may be required by federal, state or local law.

**SECTION 12. A. Developments of regional economic impact, defined.** Developments of regional economic impact shall be those large-scale commercial and industrial developments that have the potential to impact the appearance, society and economy of the town of Nantucket that exceed any 1 of the following minimum thresholds:

- a. 30,000 gross square feet of interior space in a single building or on a single lot of retail, manufacturing or industrial use;
- b. 40,000 square feet of exterior storage, exterior industrial use;
- c. alterations to more than 5 acres of shore, beach, seacoast, pond, marsh, dune, woodland, grassland, heathland, wetland, endangered species habitat, aquifer or other resource area for commercial or industrial use; or
- d. any commercial or industrial use that requires more than 100 parking spaces as determined by the zoning by-law of the town of Nantucket.

**B. Approval of DREIP, process.** The commission shall adopt rules and regulations for the issuance of a DREIP after a public hearing, with a minimum of 14 days prior notice to the select board of the town of Nantucket of the time and place of such hearing; provided, however, that the rules and regulations shall not take effect except upon an affirmative vote of the town of Nantucket at a duly scheduled town meeting. The rules and regulations shall include specific timelines for action by the commission, including, without limitation, that the commission shall file a written decision with the town clerk within 180 days of the commission's receipt of a complete application for the issuance of a DREIP, and standards and criteria to assess visual and environmental impacts, employment characteristics and requirements for municipal or regional services including solid waste disposal, water, sewer, tourist services and facilities, transportation and education. The rules and regulations shall provide that the commission shall issue a DREIP upon making the following findings:

- a. the probable benefit of the proposed project will exceed the probable detriment;
- b. the proposed project is in compliance with any master plan adopted by the town of Nantucket pursuant to section 81D of chapter 41 of the General Laws or other authority; and
- c. that there are no practical, feasible or practicable options or alternatives to the proposed project that might otherwise be employed due to unique physical, social or economic conditions related to the town of Nantucket's island location.

**SECTION 13. Transition. A. Members appointed by County Commissioners.** The first appointments made by the county commissioners following the effective date of this act

shall be 1 member for a 1-year term, 2 members for a 2-year term, and 1 member for a 3-year term. Thereafter, all county commissioner appointments shall be for a three-year term.

B. All appointed members. The terms of the appointed members of the commission shall begin on the 60th day following the effective date of this act, provided, however, that if that date falls on a Saturday or Sunday, the terms shall begin on the next business day.

C. Elected member. The first elected member of the commission shall be elected from amongst the registered voters of the town of Nantucket at the first annual town election occurring at least 64 days after the effective date of this act. Until that election, the Nantucket regional commission may fill the position by appointing a registered voter of the town of Nantucket. If the person so appointed is also a candidate for election to the position, they shall not have the words "candidate for reelection" appear on the ballot next to their name.

SECTION 13. Implementation. Sections 1 through 5 shall take effect on the 59th day following the effective date of this act. On that date, the Nantucket planning and economic development commission shall thereby be abolished and the terms of any incumbents terminated. So much of this act as is necessary to make appointments and otherwise prepare for the work of the Nantucket regional commission shall take effect immediately upon the effective date of this act, provided, however, that the authority and responsibilities assigned to the Nantucket regional commission in sections 6 through 12 of this act shall be exercised by the commission beginning on the 60th day following the effective date of this act.

SECTION 14. This act shall take effect upon its passage.

## ARTICLE 75

(Home Rule Petition: An Act to Amend the Nantucket Planning and Economic Development Commission (NP&EDC) Enabling Legislation)

### Article Summary

*This Article is a revision of STM 2024 Article 16, which passed with over 71% of the vote and was sent to the State House for approval in January 2025. Members of the NP&EDC, the body this article seeks to reform, opposed the bill at the State house and stopped its passage, effectively killing the Bill.*

*The citizens for planning reform are not to be deterred. This revision makes changes to the composition of the NP&EDC. It preserves important voter supported features of Article 16 while responding to the NP&EDC's dissatisfaction with the number of directly elected members and Planning Board representation. It balances the directly elected and appointed at-large members and adds an additional planning board member (for a total of two). It also retains representation from the Nantucket Historical Commission.*

