

COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET



WARRANT FOR

2024 ANNUAL TOWN MEETING
Nantucket High School
Mary P. Walker Auditorium
Tuesday, May 7, 2024 - 5:00 PM

AND

ANNUAL TOWN ELECTION
Nantucket High School
Tuesday, May 21, 2024
7:00 AM - 8:00 PM

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

To the Constables of the Town of Nantucket:

GREETING:

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

**TUESDAY, MAY 7, 2024 AT 5:00 PM
THEN AND THERE TO ACT ON THE ARTICLES
CONTAINED WITHIN THE ENCLOSED WARRANT:**

**ARTICLE 1
(Receipt of Reports)**

To receive the reports of various departments and committees as printed in the Fiscal Year 2023 Annual Town Report or as may come before this meeting; or to take any other action related thereto.

(Select Board)

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

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

(Select Board)

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

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

(Select Board)

**ARTICLE 4
(Revolving Accounts: Spending Limits for FY 2025)**

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 2025; or take any other action related thereto.

(Select Board)

ARTICLE 5
(Appropriation: Reserve Fund)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of establishing a Reserve Fund pursuant to Chapter 40 section 6 of the Massachusetts General Laws, to provide for the extraordinary and unforeseen expenditures which may arise during Fiscal Year 2025; said sum not to exceed five (5) percent of the Fiscal Year 2024 tax levy; or to take any other action related thereto.

(Select Board)

ARTICLE 6
(Fiscal Year 2024 General Fund Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2024 General Fund operating budget from other line items of said budget and from other available funds; or to take any other action related thereto.

(Select Board)

ARTICLE 7
(Personnel Compensation Plans for Fiscal Year 2025)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2025:

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	\$17.00
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to \$80.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	\$24.00 \$26.00
Dietician/Our Island Home (hourly)	\$43.00
Election Warden (hourly)	\$22.00
Election Worker (hourly)	\$17.00
Exercise Instructors/Senior Center (hourly)	Up to \$40.00
EMT, Call (hourly)	\$27.00 32.00
Fire Captain, Call (yearly)	\$150.00
Fire Fighter, Call (hourly)	\$27.00 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)	\$30.00 \$33.50
Our Island Home Ancillary (Per Diem - hourly)	\$22.00 \$23.50
Paramedic, Certified (Per Diem - hourly)	\$32.00
Registered Nurse/Our Island Home (Per Diem - hourly)	\$40.00 \$49.00
Registrar of Voters (yearly)	\$600.00
Registrar, Temporary Assistant (hourly)	\$17.00
Reserve Police Officer (hourly)	\$32.00

Student Police Officer (hourly)	\$30.00	\$38.65
Seasonal Assistant Harbormaster (hourly)		\$32.00
Seasonal Lifeguard Supervisor (hourly)		\$32.00
Seasonal Maintenance Supervisor/Public Works (hourly)		\$25.00
Seasonal Health Inspector		\$32.00
Temporary Employee	various rates of pay	
Veterans' Agent (hourly)		\$18.00

*Schedule B - Seasonal Employee Compensation Schedule
(Spring, Summer, Fall, Winter/Effective May 7, 2024 - June 30, 2024)*

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

*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 Engineering Intern, Seasonal Waste Reduction Intern, Lead Natural Resources Technician, Seasonal Laborer.
- E: Lifeguard, Community Service Officer

*Schedule C -- Compensation Schedule for Elected Officials**

Moderator	\$175 per year
Select Board Member, Chair	\$5,000 \$6,000/per year
Select Board Members	\$3,500 \$4,500/per year
Town Clerk	\$133,030 \$137,021

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 8

(Appropriation: Fiscal Year 2025 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 2025; or to take any other action related thereto.

(Select Board)

ARTICLE 9

(Appropriation: Health and Human Services)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the Council for Human Services to be used by the Council to contract with various health and human services, not-for-profit corporations to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket; further, that all such sums be expended on the condition that grant agreements be executed by and between the Select Board and the respective private, not-for-profit agency for Fiscal Year 2025, which grant agreements shall stipulate mutually agreed upon terms and conditions; or to take any other action related thereto.

(Select Board)

ARTICLE 10

(Appropriation: General Fund Capital Expenditures)

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

(Select Board)

ARTICLE 11

(Appropriation: Town Employee Housing Feasibility 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 conduct a Town Employee Housing Feasibility Study, and Design and Owner's Project Manager services for Town Employee Housing, including the cost of professional services, including permitting, engineering, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE 12

(Real Estate Acquisition/Appropriation: 31 Western Avenue)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for housing and general municipal purposes, the fee title or

lesser interests in a parcel of land with the buildings located thereon at 31 Western Avenue shown on a plan of land entitled "Plan of Land in Nantucket, Mass., Prepared for American Youth Hostels, Inc.," prepared by Blackwell & Associates, Inc., dated March 13, 2003 recorded with Nantucket County Registry of Deeds as Plan No. 2003-40, containing 29,563± square feet, and being more particularly described in a Deed recorded with said Deeds in Book 1771, Page 2; and further to see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, to acquire said parcel 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.

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 13

(Supplemental Appropriation: Public Works Facility Improvements - Design

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

(Select Board)

ARTICLE 14

(Supplemental Appropriation: Newtown Road Transportation Improvements)

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 provide supplemental funding to make various transportation-related improvements on Newtown 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)

ARTICLE 15

(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 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)

ARTICLE 16

(Appropriation: Expansion of Landfill Cell 3B)

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 purposes of expanding landfill cell 3B located at the Solid Waste Management Facility at 188 Madaket 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)

ARTICLE 17

(Appropriation: Reconstruction of the Jetties Beach Tennis Courts)

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 reconstruct the Tennis Courts located at Jetties Beach, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE 18

(Appropriation: Public Safety Auxiliary Building)

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 Public Safety Auxiliary Building located at 4 Fairgrounds Rd, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE 19

(Appropriation: Acquisition of Composting Facility and Transfer Station at Madaket Road Solid Waste Disposal Facility)

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 purchase from Waste Options of Nantucket, Inc., the current operator of the Madaket Road Solid Waste Disposal Facility located at 188 Madaket Road, the composting facility and the construction and demolition debris transfer station, and any other costs incidental and related thereto; and further to authorize the Select Board to acquire said facilities on behalf of the Town effective at the end of the current term of the operating agreement between the Town and Waste Options of Nantucket, which is due to expire on November 30, 2025, substantially in accordance with the terms of a Memorandum of Understanding between Waste Options of Nantucket, Inc., and the Town of Nantucket; or to take any other action related thereto.

(Select Board)

ARTICLE 20

(Appropriation: Affordable Housing Trust Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of supporting the Affordable Housing Trust Fund in the Town of Nantucket for Fiscal Year 2025; or to take any other action related thereto.

(Select Board)

ARTICLE 21

(Appropriation: Fiscal Year 2025 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 2024, out of anticipated revenues of the designated funds, for the purposes set forth above; or to take any other action related thereto.

(Select Board for the Various Departments Indicated)

ARTICLE 22

(Appropriation: Enterprise Funds Capital Expenditures)

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

(Select Board for the Various Departments Indicated)

ARTICLE 23

(Enterprise Funds: Fiscal Year 2024 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2024 Enterprise Fund operating budgets from other line items of said budgets and/or from Enterprise Surplus Reserve Funds; or to take any other action related thereto.

(Select Board)

ARTICLE 24

(Appropriation: Waterways Improvement Fund)

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 25

(Appropriation: Ambulance Reserve Fund)

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

(Select Board)

ARTICLE 26

(Appropriation: Ferry Embarkation Fee)

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 27

(Appropriation: County Assessment)

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

(Select Board/County Commissioners)

ARTICLE 28

(Appropriation: Finalizing Fiscal Year 2025 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 2025 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)

ARTICLE 29

(Rescind Unused Borrowing Authority)

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 30

(Appropriation: Other Post-Employment Benefits Trust Fund)

To see what sum the Town will vote to appropriate and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to deposit into the Other Post-Employment Benefits Liability Trust Fund established pursuant to Mass. General Law chapter 32B, section 20, for Fiscal Year 2025.

Or to take any other action related thereto.

(Select Board)

ARTICLE 31

(Appropriation: Fiscal Year 2025 Senior Work-off Program)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purpose of supporting the Senior Work-off Program pursuant to Massachusetts General Laws Chapter 59, section 5K for the Town of Nantucket for Fiscal Year 2025; or to take any other action related thereto.

(Select Board)

ARTICLE 32

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

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

(Select Board for Airport Commission)

ARTICLE 33

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

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

(Select Board)

ARTICLE 34

(Appropriation: Fiscal Year 2025 Community Preservation Committee)

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

(Select Board for Community Preservation Committee)

ARTICLE 35

(Community Preservation Committee: Fiscal Year 2025 Budget Transfers)

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

(Select Board for Community Preservation Committee)

ARTICLE 36

(Appropriation: African Meeting House Investigation)

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 purpose of funding to undertake an investigation into, but not limited to, the hate crime at the Historic African Meeting House committed in 2018. Moreover, to review the investigation conducted by Town Administration the Select Board, Nantucket Police Department, Cape and Islands DA and the Attorney Generals Office. This would be conducted by a professional team of independent investigators, given all the rights and privileges to communications, documents and be allowed interviews of Town and State Officials. The results would be released as a public document and the investigation would have the oversight of the articles sponsors.

(Gail Holdgate, et al)

ARTICLE 37

(Adopt Massachusetts General Law Chapter 175M: Family and Medical Leave)

To see if the Town will vote to:

Move that pursuant to M.G.L.c 4 §4 and M.G.L.c 175m §10, the Town adopt the following Massachusetts General Laws pertaining to Paid Family And Medical Leave (PFML): M.G.L.c 175M for employees of the Town; and further, that Annual Town Meeting authorizes up to \$500,000 of Fiscal Year 2025 (FY25) budget adjustment(s) and transfer(s) for the purpose of funding FY25 PFML Town contributions and related expenses; the funds shall be allocated from the Town of Nantucket General Fund or another fund as recommended by the Town of Nantucket Finance Committee such as certified free cash; or to take any other action relative thereto.

(Leah Hill, et al)

ARTICLE 38

(Zoning Bylaw Amendment: Height Limitation - Affordable Housing)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Subsection 17A 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-sustentative 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):*

Building and structure height is measured as the average height of all sides of a building or structure from the average mean grade to the highest point of the building and/or structure. There shall be only one highest point for each building and/or structure. No one building and/or structure side shall exceed 32 feet, except in the CDT and CMI Districts, or as otherwise permitted. Height limitations, except as noted in the Village Height Overlay District and the Nantucket Cottage Hospital Overlay District, shall be as follows:

	Zoning District	Maximum Height
Country Overlay District	SR-1, SOH, SR-10, SR-20, LUG-1, LUG-2, LUG-3, MMD, VN, VTEC, VR	30
Town Overlay District	R-1, ROH, R-5, R-10, R-20, R-40, CDT, CN, CTEC, CI, CMI, RC, RC-2	30 ^{1&2}
Town Overlay District	CMI	30^{1&2}

NOTES:

Zoning District	Maximum Height
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¹ With a special permit allowance to 38 feet and a by right allowance to 40 feet when a minimum of 25% of dwelling units within the structure are eligible for the Subsidized Housing Inventory “SHI” List in the CMI district.

² With a special permit allowance to 40 feet when a minimum of 25% of dwelling units within the structure are eligible for the Subsidized Housing Inventory “SHI” List in the CN district.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 39

(Zoning Bylaw Amendment: Definitions - Apartment)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Subsection 2A (“Definitions”) 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-sustentative 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 dwelling unit located within a commercial structure or detached structures on the same lot with a commercial use. **Only** an apartment(s) **that is located within a commercial structure** shall not occupy more than 50% of the first floor area of the commercial structure(s). The Planning Board may by special permit waive this requirement based on a finding that the commercial character of the area will not be negatively impacted by the location of a dwelling unit on the first floor of the commercial structure. A maximum of four apartments are allowed by right in certain districts, subject to the dimensional requirements set forth below. The Planning Board may issue a special permit to allow more than four apartments on larger lots, provided that: (1) the overall number of units shall not exceed the density set forth in the schedule below; and (2) the applicant shall demonstrate through submission of a dimensioned lotting plan that the subject property could be divided into multiple lots pursuant to a conventional subdivision plan without requiring waivers from the Planning Board’s Rules and Regulations Governing the Subdivision of Land (as in effect at the time of application).

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 40

(Zoning Bylaw Amendment: Definitions - Tertiary Dwelling)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, subsection 2A 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-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):

- (2) A third dwelling unit located on a lot, including the following options:
 - (a) A garage apartment not exceeding 900 square feet of gross floor area.
 - (b) A dwelling unit attached to or within a single-family dwelling, duplex, or an outbuilding or a dwelling unit attached to a studio or shed. ~~When a tertiary dwelling unit is the third unit, within a single structure, a special permit issued by the Planning Board is required.~~ The ground cover of the existing building shall not increase more than 900 square feet and the dwelling unit shall not contain more than 900 square feet of gross floor area.
 - (c) A detached building containing not more than ~~650~~ **900** square feet of ground cover and not more than 900 square feet of gross floor area.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 41

(Zoning Bylaw Amendment: Side and Rear Setbacks in R-1 and RC-2)

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-sustentative 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-Yard, Front) as follows:

The yard extending from the street line of a lot inwardly the required front-yard setback distance. For lots abutting two or more streets or ways, whether constructed or not, the required front yard setback shall be maintained from one street or way, and the required side yard setback shall be maintained from each other lot line, ~~except in the R-1 and RC-2 Districts, where a minimum ten-foot side yard setback shall be maintained from any other street or way, whether constructed or not.~~ For lots abutting one street or way, whether constructed or not, on more than one side or portion thereof, the Planning Board may grant a waiver by special permit to allow the required side yard or rear yard setback to be maintained from such portion of the lot as the Planning Board determines to be consistent with the purpose of this definition.

- 2. Amend section 16C(3) (Intensity regulations-additional requirements and exceptions for yards)

For lots abutting two or more streets or ways, whether constructed or not, the required front yard setback shall be maintained from one street or way, and the required side yard setback shall be maintained from each other lot line, ~~except in the R-1 and RC-2 Districts, where a minimum ten-foot side yard setback shall be maintained from any other street or way, whether constructed or not.~~

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 42

(Zoning Bylaw Amendment: Residential Development Options - Flex Development, Protected Open Space)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, subsection 8A(1)(b)[1] 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-sustentative 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] A restriction defining the protection of the open space shall be enforceable by the Town of County of Nantucket and recorded at the Nantucket County Registry of Deeds or of the Land Court. In addition open space shall be:
- [a] Owned by the Town or County of Nantucket; or
 - [b] Owned by the Nantucket Islands Land Bank; or
 - [c] Conveyed to an established nonprofit organization, a principal purpose of which is the conservation of open land; or
 - [d] Subject to a permanent conservation restriction, as provided in MGL c. 184, §§ 31 through 33, and owned in common by a corporation or trust composed of the owners of lots within the development. A letter of intent to hold the conservation restriction from the prospective holder shall be required before a final plan is endorsed.
 - [e] The Planning Board may waive this requirement for development containing at least 25% Affordable Housing, as defined in § 2A (Definitions) of this chapter.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 43

(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, subsection 8(F)(3)(d) 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-sustentative 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):*

The number of building lots shall not exceed the number which may have otherwise been created on a conventional subdivision plan meeting all dimensional and upland requirements of the Zoning Bylaw and the requirements contained within the "Rules and Regulations Governing the Subdivision of Land," as may be amended from time to time, as demonstrated by the submission of a dimensioned lotting plan, or as shown on an Approval Not Required plan **that is eligible to be** endorsed by the Planning Board, or as shown on an Approval Required plan approved and endorsed by the Planning Board provided that the appeal period has lapsed without appeal.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 44

(Zoning Bylaw Amendment: Moorlands Management District MMD, Permit Granting Authority)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, subsection 13C 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-sustentative 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):*

Uses allowed by special permit with site plan review. The ~~Planning Board~~ **Zoning Board of Appeals** is hereby designated the sole special permit granting authority for all uses, structures and extension or alteration of uses or structures within the Moorlands Management District, including, but not limited to the following, **except as stated in 13C(2) below, where the Planning Board shall be the special permit granting authority for subdivision:**

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 45

(Zoning Bylaw Amendment: Moorlands Management District Pool Prohibition)

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 and language to be added is shown as highlighted; this method to denote changes is not meant to become part of the final text]:

Amend Section 139 Attachment 2, Town of Nantucket Use Chart (See Section 139-7A) as follows on attached Use Chart.*

And

Amend Section 139-13 (C) as follows:

C. Uses allowed by special permit with site plan review. The Planning Board is hereby designated the sole special permit granting authority for all uses, structures and extension or alteration of uses or structures within the Moorlands Management District, including, but not limited to the following: **[Amended 5-5-1992 ATM by Art. 40, AG approval 8-3-1992; 4-14-1997 ATM by Art. 49, AG approval 8-5-1997; 4-10-2002 ATM by Art. 36, AG approval 7-31-2002; 4-1-2017 ATM by Art. 73, AG approval 5-31-2017]**

(1) One single-family dwelling unit exceeding 800 square feet of ground coverage, including structures and uses normally considered accessory thereto, may be allowed, provided that each special permit granted shall include conditions requiring the siting of structures and uses in a manner which minimizes potentially adverse effects on the moorlands environment and its scenic integrity.

(2) Subdivision of properties located within the Moorlands Management District shall require a special permit.

(a) The issuance of a special permit for subdivision in the Moorlands Management District shall include conditions as to the layout of lots, the design and location of public improvements, and the establishment of permitted building envelopes, so as to minimize potentially adverse effects on the moorlands environment and its scenic integrity.

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

(3) Swimming Pools (Residential and Commercial) and outdoor Hot Tub/Spas are prohibited from the Moorlands Management District.

(Emily Molden, et al)

* Referenced Section 139 Attachment 2, Town of Nantucket Use Chart can be found on page 87-88).

ARTICLE 46

(Zoning Map Change: RC-2 to CMI or CTEC- 43 Nobadeer Farm Road)

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

MAP	LOT	NUMBER	STREET
69	17	43	Nobadeer Farm Road

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 47

(Zoning Map Change: R-5 to RC-2 or CTEC - Pine Crest Drive (portions of))

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 5 (R-5) into the Residential Commercial 2 (RC-2) or Commercial Trade Entrepreneurship and Craft (CTEC) district:

MAP	LOT	NUMBER	STREET
68	418 (portion of)	11	Pine Crest Drive
68	993 (portion of)	13	Pine Crest Drive

Lot 1159 on LCP 16514-160 and Lot 1166 on LCP 16514-161 currently located in the Residential 5 (R-5) district into the Residential Commercial- (RC-2) district.

Lots 1152, 1153, 1154, 1155,1156 on LCP 16514-160 and Lots 1161, 1162, 1163, 1164, 1165 on LCP 16514-161 currently located in the Residential 5 (R-5) district into the Commercial Trade Entrepreneurship and Craft (CTEC) district.

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 48

(Zoning Map Change: R-10 to R-10L - Nobadeer Way)

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

Map	Lot	Number	Street
68	50	1	Nobadeer Way
68	113	2	Nobadeer Way
68	169	3	Nobadeer Way
68	170	4	Nobadeer Way
68	171	5	Nobadeer Way
68	172	6	Nobadeer Way
68	118	7	Nobadeer Way
68	117	8	Nobadeer Way
68	116	9	Nobadeer Way
68	115	10	Nobadeer Way
68	114	11	Nobadeer Way
68	51	12	Nobadeer Way

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 49

(Zoning Map and Zoning Bylaw Change: LUG-3 to CI and Town and County Overlay District Change - Nantucket Airport (portion of))

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

1. Amend the Zoning Map of the Town of Nantucket by placing a portion of the following property currently located in the Limited Use General-3 (LUG-3) district in Commercial Industrial (CI) district:

MAP	LOT	NUMBER	STREET
79	12 (portion of)	-	Nantucket Airport

2. Amend the map entitled "Town and Country Designations" by placing a portion of the following property currently located in the Country Overlay District (COD) in the Town Overlay District (TOD):

MAP	LOT	NUMBER	STREET
79	12 (portion of)	-	Nantucket Airport

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 50

(Zoning Map Change: Open Space Parcels - Various)

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

1. By placing the following properties currently located in the Residential-20 (R-20) Residential district in Limited Use General-3 (LUG-3):

Map	Lot	Number	Street
21	27.1	31	Quidnet Road
56	67	101	Hummock Pond Road
56	67.1	5	Millbrook Road
56	307	103	Hummock Pond Road
88	13	68	Nobadeer Avenue

2. By placing Assessor Map 65 Lot 21, 201 Hummock Pond Road currently located in the Village Residential (VR) district in the Limited Use General-3 (LUG-3).
3. By placing Assessor Map 48 Lot 7, 119 Baxter Road currently in the Siasconset Residential-20 (SR-20) district in Limited Use General-3 (LUG-3).
4. By placing Assessor Map 56 Lot 57, 109 Hummock Pond Road and Assessor Map 56 Lot 56, 107 Hummock Pond Road currently located in the Residential-40 (R-40) district in Limited Use General-3 (LUG-3).
5. By placing the following properties currently located in the Limited Use General-1 (LUG-1) district in the Limited Use General-3 (LUG-3) district:

Map	Lot	Number	Street
55	60	19	East Creek Road
55	64	174	Orange Street
55	65	2	Milestone Road

6. By placing the following properties currently located in the Limited Use General-2 (LUG-2) district in the Limited Use General-3 (LUG-3) district:

Map	Lot	Number	Street
13	21	47R	Squam Road
33	20	189	Eel Point Road
56	324.2	13	Millbrook Road
57	24	76	Millbrook Road
63	17.1	41	Sheep Pond Road
63	35	29	Sheep 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)

ARTICLE 51

(Zoning Map Change: LUG-2 to R-40 - 71 Hummock Pond Road)

To see if the Town will vote to:

To amend the Zoning Map of the Town of Nantucket by placing the following property currently located in the Limited Use General 2 (LUG-2) district in the Residential 40 (R-40) district:

71 Hummock Pond Road (Tax map: 56, Parcel 320.1)

; or otherwise act thereon.