*The intent is to create a path for citizens to serve on the Commission directly through*

*election or appointment, without requiring them to first serve on another board or commission. This will increase voter representation and accountability for comprehensive planning directly to the voters.*

**Article Text**

To see if the Town will vote to request its representatives to the General Court to introduce the following special legislation, and permit the General Court to make changes to language or form to achieve the legislative intent:

SECTION 1. Section 1 of chapter 561 of the acts of 1973, as most recently amended by section 1 of chapter 347 of the acts of 2018, is hereby further amended by striking out section 1 and inserting in place thereof the following section:

Section 1. (a) In order to plan for the orderly and coordinated development and protection of the physical, environmental, social and economic resources of the islands of Nantucket, including the protection of ground, surface and surrounding waters, natural resources, open space and coastal resources, the provision of adequate facilities, including transportation and fair and affordable housing, and the preservation of historic resources, there is hereby established the Nantucket Regional Commission.

(b) The commission shall consist of: 2 at-large members, elected for rotating 3-year terms at the annual town election; 2 at-large members, appointed for rotating 3-year terms by the County Commissioners of Nantucket County; and 7 members appointed annually to 1-year terms, 2 of whom are a representative of and appointed by the Planning Board of the Town of Nantucket, 1 of whom is a representative of and appointed by the Nantucket Islands Land Bank Commission, 1 of whom is a representative of and appointed by the Nantucket Historical Commission, 1 of whom is a representative of and appointed by the Nantucket Affordable Housing Trust, 1 of whom is a representative of and appointed by the County Commissioners of Nantucket County and 1 of whom is a representative of and appointed by the Conservation Commission of the town of Nantucket.

Any vacancy in the elected or appointed at-large members shall be filled by a majority vote of the County Commissioners until the next regular town election, at which a new member shall be elected to serve the remainder of the vacated term, if any.

In no case shall any of the elected members or appointed members serve on the commission for more than 9 consecutive years; provided, however, that this section shall not prevent members from serving on other elected or appointed public bodies at any time.

SECTION 2. Section 2 of said chapter 561, as so amended, is hereby further amended by adding the following paragraph:

The commission shall produce and make available for the annual town meeting a written report of its activities, annually.

SECTION 3. (a) At the first annual town election held after the effective date of this act, the voters of the town shall elect one member of the Nantucket Regional Commission for a term of two years and one member for a term of three years; All subsequently elected members shall be elected to rotating 3-year terms pursuant to subsection (b) of section 1 of chapter 561 of the acts of 1973, as inserted by section 1.

(b) Following the first annual town election held after the effective date of this act, the terms of members previously appointed to the commission by their respective boards and commissions shall terminate and appointments shall be made pursuant to subsection (b) of section 1 of chapter 561 of the acts of 1973, as inserted by section 1

(c) Following the effective date of this act, members previously appointed at-large by the Commission shall continue to serve in such capacity until the date their successor is qualified at the next regular annual town election. At such election, the previously appointed at-large member of the commission shall be replaced with an elected member pursuant to subsection (b) of section 1 of chapter 561 of the acts of 1973. The term of the remaining previously appointed at-large member not replaced with an elected member shall terminate and the County Commissioners of Nantucket County shall appoint one at-large member for a term of one year and one at-large member for a term of three years. All subsequently appointed at-large members shall be appointed for rotating three-year terms pursuant to subsection (b) of section 1 of chapter 561 of the acts of 1973, as inserted by section 1.

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

Or otherwise act thereon.

*(Hillary Hedges Rayport, et al)*

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

#### **ARTICLE 76**

##### **(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 and 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 of 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, Page 2, 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.

*(Select Board)*

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

*AN ACT AUTHORIZING THE 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 of 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, Page 2, 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 77**

#### **(Home Rule Petition: Real Estate Conveyances from Town of Nantucket to Nantucket Islands Land Bank)**

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 Town of Nantucket, acting by and through its 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 ENABLING LEGISLATION 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, shown as Lot 5, on a plan of land recorded with the

Nantucket County Registry of Deeds in Plan File 8-A, 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 a portion of a certain parcel of land situated in the Town of Nantucket to the Nantucket Islands Land Bank for the purposes pursuant to its enabling legislation for open space, conservation and passive recreation purposes, and described as follows:

- 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.

*(Select Board)*

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

***AN ACT AUTHORIZING THE TOWN OF NANTUCKET 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 ENABLING LEGISLATION 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, shown as Lot 5, on a plan of land recorded with the Nantucket County Registry of Deeds in Plan File 8-A, 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 a portion of a certain parcel of land situated in the Town of Nantucket to the Nantucket Islands Land Bank for the purposes pursuant to its enabling legislation for open space, conservation and passive recreation purposes, and described as follows:

- 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.

#### ARTICLE 78

##### (Town Council Form of Government)

To see if the Town will vote to establish the Town Council form of government as the legislative body for the Town and County of Nantucket, as described in the Town Council Study Committee report submitted to the Nantucket Select Board dated October 27, 2025. Or to take any other action as appropriate.

*(Curtis L. Barnes, et al)*

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

#### ARTICLE 79

##### (Real Estate Conveyances: Portion of 21 South Shore Road, a/k/a 1-43 Sherburne Commons Lane, Map 80, Parcel 1)

To see if the Town will vote to authorize the Select Board to sell, convey or grant a conservation restriction or other lesser interests in the portions of the following parcel of land to the Nantucket Islands Land Bank or other qualified entities pursuant to G.L. c. 184, §§ 31-33, subject to G.L. c. 30B, the area shown on a plan entitled "Our Island Home Development Plan & Proposed Conservation Management Plan, Our Island Home, Sherburne Commons Site, Nantucket, MA," prepared by SMRT dated April 8, 2025 and filed at the Nantucket Town Clerk's Office, containing approximately .94 acres of land for 1-43 Sherburne Commons Lane, being a portion of Parcel 1 shown on plan of land entitled "Plan of Land in Nantucket, Mass., prepared for Town of Nantucket," dated February 20, 2001, prepared by Blackwell & Associates, Inc., recorded with Nantucket County Registry of Deeds as Plan No. 2001-30 containing 19,949± square feet of land.

Or to take any other action related thereto.

*(Select Board)*

**FINANCE COMMITTEE MOTION:** Moved that the Select Board is authorized to sell, convey or grant a conservation restriction or other lesser interests in the portions of the following parcel of land to the Nantucket Islands Land Bank or other qualified entities pursuant to G.L. c. 184, §§ 31-33, subject to G.L. c. 30B, the area shown on a plan entitled "Our Island Home Development Plan & Proposed Conservation Management Plan, Our Island Home, Sherburne Commons Site, Nantucket, MA," prepared by SMRT dated April 8, 2025 and filed at the Nantucket Town Clerk's Office, containing approximately .94 acres of land for 1-43 Sherburne Commons Lane, being a portion of Parcel 1 shown on plan of land entitled "Plan of Land in Nantucket, Mass., prepared for Town of Nantucket," dated February 20, 2001, prepared by Blackwell & Associates, Inc., recorded with Nantucket County Registry of Deeds as Plan No. 2001-30 containing 19,949± square feet of land.

#### ARTICLE 80

**(Real Estate Disposition: Utility Easement - Waitt Drive and Ticcoma Green Workforce Housing)**

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 certain portions of Town-owned land shown as Map 67, Parcels 917 and 918, now known as 4 Waitt Drive and 6 Fairgrounds Road, being Lots 83 and 84 shown on a plan of land recorded with Nantucket Registry of Deeds as Plan No. 2016-58, and a certain portion of the public way named Waitt Drive shown on a plan of land recorded with said Deeds as Plan Nos. 2024-10 and 2024-13; 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 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 Map 67, Parcels 917 and 918, now known as 4 Waitt Drive and 6 Fairgrounds Road, being Lots 83 and 84 shown on a plan of land recorded with Nantucket Registry of Deeds as Plan No. 2016-58, and a certain portion of the public way named Waitt Drive shown on a plan of land recorded with said Deeds as Plan Nos. 2024-10 and 2024-13; said easement area being shown on a plan filed with the Office of the Town Clerk.

**ARTICLE 81**

**(Real Estate Acquisition: 46 Sparks Avenue)**

To see if the Town will vote to authorize the Select Board to acquire by eminent domain, gift or purchase for public cemetery purposes a certain parcel of land shown on Assessor's Map 55, Parcel No. 241 located at 46 Sparks Avenue, Nantucket; and further to authorize the Select Board to transfer the care, custody and management of said property for public cemetery purposes to the Nantucket Cemetery Commission.