(David J. Buckley, et al)

ARTICLE 52

(Town and Country Overlay District Change: 71 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 property currently located in the Country Overlay District (COD) in the Town Overlay District (TOD):

MAP	LOT	NUMBER	STREET
56	320.1	71	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)

ARTICLE 53

(Zoning Map Change: LUG-2 to R-20 - 25 Rugged Road)

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

Map	Lot	Number	Street
67	166	25	Rugged Road

- (1) Amend the Zoning Map of the Town of Nantucket by placing a portion of the foregoing property, not to exceed 30,000 SF, currently located in the Limited Use General - 2 (LUG-2) district, to the Residential-20 (R-20) zoning district:

All as shown on the attached map.

Or to take any other action related thereto.

(Irean Schreiber, et al)

ARTICLE 54

(Zoning Map Change: R-40 to CN - 1 Evergreen Way and 21 Airport Road)

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

MAP	LOT	NUMBER	STREET
68	727	1	Evergreen Way
68	54	21	Airport Road

All as shown on a map entitled “2024 Annual Town Meeting Warrant Article _____ R-40 to CN” dated October 2023 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Mary E. Huber, et al)

ARTICLE 55

(Zoning Map Change: R-10 to CN - 3 Cobble Court)

To see if the Town will vote to take the following action in regard to the property listed herewith:

Map	Parcel	Number	Street
55	260	3	Cobble Court

(1) Amend the Zoning Map of the Town of Nantucket by placing the property noted above, currently located in the Residential 10 (R-10) district into the Commercial Neighborhood (CN) zoning district.

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

Further, the Owners agree to restrict the property from many of the commercial uses in the CN district, including the following uses:

- Supermarket
- Drive-thru takeout food
- Tavern/bar by Special Permit (a Tavern/bar that is accessory to a small restaurant is still OK)
- All formula businesses
- Laundromat/dry cleaning
- Marijuana establishment

- Alcohol sales
- Hospital (this does NOT include a medical clinic, which would still be allowed)
- Storage containers
- Motor vehicle sales
- Motor vehicle rental
- Motor vehicle repair or painting
- Motor vehicle service station
- Motor vehicle parking lot or structure
- Taxicab business
- Maritime service station
- Petroleum product storage or distribution facility
- Kennel

(Susan C. Ottison, et al)

ARTICLE 56

(Zoning Map Change: R-5 to CN - 75B Old South Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following lot, now in both Residential-5 (R-5) and Commercial Neighborhood (CN) zoning districts, to solely the Commercial Neighborhood (CN) zoning district.

Map	Parcel	Lot	Number	Street
68	999.1	795 (a portion of)	75B	Old South Road

; or otherwise act thereon.

(Anne Kuszpa, et al)

ARTICLE 57

(Zoning Bylaw Amendment: Definitions and Word Usage/Ground Cover/Greenhouse)

To see if the Town will vote to: Add the terms “Greenhouse or Greenhouse Shed” as options in addition to “shed” for the (200 square feet) of the allowable ground coverage currently applicable to “shed” only.

Current Article as Printed

139-2A {52} GROUND COVER Ch. 139: Zoning/ Ch 139 Art1: Purpose;

Definitions/ 139-2: Definitions and word usage.

The horizontal area of a lot covered at a grade by structures, together with those... detached shed not exceeding 200 square feet in ground cover and 16 feet in height, as measured from the top...

Proposed addition to current Article as Printed to include the following in highlight:

139-2A {52} GROUND COVER Ch. 139: Zoning/ Ch 139 Art1: Purpose;

Definitions/ 139-2: Definitions and word usage.

The horizontal area of a lot covered at a grade by structures, together with those... detached shed, greenhouse or greenhouse shed not exceeding 200 square feet in ground cover and 16 feet in height, as measured from the top...

; or otherwise act thereon.

(Beth Jekanowski, et al)

ARTICLE 58

(Zoning Bylaw Amendment: New Section 139.9 - Middle Income Inclusionary Housing)

To see if the Town will vote to amend the Zoning Bylaw by CREATING NEW SECTION 139-9: Middle Income Inclusionary Housing as follows:

139-9 MIDDLE INCOME INCLUSIONARY HOUSING

A. Purpose and Intent

This Bylaw is written to promote the public health, safety and welfare of the residents of Nantucket. The purpose of this Bylaw is to outline and implement a coherent set of policies and objectives for the development of so called “middle income” housing that supports a diverse population in compliance with the Nantucket Master Plan, Housing Production Plan and ongoing housing programs and housing development efforts within the Town of Nantucket.

B. Definitions

1. Middle income housing unit. A dwelling unit for which occupancy is restricted to an eligible household and whose rent or initial sale price is available at a cost of no more than 30% of gross household income of households at or below 240% of the Nantucket County area median income as reported by the U.S. Department of Housing and Urban Development or the Massachusetts Executive Office of Housing and Livable Communities (EOHLC), whichever is the most current.

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

C. Applicability

1. Division of Land. Notwithstanding any regulation or bylaw to the contrary, this Bylaw shall apply to and require a special permit pursuant to §139-30 for the division or subdivision of land into five (5) or more lots whether on one or more contiguous lots or parcels held in common ownership as of the effective date of this Bylaw. Unless a special permit is otherwise required, the Planning Board's special permit powers pursuant to Section 139-9 (C) shall be limited to enforcing the middle income housing inclusionary requirements of Section 139-9, et seq. of the Zoning Bylaw.

2. Multiple Units. In addition to the applicability of Section 139-9 (C)(1) and notwithstanding the second sentence of the term "Lot" in §139-2, this Bylaw shall apply to and require a special permit pursuant to §139-30 for the construction of five (5) or more dwelling units whether on one or more contiguous lots or parcels held in common ownership as of the effective date of this Bylaw. A Tertiary Dwelling as defined in §139-2 shall not be included in the determination of applicability of §139-9(C)(2).

3. Non Residential, Commercial Development. In addition to the applicability of Section 139-9 (C)(1) and (2) above and the inclusionary housing provisions set forth in Section 139-11(H), with the exception of activities defined as a home occupation, this Bylaw shall apply to and require a special permit pursuant to §139-30 for new non-residential, commercial development and expansion of existing non-residential, commercial uses or structures greater than five thousand (5,000) square feet.

D. Mandatory Provision of Attainable Units

1. The Planning Board shall, as a condition of approval of a development regulated by Sections 139-9 (C)(1), (C)(2) or (C)(3) above, require that the applicant for special permit approval comply with the obligation to provide middle income dwelling units pursuant to this Bylaw and more fully described in Section 139-9 (E) below.

E. Provision of Attainable Units

1. The Planning Board shall require that development regulated by Sections 139-9 (C)(1), (C)(2) or (C)(3) comply with the following minimum requirements, in addition to those imposed pursuant to the Planning Board's authority found in Section 139-30:

(a) At least twenty (20%) percent of the lots created in a division of land shall be designated and restricted to construction as middle income housing units in any one or combination of methods provided for below:

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

(b) At least twenty (20%) percent of the dwelling units within a multiple unit development on one or more contiguous parcels held in common ownership as of the effective date of this Bylaw shall be designated and restricted to construction as middle income housing units in any one or combination of methods provided for below:

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

(c) At least one dwelling unit per 5,000 square feet of non-residential gross floor area approved pursuant to §139-11 shall be:

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

The applicant may offer, and the Planning Board may accept, any combination of the options contained in Section 139-9 (E)(a-c)(1)-(2) above, provided that in no event shall the total number of middle income dwelling units provided be less than the equivalent number of middle income dwelling units required by this Bylaw. Fractions of a unit shall be rounded up to the next whole number. Examples: (1) a proposed land division of seven lots requires the contribution of two (2) middle income housing units; (2) a proposed development of eleven dwelling units on two or more contiguous lots held in common ownership as of the effective date of this Bylaw requires the contribution of three (3) middle income housing units and (3) a proposed Major Commercial Development of 15,000 gross floor area requires the contribution of three (3) middle income housing units.

F. Provisions Applicable to Middle Income Housing Units On- and Off-Site

1. Siting of middle income housing units. All middle income housing units constructed or rehabilitated under this Bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

2. Minimum design and construction standards for middle income housing units. Middle income housing units within market rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units.

3. Timing of construction or provision of middle income housing units or lots. Where feasible, middle income housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of middle income units be delayed beyond constructing the required number of middle income housing units at a ratio of one middle income housing unit per every four market rate housing units.

Fractions of units shall be rounded up to the next whole number.

G. Local Preference

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

H. Marketing Plan for Middle Income Housing Units

Applicants under this Bylaw shall submit a marketing plan or other method approved by the Planning Board to the Planning Board for approval, which describes how the attainable units will be marketed to potential homebuyers or tenants. This plan shall include a description of the process to be used for selecting buyers or tenants.

I. Provision of Attainable Housing Units Off-Site

1. As an alternative to the requirements of Section 139-9(E)(1)(a-c), an applicant subject to the Bylaw may develop, construct or otherwise provide middle income housing units equivalent to those required by Section 139-9(E)(1) off-site, provided that such off site dwelling units are located within two (2) miles of the development subject to this Bylaw. All requirements of this Bylaw that apply to on-site provision of attainable units, shall apply to provision of off-site attainable units. In addition, the location of the off-site units to be provided shall be approved by the Planning Board as an element of the special permit review and approval process.

J. Maximum Incomes and Sale/Rental Price for Middle Income Housing Units

1. To ensure that only eligible households purchase or rent middle income housing units, prior to the purchase or, if the housing unit is rented, prior to the occupancy of a middle income housing unit approved pursuant to this Bylaw, the purchaser or tenant of a middle income housing unit shall certify, in writing, that his/her or their family's annual income or relevant assets does not exceed 240% of the median income, with adjustments for household size, as reported by the United States Department of Housing and Urban Development (HUD) and the Massachusetts Executive Office of Housing and Livable Communities (EOHLC), whichever is more current.

K. Preservation of Affordability; Restrictions on Resale or Rental

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

2. Middle Income Housing Units that are Rented:

(a) The gross household income of an eligible household upon initial occupancy shall be no greater than two hundred and forty percent (240%) of the area median income as determined by United States Department of Housing and Urban Development (HUD) or the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) whichever is more current.

(b) Rent, including utilities and any other fees to be charged to tenants shall not exceed thirty (30) percent of the gross household income of the eligible household occupying the middle income housing unit.

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

(d) The lease agreement shall specify that should an eligible household's gross income exceed 240% of the area median after the first year of occupancy, the tenant will have until the expiration of the lease to vacate the dwelling unit. Notwithstanding, said dwelling unit will not qualify as a middle income housing until the dwelling unit is vacated and rented to a new eligible household.

3. Middle Income Housing Units that are Sold:

(a) The gross household income of an eligible household upon initial purchase and occupancy and all subsequent purchases and occupancy shall be no greater than two hundred and forty percent (240%) of the area median income as determined by United States Department of Housing and Urban Development (HUD) or the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) whichever is more current.

4. The Planning Board shall require, as a condition for the issuance of a special permit under this Bylaw, that the applicant comply with the mandatory set-asides of middle income housing units and accompanying restrictions on affordability, including the execution of an affordable housing restriction or deed restrictions as set forth above. The Building Commissioner shall not issue an occupancy permit for any middle income dwelling unit required by this Bylaw until said affordable housing or deed restriction is recorded at the Nantucket County Registry of Deeds.

L. Severability

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

(Anne Kuszpa, et al)

ARTICLE 59

(Zoning Bylaw Amendment: Definitions and Word Usage/Residential Rental Use)

To see if the Town will vote to amend Chapter 139 of the Town Code (Zoning) as follows, provided that the provisions of this chapter shall take effect upon approval by Town Meeting pursuant to G.L. c. 40A, § 5 and G.L. c. 40, § 21, and subsequent approval by the Attorney General.

1. Amend § 139-2 (Definitions and Word Usage) by inserting or revising the following terms and definitions and inserting them in alphabetical order.

COMMERCIAL As in a trade, occupation, or business, including a transient residential facility or corporation, but excluding governmental, religious or private residential uses, which includes rental of dwelling units or parts thereof.

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

LONG TERM RENTAL A dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least one room or dwelling unit is rented to an occupant or sub-occupant and (ii) change in occupancy is in excess of 31 calendar days.

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

2. Amend § 139-7A (Use Chart) by inserting Short Term Rental and Long Term Rental between Tertiary Dwelling and Apartment Building in the Use column and inserting the designation Y in all district columns except the Commercial Industrial (CI) district, where the designation N shall be inserted.

3. Amend § 139-7B by inserting (8) notwithstanding the permission to engage in the Short Term Rental of a dwelling granted in the Use Chart, no person or entity shall engage in the activity of Short Term Renting unless that activity is in strict compliance with all present and future regulations contained in Chapter 123 of the Town Code.

Or to take any other action related thereto.

(Steven Cohen)

ARTICLE 60

(General Bylaw Amendment: Short-Term Rentals)

To see if the Town will vote to amend Chapter 123 (Short-Term Rentals) of the Code of the Town of Nantucket as follows (*language to be inserted shown in highlight; language to be deleted shown in strikethrough; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative 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*): provided that Town Meeting may consider further amendments to Chapter 123 at the 2024 Annual Town Meeting based on the state of the law at that time:

Chapter 123

Short-Term Rentals

§ 123-1. Purpose and Intent.

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

- (1) provide for an orderly process for identifying, registering, and regulating Short-Term Rentals within the Town so as to ensure that such Short-Term Rentals do not create or cause any nuisance conditions within the Town.
- (2) protect the time-honored tradition of home rentals in Nantucket and preserve economic opportunities through Short-Term Rentals for persons to keep their homes, now and into the future, so they may afford to live either full-time or part-time in Nantucket.
- (3) avoid adverse impacts on the local economy stemming from a loss of existing Short Term Rental revenue, including rooms excise tax revenue, and visitor spending.
- (4) prohibit additional corporate ownership and discourage investment-only ownership of residential properties for the exclusive purpose of operating them as Short-Term Rentals rather than housing for either full-time or part-time residences.
- (5) reduce the neighborhood churn caused by numerous turnovers of occupancy of Short-Term Rentals in residential neighborhoods.
- (6) limit the conversion of residential units to Short-Term Rentals which has had the deleterious effect of removing residential units from the available year-round rental housing stock.
- (7) protect the existence of year-round residences and the quiet and peace of the Town by preventing unwarranted commercialization from encroaching

therein, including commercialization caused by the misuse of single-family residences. Fractional ownership, interval and time share units have similar character as commercial hotels, motels, lodges, and other commercial occupancy uses due to their transient nature and multiple short-term occupancies. Such commercial or quasi-commercial use is inappropriate in residential areas due to the increased traffic generation and multiple occupancies disturbing the peace and quiet of residential neighborhoods.

§ 123-2. Definitions.

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

CORPORATION

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

OPERATOR

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

OWNER

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

SHORT-TERM RENTAL

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

TIME SHARE, INTERVAL OR FRACTIONAL OWNERSHIP UNIT

Any Dwelling Unit 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 cancelled individually or by any party.

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

- A. No person or other legal entity shall operate a short-term rental without having first obtained a certificate of registration from the Board of Health. An application for a certificate of registration shall be on a form provided by the Town and shall contain the Department of Revenue identification number or proof of exemption under G.L. c. 64G. The operator shall provide with the application a certificate of registration issued by the Department of Revenue in accordance with § 67 of Chapter 62C of the General Laws.
- B. The annual fee for such certificate of registration shall be set forth in the regulations issued pursuant to § 123-4.
- C. The application for the certificate of registration shall include an attestation that the owner and/or operator is in compliance with all applicable federal, state and local laws, including but not limited to G.L. c. 64G and the Fair Housing Act, G.L. c. 151B, and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, and that the owner and/or operator of the property is current with all Town taxes, water, and sewage charges and other fees, subject to the requirements of Chapter 19, §§ 13 through 18, of the Town Code. Any property offered for a short-term rental shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders. Nothing contained herein shall relieve the owner or operator from complying with all local permits, rules and regulations issued by

the Board of Health and other Town boards generally applicable to resident dwelling units.

- D. The Board of Health shall not issue any certificate of registration unless the Operator has:
- (1) submitted a complete application and paid all associated fees;
 - (2) Provided contact information for the operator and persons designated to address any issues at the short-term rental within two hours' notice; and
 - (3) Provided the Town with a certificate of insurance evidencing liability insurance coverage for the short-term rental in an amount to be determined by the regulations issued pursuant to § 123-4.
- E. Operators are subject to inspection of the short-term rental by the Board of Health upon reasonable notice via consent or administrative warrant, or without such notice in the event of an imminent threat to public health or safety.
- F. Certificates of registration are valid for one year and may be renewed at the discretion of the Town, provided that the operator has complied with the provisions of this chapter and any associated regulations during the preceding year. An application for renewal of a certificate of registration shall be submitted along with the annual fee no later than November 1 of the next year. A renewal application shall include an attestation that the Short-Term Rental was operated in accordance with all bylaws and regulations of the Town during the previous year.
- G. The certificate of registration is issued to the operator and does not run with the land. If the short-term rental is sold or transferred out of ownership, a new application for a certificate of registration shall be filed by the new operator before short-term rentals can continue or resume.
- H. Short-Term Rentals are prohibited in dwelling units owned by a Corporation. Short-Term Rentals are permitted in dwelling units owned by an LLC, Trust, or S Corporation only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration.
- I. Short-Term rentals are prohibited in dwelling units designated as affordable or otherwise income-restricted, which are subject to an affordability restriction or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.
- J. Time Share, Fractional and Interval Ownership Units. No Fractional Ownership, Interval or Time Share unit may engage in Short-Term Rental activities or be

eligible to receive a Certificate of registration for such unit; except that this section shall not apply to the creation of mortgages, liens, easements or other similar interests encumbering the residential property as a whole to secure a loan or for any other legitimate purposes; and this section shall not apply to 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.

- K. Any person or other legal entity, including Corporations, LLC's, Trusts, and S Corporations, which hold a Short-Term Rental Certificate on the effective date of this bylaw may continue to engage in Short-Term Rentals in accordance with the existing Rental Certificate, until the dwelling unit is transferred or conveyed, or the Rental Certificate is not renewed or is revoked by the Board of Health. If a property is bequeathed to a person or other beneficiary through a will, trust, or other instrument, the new owner may continue to engage in Short-Term Rental activities in accordance with this section.

§ 123-4. Regulations.

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

§ 123-5. Enforcement.

- A. Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by indictment or on complaint brought in the district court. The Town may seek to enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.
- B. Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, § 21D and the Town's non-criminal disposition bylaw (Chapter 1 of the Town Code). If noncriminal disposition is elected, then any person who violates any provision of this bylaw or regulation shall be subject to a penalty in the amount of \$100 for the first offense; \$200 for the second offense; and \$300 for a third and subsequent offense. Each day or portion thereof shall constitute a separate offense. The Board of Health or its agent, or any police officer of the Town, shall be the enforcing authority.
- C. If a notice of violation of this bylaw or any regulation promulgated hereunder or other order is issued to the operator or the owner of the property by the Board of

Health or its designee, after a certificate of registration is issued, the Board of Health, after a hearing, may suspend for a period of time determined by the Board of Health or revoke said certificate of registration until the violation has been cured or otherwise resolved. Multiple violations by any operator may, at the discretion of the Board of Health and after a hearing, disqualify that operator from obtaining a certificate of registration for a period of up to three years.

- D. In accordance with G.L. c. 64G, § 14(v), the Town may assess a civil penalty not to exceed \$5,000 for any violation of this bylaw or a regulation issued hereunder. Each day a violation continues shall be considered a separate offense.

§ 123-6. Severability.

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

Or to take any other action relative thereto.

(Select Board)

ARTICLE 61

(General Bylaw Amendment: Short-Term Rentals)

To see if the Town will vote to amend Chapter 123 of the Town Code (Short-Term Rentals) and further to authorize the Town Clerk to make non-substantive, ministerial revisions to the numbering of this bylaw in order that it be in compliance with the numbering format of the Code of the Town of Nantucket; or to take any other action relative thereto:

Town of Nantucket, MA / Division 1: Bylaws / Part II: General Legislation
Chapter 123 Short-Term Rentals

[HISTORY: Adopted by the Annual Town Meeting of the Town of Nantucket 5-2-2022 by Art. 39, approved 11-3-2022. Amendments noted where applicable.]

§ 123-1 Purpose and intent.

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

(1) provide for an orderly process for identifying, registering, and regulating short-term rentals within the Town so as to insure that such short-term rentals do not create or cause any nuisance conditions within the Town.

(2) prevent the further growth of residential dwellings owned by corporations and used for the purpose of Short Term Rentals.

(3) continue to permit the operation of Short Term Rentals by natural persons.

(4) allow the Town to implement the Short Term Rental (STR) registration process and to collect sufficient data to accurately assess the practice of STRs, including the impact (if any) this practice may have on affordable/attainable housing and to subsequently develop additional regulations, if such data demonstrates additional regulation is necessary.

§ 123-2 Definitions.

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

CORPORATIONS.

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

NATURAL PERSON.

A natural person is a title used to identify an individual human being.

OPERATOR

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

SHORT-TERM RENTAL

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

TRANSIENT RESIDENTIAL FACILITY

Shall have the same meaning as in Chapter 139 of the Town Code.

Unless otherwise specifically provided in this bylaw, terms used in this bylaw shall have the same meaning as set forth in M.G.L. c. 64G.

§ 123-3 Registration, permitting, inspection and fees.

A. No person or other legal entity shall operate a short-term rental without having first obtained a certificate of registration from the Board of Health. An application for a certificate of registration shall be on a form provided by the Town and shall contain the Department of Revenue identification number or proof of exemption under G.L. c. 64G.

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

B. The annual fee for such certificate of registration shall be set forth in the regulations issued pursuant to § 123-4.

C. The application for the certificate of registration shall include an attestation that the owner and/or operator is in compliance with all applicable federal, state and local laws, including but not limited to G.L. c. 64G and the Fair Housing Act, G.L. c. 151B, and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, and that the owner and/or operator of the property is current with all Town taxes, water, and sewage charges and other fees, subject to the requirements of Chapter 19, §§ 13 through 18, of the Town Code. Any property offered for a short-term rental shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop-work orders. Nothing contained herein shall relieve the owner or operator from complying with all local permits, rules and regulations issued by the Board of Health and other Town boards generally applicable to resident dwelling units.

D. The Board of Health shall not issue any certificate of registration unless the operator has:

- (1) Submitted a complete application and paid all associated fees;
- (2) Provided contact information for the operator and persons designated to address any issues at the short-term rental within two hours' notice; and
- (3) Provided the Town with a certificate of insurance evidencing liability insurance coverage for the short-term rental in an amount to be determined by the regulations issued pursuant to § 123-4.