Or to take any other action related thereto.

*(Select Board)*

**FINANCE COMMITTEE MOTION:** Moved that the Select Board is hereby authorized to acquire by eminent domain, gift or purchase for public cemetery purposes a certain parcel of land shown on Assessor's Map 55, Parcel No. 241 located at 46 Sparks Avenue, Nantucket; and further to authorize the Select Board to transfer the care, custody and management of said property for public cemetery purposes to the Nantucket Cemetery Commission.

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

**ARTICLE 82**

**(Real Estate Acquisition: Boynton Lane)**

To see if the Town will vote to take the appropriate action through the Planning and/or Zoning Boards to take Boynton Lane as a Town public way, in the interest of improved traffic control and public safety. Or to take any other action relative thereto.

*(Curtis L. Barnes, et al)*

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

**ARTICLE 83**

**(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 2026 tax levy.

Or to take any other action related thereto.

*(Select Board)*

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

**ARTICLE 84**

**(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.**

DRAFT

# 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 38 through 63 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 2009<sup>1</sup>. 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 simply majority as a result of Chapter 358 of the Acts of 2020 (sometimes referred to as the economic development legislation of 2020).

Articles 38 through 54 (sponsored by the Board) and Article 63 (submitted by citizen petition) are Zoning Bylaw (hereafter Bylaw) changes.

Articles 55 through 61 (sponsored by the Board) and Article 62 (submitted by citizen petition) are Zoning Map changes.

All Bylaw amendments proposed by the Board in Articles 38 through 54 received positive recommendations except Article 39 (Demolition Delay) which received "take no action" recommendation. Article 38 is a technical and non-substantive update. Articles 47 through 54 incorporate language changes required by the Affordable Homes Act. A more detailed explanation of these articles and how they work together can be found in the glossary below. Article 40 allows "Large Restaurant" by Special Permit in the CN district, which allows permitting oversight while simultaneously aligning the use with the district; Article 41 introduces new language that allows the Planning Board to place a year-round deed restriction on new lot(s) created by Rear Lot Subdivision; Article 42 brings our local Bylaw into compliance with FEMA regulations and is required for property owners to be able to maintain flood insurance; Article 43 inserts new language that would allow the Planning Board to permit additional bedrooms in an Apartment Building, provided all units within the structure would be eligible for the Subsidized Housing Inventory (SHI) List; Article 44 increases the AMI for Attainable Housing from 240% to 250% to align with both Seasonal Communities allowances and updates from the Affordable Housing Trust; Article 45 creates a new definition for Community Land Trust; and Article 46 amends our existing timeshare bylaw and inserts new language about fractional ownership.

---

<sup>1</sup> Warrant Article 26 of the 2009 Annual Town Meeting

A Bylaw amendment proposed by citizen petition in Articles 63, to require a special permit for development on lots created through “41/81L” received support from the Planning Board.

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”<sup>2</sup>
- Matching zoning districts with the character of the surrounding area<sup>3</sup>

Board sponsored map changes in Articles 55 through 59 implement the continued RC-2 and RC phase out. The Planning Board took “no action” on Articles 58, 60, and 61.

Citizen map change petition Article 62 received a positive recommendation from the Planning Board.

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.

---

<sup>2</sup> 2009 Nantucket Master Plan, Figure 39, page 90 (Articles 55-61)

<sup>3</sup> 2009 Nantucket Master Plan, Goal 2.1, Policy 2.1.3 (Articles 55-61)

# ZONING ARTICLE GLOSSARY

The Planning Board has provided this glossary to serve as a summarized reference for selected terms in Articles 38 through 59. 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](http://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, 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).*

---

### **Protected Use Accessory Dwelling Unit (ADU) Related Articles Summary**

In 2024, the State Legislature approved what is known as the Affordable Homes Act, which requires all municipalities in the Commonwealth to allow the creation of ADUs by right in any zoning district where a single family dwelling is allowed. It is important to understand that local municipalities have no authority to restrict or prohibit the creation of ADUs where applicable.