E. Operators are subject to inspection of the short-term rental by the Board of Health upon reasonable notice via consent or administrative warrant, or without such notice in the event of an imminent threat to public health or safety.

F. Certificates of registration are valid for one year and may be renewed at the discretion of the Town, provided that the operator has complied with the provisions of this chapter and any associated regulations during the preceding year. An application for renewal of a certificate of registration shall be submitted along with the annual fee no later than November 1 of the next year.

G. The certificate of registration is issued to the operator and does not run with the land. If the short-term rental is sold or transferred out of ownership, a new application for a certificate of registration shall be filed by the new operator before short-term rentals can continue or resume.

H. Any corporation, who owned a property and the structure(s) thereon and has been issued a Certificate of Occupancy (as applicable as determined by the Building

Commissioner), unless a Certificate of Occupancy was not required for a dwelling unit prior to the adoption of the State Building Code as determined by the Building Commissioner, prior to the May 2024 Annual Town Meeting, shall be allowed to short term rent such property as has been customary in Nantucket, and shall be exempt from Subsection I of this Section 123-3. When a dwelling unit is transferred or conveyed, or the certificate of registration issued by the Town pursuant to § 123-3 of this chapter is not renewed, any subsequent Short-Term Rental of the dwelling unit shall be subject to all of the requirements of this chapter, including Section I, except that if a dwelling unit is transferred to a person or other beneficiary by will, inheritance or gift, any Short-Term Rental activities shall be exempt from subsection I. Any Short-Term Rental contract for a period of time in Calendar Year 2024 that is entered into prior to the effective date of this bylaw amendment shall be exempt from the provisions of subsection I.

I. Short-Term Rentals are prohibited in dwelling units owned by a corporation and shall not be eligible to receive a certificate of registration. Short-Term Rentals are permitted and eligible to receive a certificate of registration in dwelling units owned by an LLC or Trust or a solely family-owned S Corporation, only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration. The Board of Health may adopt regulations pursuant to § 123-4 establishing the documentation required to establish eligibility under this section. This registration documentation shall include an attestation that the operator(s) are not a corporation and are all natural persons.

§ 123-4 Regulations.

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

§ 123-5 Enforcement.

A. Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by indictment or on complaint brought in the district court. The Town may seek to enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

B. Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, § 21D and the Town's noncriminal disposition bylaw (Chapter 1 of the Town Code). If noncriminal disposition is elected, then any person who violates any provision of this bylaw or regulation shall be subject to a penalty in the amount of \$100 for the first offense; \$200 for the second offense; and \$300 for a third and subsequent offense. Each day or portion thereof shall constitute a separate offense. The Board of Health or its agent, or any police officer of the Town, shall be the enforcing authority.

C. If a notice of violation of this bylaw or any regulation promulgated hereunder or other order is issued to the operator or the owner of the property by the Board of Health or its designee, after a certificate of registration is issued, the Board of Health, after a hearing, may suspend for a period of time determined by the Board of Health or revoke said certificate of registration until the violation has been cured or otherwise resolved. Multiple violations by any operator may, at the discretion of the Board of Health and after a hearing, disqualify that operator from obtaining a certificate of registration for a period of up to three years.

D. In accordance with G.L. c. 64G, § 14(v), the Town may assess a civil penalty not to exceed \$5,000 for any violation of this bylaw or a regulation issued hereunder. Each day a violation continues shall be considered a separate offense.

§ 123-6 Severability.

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

§ 123-7 Effective date.

The provisions of this chapter shall take effect on the day this bylaw becomes effective pursuant to General Laws Chapter 40, § 21, or January 1, 2023, whichever is later

Or to take any other action related thereto.

(Steven Cohen, et al)

ARTICLE 62

(General Bylaw Amendment: Short-Term Rentals)

To see if the Town will vote to amend Chapter 123 of the Town Code (Short-Term Rentals) as follows (language to be interested shown in highlight):

Chapter 123. Short-Term Rentals

[HISTORY: Adopted by the Annual Town Meeting of the Town of Nantucket 5-2-2022 by Art. 39, approved 11-3-2022. Amendments noted where applicable.]

§ 123-1. Purpose and intent.

This bylaw is enacted pursuant to the Town's Home Rule Authority and the authority set forth in General Laws c. 64G, § 14 and is intended to provide for an orderly process for identifying, registering, and regulating short-term rentals within the Town so as to insure that such short-term rentals do not create or cause any nuisance conditions within the Town.

§ 123-2. Definitions.

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

OPERATOR

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

SHORT-TERM RENTAL

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

TRANSIENT RESIDENTIAL FACILITY

Shall have the same meaning as in Chapter 139 of the Town Code.

§ 123-3 Registration, permitting, inspection and fees.

- A. No person shall operate a short-term rental without having first obtained a certificate of registration from the Board of Health. An application for a certificate of registration shall be on a form provided by the Town and shall contain the Department of Revenue identification number or proof of exemption under G.L. c. 64G. The operator shall provide with the application a certificate of registration issued by the Department of Revenue in accordance with § 67 of Chapter 62C of the General Laws.
- B. The annual fee for such certificate of registration shall be set forth in the regulations issued pursuant to § 123-4.
- C. The application for the certificate of registration shall include an attestation that the owner and/or operator is in compliance with all applicable federal, state and local laws, including but not limited to G.L. c. 64G and the Fair Housing Act, G.L. c. 151B, and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, and that the owner and/or operator of the property is current with all Town taxes, water, and sewage charges and other fees, subject to the requirements of Chapter 19, §§ 13 through 18, of the Town Code. Any property offered for a short-term rental shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop-work orders. Nothing contained herein shall relieve the owner or operator from complying with all local permits, rules and regulations issued by the Board of Health and other Town boards generally applicable to resident dwelling units.

- D. The Board of Health shall not issue any certificate of registration unless the operator has:
- (1) Submitted a complete application and paid all associated fees;
 - (2) Provided contact information for the operator and persons designated to address any issues at the short-term rental within two hours' notice; and
 - (3) Provided the Town with a certificate of insurance evidencing liability insurance coverage for the short-term rental in an amount to be determined by the regulations issued pursuant to § 123-4.
- E. Operators are subject to inspection of the short-term rental by the Board of Health upon reasonable notice via consent or administrative warrant, or without such notice in the event of an imminent threat to public health or safety.
- F. Certificates of registration are valid for one year and may be renewed at the discretion of the Town, provided that the operator has complied with the provisions of this chapter and any associated regulations during the preceding year. An application for renewal of a certificate of registration shall be submitted along with the annual fee no later than November 1 of the next year.
- G. The certificate of registration is issued to the operator and does not run with the land. If the short-term rental is sold or transferred out of ownership, a new application for a certificate of registration shall be filed by the new operator before short-term rentals can continue or resume.
- H. Short-Term Rentals are prohibited in dwelling units owned by a corporation. Short Term Rentals are permitted in dwelling units owned by an LLC or Trust only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration.
- I. An Owner may register to operate only two dwelling units as a Short-Term Rentals. If a person owns three or more properties, or owns two and is listed as a manager or agent for a third or more that is or are owned by an LLC, for example, that person must choose two to be registered as a Short-Term Rental. No person shall have more than two legal or equitable titles or beneficial interests in any dwelling unit used for a Short-Term Rental except as provided for above. An Owner may hire a property management company to list and manage Short-Term Rentals, but the registration must be in the Owner's name.

§ 123-4. Regulations.

The Board of Health, subject to the approval of the Select Board, shall promulgate regulations to carry out and enforce the provisions of this chapter. Such regulations may also include but are not limited to requirements to insure that the operation of the short-

term rental does not create or cause a nuisance to the surrounding neighborhood due to unreasonable noise, overburdening of parking areas, and other nuisance conditions. Events that include tents or amplified music or which would customarily require a license or permit are not allowed in Short-Term rentals.

§ 123-5. Enforcement.

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

§ 123-6. Severability.

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

§ 123-7. Effective date.

The provisions of this chapter shall take effect on the day this bylaw becomes effective pursuant to General Laws Chapter 40, § 21, or January 1, 2023, whichever is later.

(Michael Kopko, et al)

ARTICLE 63

(Bylaw Amendment: Streets and Sidewalks/Map Reference)

To see if the Town will vote to amend Chapter 127 (Streets and Sidewalks) 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-sustentative 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 127-20(A) ("Exceptions - Areas located within the Town Overlay District") as follow:

Areas located within the Town Overlay District (not including traffic signals or road widenings for vehicle capacity or installation of signs) as depicted on the map entitled "~~Town and County Overlay District,~~" dated January 2, 2002, Nantucket Planning and Economic Development Commission (Article 37, 2002 ATM) ~~as duly amended and on file at the Town Clerk's office~~ "Town and County Designations" as may be amended from time to time.

Or take any other action related thereto.

(Select Board)

ARTICLE 64

(Bylaw Amendment: Car Rental Agencies, Registration of)

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

§58-1. Definitions.

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

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

- A. Each application for a rental agency license shall be accompanied by a nonrefundable application fee as established by the Select Board. The application shall include a listing of the registration number of each motor vehicle available or to be available for lease for the year in which the license is to be valid. Licenses for rental agencies shall be issued on a calendar-year basis and shall be issued after payment of an annual fee of \$100 per rental motor vehicle;

provided, however, that no payment of such fee shall be required for a motor vehicle upon which an excise has been assessed, levied and paid to the Town of Nantucket under the provisions of Chapter 60A of the General Laws. The Select Board shall issue a license to each approved applicant, which shall be posted in a conspicuous manner at the place of business.

- B. The total number of motor vehicles available for lease on the island of Nantucket shall not exceed 700. The Select Board shall issue each rental agency one rental vehicle medallion (RVM) for each motor vehicle listed in its 1996 application and which received a rental sticker. Each RVM constitutes the nonexpiring right to lease one motor vehicle. A rental agency shall possess one RVM for each motor vehicle listed in its application beginning in 1998.
- C. Upon issuance of the license, the Select Board shall provide one annual rental sticker for each motor vehicle listed in the approved application, which shall be affixed by the licensee to the left rear bumper of each motor vehicle so listed. Each sticker shall recite the registration number of the vehicle to which it is affixed.
- D. RVM's are transferable, with or without consideration, to any other rental agency or entity. Such transfers may be made whenever, and to the extent that, the number of RVM's held by the transferor exceeds the number of unexpired annual stickers issued to the transferor. A transfer shall be effective upon written notice of the transfer, by the transferor, to the Select Board. Should a rental agency surrender its RVM rights to the Select Board, or should the Select Board possess surplus RVM's from any other cause, these RVM's may be retained by the Town and/or may be re-issued at a fee to be established from time to time by the Select Board. Any RVM's not obtained by any rental agency by the end of any calendar year shall be considered surplus as of January first and may be retired by the Town at that time.
- E. RVMs are intended to be kept in use by licensed rental agencies. A current license holder applying for a renewal license for the next calendar year shall file a renewal application by October 1st. Such renewal application shall include a copy of the vehicle registration for any vehicle currently utilizing a RMV. If the Town obtains information suggesting that a rental agency is holding one or more RMVs that are not in use, the Select Board may conduct a hearing on the issue, after providing written notice to the agency with a minimum of seven days advance notice of said hearing. After providing a hearing, the Select Board may take such action as it deems necessary and appropriate, including but not limited to a suspension or revocation of one or more medallions. Any revoked medallions may be issued by the Select Board to another agency pursuant to §58-3 and any policy or regulation for awarding RMVs adopted by the Select Board.

And further to authorize the Select Board to petition the General Court for special legislation amending Chapter 266 of the Acts of 1989 in order to ratify the objectives of this bylaw if deemed necessary; provided, however, that the General Court may make

clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court; and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action related thereto.

(Select Board)

ARTICLE 65

(Bylaw Amendment: Car Rental Agencies, Registration of)

Chapter 58: Equal Access To Rental Vehicle Medallions For New Local Small Businesses & Nantucket Residents

- No person, business or corporation shall hold more than 20% of total available rental vehicle medallion (RVM's).
- No person, business or corporation shall acquire more than 20% of the RVM's newly available for distribution or redistribution in any calendar year. The town of Nantucket shall hold any unpurchased medallions and keep public record of these available RVM's.
- 300 additional RVM's shall be issued over the next 3 years, with 100 new RVM's to be issued in 2024 and 100 new RVM's in each of the 2 subsequent years bringing the total number of RVM's to 1000 in 2026.
- No person, business or corporation shall hold any RVM "inactively" more than two years after the initial date of purchase without assigning the RVM to a specific vehicle. Any such unutilized RVM's shall be automatically returned to the pool of available RVM's after two years.
- The town of Nantucket will keep an accounting for public record of the following:
 - RVM ownership per person, business or corporation as well as the date of issue for each RVM actively or "inactively" held
 - The total number of available RVM's
 - RVM Waitlist and date of application per applicant
- The priority of distribution and redistribution of available RVM's shall be given to Nantucket residents and Massachusetts based businesses and corporations holding less than 50 RVM's. Any remaining RVM's shall be distributed on a first come first serve basis from the waitlist.

(Rebecca McCrensky, et al)

ARTICLE 66

(Bylaw Amendment: Board of Sewer Commissioners/Siasconset Sewer District Map Changes - Sankaty Road, Isobels Way and Plainfield)

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

Map	Parcel	Number	Street
49	80.2	62	Sankaty Road
49	58.1	63	Sankaty Road
49	80.1	64	Sankaty Road
49	58	65	Sankaty Road
49	80	66	Sankaty Road
49	187	68	Sankaty Road
49	81	70	Sankaty Road
49	82	74	Sankaty Road
49	198	90	Sankaty Road
49	2	100	Sankaty Road
49	3	100	Sankaty Road
49	163	100	Sankaty Road
49	164	100	Sankaty Road
48	25	100	Sankaty Road
49	113	8	Isobels Way
49	115	12	Isobels Way
49	144		Plainfield

And to take any other action as may be related thereto.

(Select Board/Sewer Commissioners)

ARTICLE 67

(Home Rule Petition: Establishment of Coastal Resilience District)

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

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

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

SECTION 1. It is in the best interests of the people of the Town of Nantucket to establish Coastal Resilience Districts to allow for the Town to be prepared and plan for the necessary public improvements to mitigate the effects of coastal erosion and shoreline change to the Town's coastline, sea level rise, flooding or other coastal hazards with resilience related infrastructure to reduce the threats to life, injury and property damage, utilities and infrastructure, prevent the occurrence of public emergencies, avoid the loss of roadways and utility services, reduce damage to public and private property, provide for the planning and preparation of coastal resilience measures, and to provide funding for such planning and preparation measures. The Town of Nantucket is hereby

authorized to establish Coastal Resilience Districts that will enable the Town to undertake public improvement projects that will address these environmental effects and to provide funding by those property owners who will benefit from these public improvement projects. The Islands Coastal Resilience District (the "ICRD") shall be described as the geographical boundaries of the entirety of the islands of Nantucket. The establishment of the ICRD shall enable the town to undertake coastal resilience projects to mitigate against the island-wide effects of coastal erosion and shoreline change of the town's coastline, sea level rise, flooding or other coastal hazards.

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

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

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 68

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

To see if the Town will vote to authorize the Select Board pursuant to Chapter 67-1E of the Town of Nantucket Bylaws to lease or license certain Town-owned property along Baxter Road located from 41 Baxter Road to 119 Baxter Road, located on Town Assessor's Map 49 as Parcel 9, Town Assessor's Map 48 as Parcel 8 and Town Assessor's Map 48 as Parcel 6 as shown on a plan which is on file with the Office of the Town Clerk, for erosion control purposes, and on such terms and conditions as the

Select Board deems appropriate, which may include the operation and maintenance of the coastal engineering structures, bluff armoring projects, hard or soft erosion control devices, bulkheads and the like, and the reservation of any easements or restrictions in regard to the property.

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 69

(Bylaw: Coastal Resilience District)

To see if the Town will vote to add a new Chapter to the Code of the Town of Nantucket, Chapter 66A "Coastal Resilience District" as follows:

§1. Definition. The Coastal Resilience Districts are defined by geographical boundaries to describe the areas in Nantucket which will benefit from coastal resilience projects undertaken for the mitigation of the risk areas within the Coastal Resilience Districts. The land constituting the Islands Coastal Resilience District (the "ICRD") is the entirety of the Island of Nantucket and Tuckernuck and Muskeget as shown on a map on file in the Office of the Town Clerk. The Coastal Resilience Sub-Districts (the "Sub-Districts") will be defined by geographical boundaries of a specific area of Nantucket to be determined by the Select Board as described in Section 3 below. The ICRD and the Sub-Districts are collectively referred to in this Chapter as the "Coastal Resilience Districts."

§2. Statement of Purpose. The purpose of the establishment of Coastal Resilience Districts is to provide for shared funding among the property owners in the respective Coastal Resilience Districts who benefit from the coastal resilience projects and improvements. This funding will provide a key contribution to the funding sources for the planning, construction, monitoring and maintenance of coastal resilience projects in the respective Coastal Resilience Districts. The establishment of the ICRD and the Sub-Districts will enable the Town to undertake coastal resilience projects to mitigate against the effects of coastal erosion and shoreline change to the Town's coastline, sea level rise, flooding or other coastal hazards with resilience related infrastructure to reduce the threats to life, personal injury and property damage, utilities and infrastructure which service the various Coastal Resilience Districts, prevent the occurrence of public emergencies, avoid the loss of roadways and utility services, reduce damage to public and private property, and provide for the planning and preparation of coastal resiliency measures to protect and preserve the Sub-Districts as well as the entire ICRD if the benefits are island-wide.

§3. Coastal Resilience Sub-Districts. The Select Board shall have the authority by a majority vote to designate coastal resilience sub-districts which are defined by clear geographical boundaries, which they deem to be in the best interests of the Town as conditions and circumstances warrant in order to further protect and preserve public

and private property, roadways, utilities and infrastructure from the effects of coastal erosion and shoreline change to the Town's coastline, sea level rise, flooding or other coastal hazards, and to undertake applicable coastal resilience projects.

§4. Strategies and Activities within the Districts.

- A. It is in the public interest to delineate the boundaries of the Coastal Resilience Districts in order to enable the Town to address the purposes of this section. The creation of the Coastal Resilience Districts will provide the Town the ability to mitigate the effects of coastal erosion and shoreline change to the Town's coastline, sea level rise, flooding or other coastal hazards which occur in specific Sub-Districts, with the development of specific planning and prevention contingencies, including but not limited to the relocation of roadways, utilities and infrastructure as well as the construction of structural improvements or coastal resilience related improvements for particular Sub-Districts, and those plans to address island-wide effects.
- B. The Coastal Resilience Districts will enable the Town to prepare for public and private funding of coastal resilience projects to address the effects of coastal erosion and shoreline change to the Town's coastline, sea level rise, flooding or other coastal hazards by identifying the properties within the Coastal Resilience Districts which will benefit from the planning and development of these projects.

Or to take any other action related thereto.

(Select Board)

ARTICLE 70

(Bylaw Amendment: Board of Sewer Commissioners/Siasconset Sewer District Map Change - 62 and 64 Sankaty Road)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Siasconset Sewer District) of the code of the town of Nantucket by adding the following properties, currently outside of the district. All as shown on the attached map.

Map	Lot	Number	Street
49	80.2	62	Sankaty Road
49	80.1	64	Sankaty Road

Or to take any other action related thereto.

(Robert Sarkisian, et al)

ARTICLE 71

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change - 16 Rabbit Run Road)

To see if the Town will vote to place the real property ;known and numbered as 16 Rabbit Run Road (Map 43, Parcel 4) in the Town Sewer District pursuant to Nantucket Code, § 41-3.A;

or take other action with regard thereto.

(Arthur I. Reade, Jr., et al)

ARTICLE 72

(Bylaw Amendment: Repeal Chapter 141: Stretch Energy Code)

To see if the Town will vote to repeal its approval of Article 72 at the 2019 Annual Town Meeting held on April 1, 2019 in its entirety. Chapter 141 reads as follows:

Chapter 141Stretch Energy Code

[HISTORY: Adopted by the Annual Town Meeting of the Town of Nantucket 4-1-2019 by Art. 72, approved 8-6-2019. Amendments noted where applicable.]

§ 141-1Purpose.

§ 141-2Definitions.

§ 141-3Applicability.

§ 141-4Authority.

§ 141-5Stretch Code.

§ 141-1Purpose.

The purpose of 780 CMR 115, Appendix AA, is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the Building Code for new buildings.

§ 141-2Definitions.

INTERNATIONAL ENERGY CONSERVATION CODE (IECC)

The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency and is updated on a three-year cycle. The baseline energy conservation requirements of the Massachusetts State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

STRETCH ENERGY CODE

Codified by the Board of Building Regulations and Standards as 780 CMR 115, Appendix AA, of the Massachusetts Building Code, the Stretch Energy Code is an appendix to the Massachusetts Building Code, based on further amendments to the

International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§ 141-3Applicability.

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115, Appendix AA, as indicated.

§ 141-4Authority.

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 115; Appendix AA, may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

§ 141-5Stretch Code.

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR 115, Appendix AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Code of the Town of Nantucket under the General Bylaws, Chapter 141, of the Town Code. The Stretch Code is enforceable by the Building Inspector and effective as of September 1, 2019.

(John Fones, et al)

ARTICLE 73

(Acceptance of Massachusetts General Law: Change to Standards of Investment for Municipal Trust Funds)

To see if the Town will vote to accept the provisions of G.L. c.44, §54(b) to allow Town trust funds to be invested in accordance with G.L. c.203C, the so-called “Prudent Investment Rule”, or take any other action relative thereto.

(Select Board)

ARTICLE 74

(No Town Funds: Surfside Crossing)

To see if the Town will vote to require that no Town of Nantucket funds, or funds under the control of the Town of Nantucket, be paid to any developer involved with, or used to acquire any units or interests in, or otherwise used to support in any way, directly or indirectly, any development, project, construction, maintenance or operation thereof or the like, located at or in any way related to number 3, 5, 7, and 9 South Shore Road and/or 20 Miacomet Road in the Town of Nantucket, or take any other action related thereto.; or otherwise act thereon.

(Meghan Glowacki, et al)

ARTICLE 75

(Establishment of Madaket Landfill Working Partnership Committee)

To see if the Town will vote to authorize the Select Board to form a committee of like-minded individuals, local contractors and business owners, to form a working partnership with the Town of Nantucket, for the purpose of operating the Madaket Landfill.