Unlike most municipalities, Nantucket already allows multiple dwelling units in single family zoning districts. Despite this, we are required to comply with the State requirements of Protected Use ADUs. **In order to both comply with the State regulations and also not allow additional density beyond what is already allowed by our local zoning bylaw, a series of zoning articles are necessary.**

- Article 47 deleted the existing definition of “Accessory Dwelling” and inserts the State mandated definition of “Protected Use Accessory Dwelling Unit (ADU)”.
- Article 48 inserts the State mandated definition and use allowances of “Protected Use Accessory Dwelling Unit (ADU)”.
- Article 49 alters the definition of “Gross Floor Area” to bring it into compliance with the state definition. Gross floor area is a calculation used to determine the size of a “Protected Use ADU”.
- Article 50 brings our zoning bylaw into compliance with the State’s definition of single-family zoning district by eliminating the use of “Primary Dwelling” in commercial districts. This will effectively prohibit “Protected Use ADUs” in these districts so that additional unplanned density is not permitted. Residential use options such as “Duplex”, “Apartment”, or “Apartment Building” will remain in these districts.
- Article 52 removes the “Tertiary Dwelling” provision from the zoning bylaw. The “Protected Use ADU” effectively replaces “Tertiary Dwelling”. Its elimination is necessary to avoid the possibility of density increases unauthorized by Town Meeting due to the state mandated ADU regulations.
- Article 51 revises the current definition of “Secondary Dwelling” by incorporating important provisions that were in the “Tertiary Dwelling” definition, which was deleted through Article 52. Language has been added to clarify that a garage apartment may be a “Secondary Dwelling” because the “Garage Apartment” definition is being eliminated through Article 53. Additionally, this article updates the use chart by prohibiting “Secondary Dwelling” in districts that formerly prohibited “Tertiary Dwelling”. Property owners in those districts can now construct a “Protected Use ADU” as the second dwelling on the lot. The changes to “Secondary Dwelling” in the use chart ensure that the current number of dwelling allowances in each district remain the same as they are right now.
- Article 53 eliminates “Garage Apartment”. The existing terminology in the zoning bylaw is confusing and duplicative because a “Garage Apartment” can be categorized as different dwelling types depending on the underlying zoning district (Primary, Secondary, or Protected Use ADU in residential districts or Apartment in commercial districts).
- Article 54 adds use and density calculations for “Apartment” in the VN and VTEC districts, because the “Primary Dwelling” and “Garage Apartment” allowances have been removed through Articles 50 and 53. The number of dwelling units allowed and overall density remains unchanged.

## ZONING DISTRICTS BY LAND AREA (Updated through May 2025)

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 86.98% 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		2025	
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%	79.74	0.26%
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%	22.24	0.07%
R-5/5L	0	0%	190.34	0.63%
CN	0	0%	228.54	0.75%
RC-2	1380.7	4%	45.3	0.15%
ROH	209.38	0.6%	227.77	0.75%
VR	0	0%	336.91	1.11%
SR-20	445.86	1.4%	273.19	0.90%
R-1	641.01	1.9%	335.81	1.11%
R-40	0	0%	437.56	1.45%
R-10/10L	346.22	1.05%	437.22	1.45%
CI	0	0%	456.28	1.51%

<b>LUG-1</b>	989.92	3%	996.81	3.31%
<b>R-20</b>	2505	7.6%	1029.72	3.42%
<b>MMD</b>	618.59	1.9%	1,790.02	5.94%
<b>LUG-2</b>	7481.8	22.6%	2236.35	7.42%
<b>LUG-3</b>	17986	54.3%	20693.84	68.73%
<b>TOTAL</b>	33121		30102.36	

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  
2026 ANNUAL TOWN ELECTION**



**Tuesday, May 19, 2026 - 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
Select Board	Two for terms of three years
School Committee	Two for terms 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	Two for terms of three years
Nantucket Housing Authority	One for a term of five years
Planning Board	One for a term of five years
Nantucket Board of Water Commissioners	Two for terms of three years

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

*Debt Exclusion Questions:*

**1. 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?

**2. Debt Exclusion: School Athletic Facilities 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 costs of professional services for owner's project manager, design, permitting, architecture, construction supervision, construction and other related professional services for the construction, installation and equipping of new, and/or additions or other improvements to the Nantucket Public Schools Athletic Facilities, including a synthetic turf field the materials of which have been tested and reported PFAS as none detected by EPA Method 1633A and Massachusetts Department of Environmental Protection WSC-CAM Section X A Revision 1, or any other federal, state, or local requirements that are enacted prior to the issuance of bids for this Project which are more stringent than the above-referenced requirements; and, all other costs incidental and related thereto?