(Clifford Williams, et al)

ARTICLE 76

(Request for Town Assistance with Evictions)

To see if the Town will vote to authorize the Select Board to aid individual home owner that have rented for less than fair market value and then have the tenant squat in the property once the owner starts the eviction process.

(Clifford Williams, et al)

ARTICLE 77

(Withdraw from “Good Neighbor Agreement”)

To see if the Town will vote to direct the Select Board to take any and all actions available to it in order to withdraw the Town from participation in the “Good Neighbor Agreement” purportedly entered into by the Town and County of Nantucket with Vineyard Wind, LLC, dated August 27, 2020, regarding development of off-shore wind energy projects within the Massachusetts Wind Energy Area, which was executed by the Chair of the Nantucket Select Board without authorization by Town Meeting;

or take other action with regard thereto.

(Vallorie Oliver, et al)

ARTICLE 78

(Offshore Wind Power - Town Meeting Vote Required)

To see if the Town will vote to require that any action taken by or on behalf of the Town of Nantucket with regard to any off-shore wind power generation project shall not be effective unless it has been authorized by vote of Town Meeting;

or take other action with regard thereto.

(Vallorie Oliver, et al)

ARTICLE 79

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. There is hereby imposed a fee equal to one half per cent ($\frac{1}{2}\%$) of the purchase price upon the transfer of any real property interest in any real property situated in Nantucket County. Said fee shall be the liability of the seller of such real property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the seller. The fee shall be paid to the Town of Nantucket, or its designee, and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative and the seller or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Town, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Nantucket County, and the assistant recorder for the registry district of Nantucket County, shall not record or register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate executed by the Town or its designee. Failure to comply with this requirement shall not affect the validity of any instrument. The Town shall deposit all fees received hereunder with the Town treasurer. The treasurer shall deposit such fees in the Affordable Housing Trust Fund. The fee imposed hereunder shall be due simultaneously with the time of transfer of the transfer upon which it is imposed. Notwithstanding the foregoing, whenever there is a conveyance of real property interests and a conveyance of personalty related thereto at or about the same time, the allocations of payments between real estate and personalty agreed to by the purchaser and seller shall not determine the amount of the fee due pursuant to this section; instead, the Town may require payment of the fee referred to in real property interests so conveyed as determined by the Town.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 7. (a) The Town shall notify the purchaser and the seller by registered or certified mail of any failure to discharge in full the amount of the fee due under this Act and any penalty or interest assessed. The Town shall grant a hearing on the matter of the imposition of said fee, or of any penalty or interest assessed, if a petition requesting such hearing is received by the Town within thirty days after the mailing of said notice. The Town shall notify the purchaser and the seller in writing by registered or certified mail of its determination concerning the deficiency, penalty or interest within fifteen days after said hearing. Any party aggrieved by a determination of the Town concerning a deficiency, penalty or interest may, after payment of said deficiency, appeal to the district or superior court within three months after the mailing of notification of the determination of the Town. Upon the failure to timely petition for a hearing, or appeal to said courts, within the time limits hereby established, the purchaser and seller shall be bound by the terms of the notification, assessment or determination, as the case may be, and shall be barred from contesting the fee, and any interest and penalty, as determined by the Town. All decisions of said courts shall be appealable. Every notice to be given under this section by the Town shall be effective if mailed by certified or registered mail to the purchaser or the seller at the address stated in a recorded or registered instrument by virtue of which the purchaser holds any interest in land, the transfer of which gives rise to the fee which is the subject of such notice; and if no such address is stated or if such transfer is not evidenced by an instrument recorded or registered in the public records in Nantucket County, such notice shall be effective when so mailed to the purchaser or seller in care of any person appearing of record to have a fee interest in such land, at the address of such person as set forth in an instrument recorded or registered in Nantucket County.

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

(c) If any seller liable to pay the fee established by this act neglects or refuses to pay the same, the amount, including any interest and penalty thereon, shall be a lien in favor of the Town upon all property and rights to property, whether real or personal, belonging to either such purchaser or such seller. Said lien shall arise at the time of transfer and shall continue until the liability for such amount is satisfied. Said lien shall in any event terminate not later than six years following the time of transfer. Said lien shall not be valid as against any mortgagee, pledgee, purchaser or judgment creditor unless notice

thereof has been filed by the Town (i) with respect to real property or fixtures, in the registry of deeds for Nantucket County, or (ii) with respect to personal property, in the office in which a security or financing statement or notice with respect to the property would be filed in order to perfect a nonpossessory security interest belonging to the person named in the relevant notice, subject to the same limitations as set forth in section fifty of chapter sixty-two C of the General Laws.

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

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

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

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

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

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

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

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

(Select Board)

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

ARTICLE 80

(Home Rule Petition: Authorization for Year-Round Housing Occupancy Restriction)

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

AN ACT AUTHORIZING THE TOWN OF NANTUCKET AFFORDABLE HOUSING TRUST FUND TO ACQUIRE YEAR-ROUND HOUSING OCCUPANCY RESTRICTIONS

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. As used in this Act the following words shall, unless a different meaning clearly appears from the context, have the following meanings:

Select Board - the duly elected Select Board of the Town of Nantucket.

Town - the Town of Nantucket.

Year-Round Housing Occupancy Restriction - is a right, either in perpetuity or for a specified number of years, whether or not stated in the form of a restriction, easement, covenant, condition in any deed, mortgage, will, agreement or other instrument executed by or on behalf of the owner of the land appropriate to (a) limiting the use of all or part of the land to residential housing occupancy by persons or families who occupy either rental or ownership housing as their primary residence for not less than 10 months during any 1-year period, or (b) in any way limiting or restricting the use or enjoyment of all or any portion of the land for the purpose of encouraging or assuring creation or retention of rental and ownership housing for occupancy to persons or families who occupy either rental or ownership housing as their primary residence for not less than 10 months during any 1-year period.

SECTION 2. Notwithstanding any special or general law to the contrary in the Commonwealth, the Town of Nantucket Affordable Housing Trust Fund, a Massachusetts municipal affordable housing trust created pursuant to Massachusetts General Laws Chapter 44, Section 55C, under a Declaration of Trust 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 dated September 25, 2014, recorded with the Nantucket County Registry of Deeds in Book 1452, Page 272, or an authorized municipal board or agency approved by the Select Board, may acquire a year-round housing occupancy restriction for rental or ownership housing.

SECTION 3. The year-round housing occupancy restriction shall be recorded with the Nantucket County Registry of Deeds, or if on registered land, filed with the Nantucket Registry District of the Land Court, and contain a description of the land upon which the restriction is to be imposed provided it specifies that the land lies in the Town and is shown on a recorded or registered plan in the Nantucket County Registry of Deeds or the Nantucket Registry District of the Land Court, gives the boundaries of the land by metes and bounds, with reference to said plan or instrument and if the land is registered, specifies the certificate or certificates of title thereof. The restriction imposed shall run with the title of the land on which it is imposed.

SECTION 4. The acquisition of a year-round housing occupancy restriction must be approved by a vote of the Select Board prior to its acquisition.

SECTION 5. The year-round housing occupancy restriction may be enforced by the holder of the restriction, by injunction or other proceeding, and shall entitle representatives of the holder to enter the land in a reasonable manner and at reasonable times to assure compliance. If the court in any judicial enforcement proceeding, or the decision maker in any arbitration or other alternative dispute resolution enforcement proceeding, finds that there has been a violation of the

restriction then, in addition to any other relief ordered, the petitioner bringing the action or proceeding may be awarded reasonable attorneys' fees and costs incurred in the action proceeding. The restriction may be released, in whole or in part, by the holder for consideration, if any, as the holder may determine, in the same manner as the holder may dispose of land or other interests in land, but only after a public hearing upon reasonable public notice, by the Select Board, whose approval shall be required. The release of the restriction must be recorded or registered in the Nantucket County Registry of Deeds or the Nantucket Registry District of the Land Court, as applicable.

SECTION 6. Acceptance of the restrictions and releases shall be evidenced by certificates of approval or release and executed by the holder of the restriction and the Select Board, and duly recorded or registered.

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 81

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

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

AN ACT AMENDING CHAPTER 396 OF THE ACTS OF 2008

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

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

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

Section 2. This act shall take effect upon passage.

Or to take any other action relative thereto.

(Select Board)

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

ARTICLE 82

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

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

Article II, Section 2.2 - Town Moderator

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

Article II, Section 2.4 - Clerk of the Meeting

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

Article II, Section 2.5 - Town Meeting Warrant

...

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

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

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

Article II, Section 2.6 - Rights of Nonresident Property Owners

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

Article IV, Section 4.2 - Town Manager

...

(d) In particular, the Town Manager:

...

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

Article IV, Section 4.3 - Town Manager Appointments

The Town Manager:

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

...

Article V, Section 5.4 - Recall of Elected Officials

...

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

(d) If sufficient the Town Clerk shall thereupon submit the petition with date of its certification to the Select Board which shall forthwith give written notice thereof to the officer sought to be recalled. If the officer does not resign within 7 5 days, the Select Board shall not less than 75 days after such certification date order a recall election to be held concurrently with the next annual election for Town officers not less than 75 days after such certification date. The recall election, once ordered, shall proceed, even if the office becomes vacant, in the same manner as for an annual Town election.

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

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

For the recall of (name and title of officer)

Against the recall of (name and title of officer)

Article VI, Section 6.6 – Time of Taking Effect

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

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

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

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

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

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

~~question shall be placed substantially as follows:~~

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

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

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

~~Ratified April 8, 1997~~

The form of the Special Act shall be as follows:

AN ACT AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Or to take any other action related thereto.

(Select Board)

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

ARTICLE 83

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

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

advisable to accomplish the intent of the legislation in order to secure its passage, as follows:

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

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

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

Section 2. The act shall take effect upon passage.

Or to take any other action related thereto.

(Select Board)

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

ARTICLE 84

(Home Rule Petition: Real Estate Conveyance - 50 Altar Rock Road to Nantucket Conservation Foundation, Inc.)

To see if the Town will vote to authorize the Select Board to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of all or portions of a certain parcel of land in the Town of Nantucket held by The Inhabitants of the Town of Nantucket for park purposes, as described in more detail below and as shown on a map filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance; and further to authorize the Select Board to convey the property described below to the Nantucket Conservation foundation, Inc. for open space, recreational, and conservation purposes, to be on any terms and conditions the Select Board deem appropriate for roadway and/or any purposes, 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 TOWN OF NANTUCKET TO CONVEY A CERTAIN PARCEL OF LAND SITUATED IN THE TOWN OF NANTUCKET HELD FOR PARK PURPOSES TO THE NANTUCKET CONSERVATION FOUNDATION, INC. FOR OPEN SPACE, RECREATIONAL AND CONSERVATION PURPOSES CONSERVATION OR RECREATIONAL 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 the 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 a certain parcel of land situated in the Town of Nantucket and held by the Select Board for park purposes subject to Article 97 to the Nantucket Conservation Foundation, Inc. for open space, recreational and conservation purposes for roadway and/or any purposes to be 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, described as follows:

- Tax Assessor's Map 45, Parcel 9, 50 Altar Rock Road as shown on a map filed with the Office of the Town Clerk.