**3. Debt Exclusion: 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?

**4. Debt Exclusion: LORAN Barracks Town Employee Housing Repairs**

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 for the purpose of funding repairs to the LORAN Barracks facility (Phase IV) located at 54 Low Beach 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?

**5. Debt Exclusion: Somerset Sewer Needs Area Sewer Extension**

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 costs of professional services for design, permitting, engineering, construction supervision, and other related professional services for the construction, installation and equipping of the extension of municipal sewer lines and associated infrastructure, from the Surfside Wastewater Treatment Facility to the areas established in the Comprehensive Wastewater Management Plan Update adopted June 3, 2015 and described as "Somerset Needs Area" and acquisition of any interests in land as may be necessary or appropriate, including the payment of all costs incidental and related thereto?

**6. Debt Exclusion: Tom Nevers Park Debris Removal and Erosion Control/Dune Restoration**

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 make various improvements (Phase II) at Tom Nevers Park including debris removal and erosion control/dune restoration, including the cost of professional services, permitting, engineering, construction, construction supervision, materials and other related professional services, and any other costs incidental and related thereto?

**7. Capital Outlay Exclusion**

Shall the Town of Nantucket be allowed to assess an additional \$2,274,300 in real estate and personal property taxes for the following purposes in the amounts as follows for the fiscal year beginning July 1, 2026?

<b>Department</b>	<b>Purpose</b>	<b>Amount</b>
DPW - Central Fleet	Replacement: Ford E-Transit Van/Public Works	\$70,500
DPW - Central Fleet	Replacement of F-350 Truck/Public Works	\$97,000
DPW - Central Fleet	Replacement of Forestry Bucket Truck and Equipment/Public Works	\$303,400
DPW - Central Fleet	Replacement of Hook Lift Truck/Public Works	\$295,000
DPW - Central Fleet	Replacement of F-550 Dump Truck/Public Works	\$134,900
DPW - Central Fleet	New F-150 Truck/Housing Department	\$60,000
DPW	Replacement of DPW Generator	\$70,000
DPW	Replace Central Fleet Garage Doors	\$75,000
DPW - Parks and Rec	Tom Nevers Softball Field New Fencing	\$75,000
DPW - Parks and Rec	Delta Field Fencing Replacement	\$93,500
Fire Department	Replacement of Two (2) Compact All-terrain Fire Engines	\$1,000,000
<b>Total Capital Exclusion</b>		<b>\$2,274,300</b>

Town of Nantucket  
16 Broad Street  
Nantucket, MA 02554

Presorted Standard  
U.S. Postage  
**PAID**  
Brockton, MA  
Permit No. 601

## Article 36 - Select Board Comment

"The Select Board recommends against Article 36 and supports the Finance Committee's motion not to adopt it.

The settlement funds are currently held in escrow by the Town's special counsel and serve two purposes: (1) supporting ongoing efforts to oppose future wind turbine proposals and advocate against the negative impacts of offshore wind on Nantucket, and (2) paying claims submitted by residents and businesses who suffered damages from the wind turbine blade failure in July 2024, as required by the Town's settlement with GE Vernova.

Placing these funds into a stabilization fund would require a Town Meeting vote to access them, creating significant practical problems. First, it would impair the Town's ability to engage professional services quickly in response to the fast-moving landscape of offshore wind development, including specific permitting actions and evolving state and federal policies. Second, the restrictions Article 36 imposes on permissible uses could prevent the Town from paying resident and business claims in a timely manner, and could limit the Town's flexibility to address unforeseen needs.

Finally, if Article 36 passes, the law would lock in its restrictions for a minimum of three fiscal years. The Town could not change the permitted uses of the funds, nor rescind its dedication vote, during that period – and any amendment would require a two-thirds vote of Town Meeting."