Section 2. No instrument conveying by or on behalf of the Commonwealth, any interest in the parcel of land described in Section 1, shall be valid unless such instrument: (i) provides that the land shall be used solely for open space, recreational and conservation purposes; (ii) if the instrument conveys a fee interest in the parcel of land, includes a clause that shall require the grantee to convey a conservation restriction over the land in perpetuity as defined in and subject to sections 31, 32 and 33 of Chapter 184; and (iii) includes a clause that shall state that if the land ceases to be used by the grantee, or its successors or assigns, solely for open space, recreational and conservation purposes at any time that said parcel of land shall revert to the Town of Nantucket, which shall dedicate it for park purposes subject to Article 97.

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

Or to take any other action related thereto.

(Select Board)

NOTE: This home rule petition was approved as Article 94 of the 2022 Annual Town Meeting and Article 87 of the 2023 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

ARTICLE 85

(Home Rule Petition: Real Estate Conveyance - A Portion of Ames Avenue)

To see if the Town will vote to authorize the Select Board to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of all or portions of certain parcels of land in the Town of Nantucket owned by The Inhabitants of the Town of Nantucket held under the care, custody and control of the Nantucket Conservation Commission for conservation or recreational purposes, and which are located in the roadway known as Ames Avenue as described in more detail below and as shown on a map filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance and further to authorize the Select Board to convey the property described below on any terms and conditions the Select Board deem appropriate for roadway and/or any purposes, 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 TOWN OF NANTUCKET TO CONVEY FOR ROADWAY AND ANY OTHER PURPOSES CERTAIN PARCELS OF LAND WITHIN THE ROADWAY KNOWN AS AMES AVENUE, AND SHOWN AS LOTS 35-38 (INCLUSIVE) IN BLOCK 31 ON LAND COURT PLAN NO. 2408-M FILED WITH THE NANTUCKET REGISTRY DISTRICT OF THE LAND COURT SITUATED IN THE TOWN OF NANTUCKET HELD FOR CONSERVATION OR RECREATIONAL PURPOSES TO BE CONVEYED FOR ROADWAY AND/OR ANY 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 the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of all or portions of certain parcels of land situated in the Town of Nantucket for roadway and/or any purposes described as follows:

- Lots 35-38 (inclusive) in Block 31 on Land Court Plan 2408-M of the Nantucket County Land Court Registry and as shown on a map filed with the Office of the Town Clerk;

Section 2. As a condition of any disposition pursuant to Section 1, and to ensure no net loss of land subject to Article 97 of the Amendments to the Constitution of the Commonwealth, the Town of Nantucket shall convey to the care, custody, management and control of the Conservation Commission, and dedicate for conservation and recreation purposes pursuant to Article 97, land of equal or greater acreage and natural resource value as the land so disposed.

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

Or to take any other action related thereto.

(Select Board)

NOTE: This home rule petition was approved as Article 95 of the 2022 Annual Town Meeting and Article 88 of the 2023 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

ARTICLE 86

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

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

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

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

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

SECTION 2. The aggregate principal amount of the bonds or notes issued during any calendar year under authority of this act shall not be greater than the amount sufficient to extinguish the unfunded pension liability of the Barnstable County retirement

association allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank as of a particular date as determined in accordance with this section, plus an amount to provide for issuance costs and other expenses necessary or incidental thereto. The Barnstable County retirement association shall first determine the amount sufficient to extinguish the unfunded pension liability of the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank in accordance with the report of a nationally recognized independent consulting firm, which may be the consulting actuary generally retained by the Barnstable County retirement association, and which amount shall be approved by the public employee retirement administration commission. The report shall also set forth the present value savings to the town reasonably expected to be achieved as a result of the issuance of such bonds or notes.

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

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

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

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

Or to take any other action related thereto.

(Select Board)

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

ARTICLE 87

(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 consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of all or portions of certain parcels of land in the Town of Nantucket owned by The Inhabitants of the Town of Nantucket held for open space, conservation or recreational purposes, as described in more detail below and as shown on a map filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance and further to authorize the Select Board to convey the property described below on any terms and conditions the Select Board deem appropriate for all purposes pursuant to its enabling legislation, 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 TOWN OF NANTUCKET TO CONVEY CERTAIN LAND SITUATED IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE, RECREATIONAL OR CONSERVATION PURPOSES TO THE NANTUCKET ISLANDS LAND BANK FOR THE PURPOSES PURSUANT TO ITS LEGISLATION

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 the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of all or portions of certain parcels of land situated in the Town of

Nantucket to the Nantucket Islands Land Bank for the purposes pursuant to its enabling legislation, and described as follows:

- Tax Assessor's Map 55, Parcel 276, Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 71, 111 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 38, 104 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 9.3, 102 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 9.1, 100 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 9.2, 98 Washington Street;
- Tax Assessor's Map 54, Parcel 53, Monomoy Creeks;
- Tax Assessor's Map 54, Parcel 641, Monomoy Creeks;
- Tax Assessor's Map 55, Parcel 414, 6 Goose Pond Lane;
- Tax Assessor's Map 55, Parcel 407, 4 Goose Pond Lane;
- Tax Assessor's Map 55, Parcel 640, Monomoy Creeks;
- Tax Assessor's Map 55, Parcel 642, Goose Pond Lane;
- Lots A and B and the unconstructed portion of Spruce Street between its eastern sideline and its western sideline shown as 35.61 feet and 57.71 feet as shown on Plan No. 2010-10 recorded with the Nantucket County Registry of Deeds.

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements, and the conveyance or dedication of a parcel or parcels of Town-owned land for purposes pursuant to Article 97, all as shown on a map filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

NOTE: This home rule petition was approved as Article 90 of the 2023 Annual Town Meeting. Home rule petitions currently pending before the legislature, which are not acted upon by December 31, 2024, may expire unless renewed by a confirmatory town meeting vote.

ARTICLE 88

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

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

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

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

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

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

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

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

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

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

Or to take any other action related thereto.

(Select Board)

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

(Select Board)

ARTICLE 89

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

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

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

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

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

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

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

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

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 90

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

To see if the Town will vote to authorize the Select Board to petition the General Court to enact special legislation consistent with the requirements of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts to authorize the transfer and conveyance of a certain parcel of land situated at 35 Grove Lane in the Town of Nantucket owned by the Town of Nantucket under the care, custody, control and management of the Conservation Commission for open space and conservation purposes as described in more detail below and as shown on a map filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance described below on any terms and conditions the Select Board deem appropriate, which may include the

reservation of any easements and restrictions in regard to the property, and further to authorize the transfer and conveyance of certain parcels of land owned by the Inhabitants of the Town of Nantucket held for open space, conservation or passive recreational purposes, which may include the reservation of any easements or restrictions with regard to the properties, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

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

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

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

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

- Tax Assessor's Map 74 as Parcel 71, Low Beach Road (portion of former railroad bed)
- Unnamed way bounded by the eastern sideline of Low Beach Road to the Atlantic Ocean and bounded by 2 Low Beach Road, shown on Tax Assessor's

Map 74 as Parcel 74 and 6 Low Beach Road, shown on Tax Assessor's Map 74 as Parcel 76, Siasconset

- Hawthorne Avenue (between Ocean Avenue and the Atlantic Ocean)
- 35 Grove Lane, shown on Tax Assessor's Map 71 as Parcel 342

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

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 91

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

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

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

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

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

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

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

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

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

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

Or take any other action related thereto.

(Select Board)

ARTICLE 92

(Home Rule Petition: An Act Amending the Charter of the Town of Nantucket to Require Town Department Heads be Town Employees)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending sections 4.2, 4.4, and 4.5 of Chapter IV of the charter for the Town of Nantucket. **Said amendments will require that Department Heads of Town Administration Departments report to the Town Manager and are not subject to employment contracts with other boards, commissions, or agencies.**

And further to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage.

AN ACT AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET

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

The Home Rule Charter of the Town of Nantucket, as established by chapter 289 of the acts of 1996, as amended, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by making the following changes to Article IV - Town Administration.

Section 1: In Section 4.2, Town Manager; insert the following after the text in (d) (2) "said powers shall not be delegated."

Section 2: In Section 4.4, Town Administration Departments; make these changes to the second paragraph of section b) (additions shown in **highlighted text**)

All town employees in the employ of these boards, and commissions, and agencies as staff, assistants and the like shall, on the effective date of this amendment, come under the appointment, removal or other authority of the Town Manager in accordance with section 4.3 and 4.6 of the Charter and shall not be party to any employment contract with any commission, board or agency, provided, however, that the method of appointment or election of members of such boards and commissions (which boards and commissions shall be "Department Head" within the meaning of section 4.6 of the

Charter of the Town for each of their respective jurisdictions) shall not be changed by this amendment. [Amended 4-11-2007 ATM by Art. 44, approved 5-21-2007]

Section 3: In Section 4.5, Department Head Responsibilities; make the following changes (additions shown in highlighted text)

The heads of Town Administration departments shall be responsible to the Town Manager for the efficient operation of their respective departments and for the proper implementation of the laws and regulations of the Commonwealth and of Town bylaws applicable to their departmental functions. Heads of Town Administration departments shall not hold or enter employment contracts with any board, commission or agency.

Section 2: This Act shall take effect upon passage.

Or to take any other action related thereto.

(Meghan Glowacki, et al)

ARTICLE 93

(Real Estate Acquisition: Unnamed Way in Siasconset)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain the fee title or lesser interests together with any public and private rights of passage for public ways, open space and/or municipal purposes in all or any portions of an unnamed and unconstructed way bounded by the eastern sideline of Low Beach Road to the Atlantic Ocean located between two parcels of land owned by the Nantucket Islands Land Bank located at 2 Low Beach Road, shown on Town Assessor's Map 74 as Parcel 74 and 6 Low Beach Road shown on Town Assessor's Map 74 as Parcel 76.

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 94

(Real Estate Acquisition: Linden and Hawthorne Avenues in Siasconset)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for general municipal, public ways, or open space purposes and for purpose of conveyance the fee title or lesser interests together with any public and private rights of passage in all or any portions of an unnamed and unconstructed way bounded by the eastern sideline of Ocean Avenue to the Atlantic Ocean.

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 95

(Real Estate Conveyance: Linden and Hawthorne Avenues in Siasconset)

To see if the Town will vote to authorize the Select Board to convey, sell, exchange or otherwise dispose of the fee title or lesser interests in all or any portion of Hawthorne Avenue subject to the following terms: (1) the Town shall accept grant(s) of One Big Beach Easement(s) to be held for the public benefit as consideration for such disposal of all or any portion of Hawthorne Avenue; (2) the Town shall convey all or a portion of the fee title or lesser interests in the land located between Hawthorne and Linden Avenues adjacent to the Atlantic Ocean, to the Nantucket Islands Land Bank for purposes pursuant to its enabling legislation or the Sconset Trust, Inc. for open space, conservation or passive recreation purposes, as determined by the Select Board; and (3) such disposal of all or any portion of Hawthorne Street shall be upon 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.

Or to take any other action related thereto.

(Select Board)

ARTICLE 96

(Real Estate Acquisition: Unnamed Way - Grove Lane to Westchester Road)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain the fee title or lesser interests together with any public and private rights of passage for public ways, and/or municipal purposes in all or any portions of an unnamed and unconstructed way between the northern sideline of Grove Lane to the southern sideline of Westchester Road.

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 97

(Real Estate Conveyance: Unnamed Way - Grove Lane to Westchester Road)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee title or lesser interests to the Nantucket Islands Land Bank for all purposes pursuant to their enabling legislation and/or the Nantucket Conservation Foundation, for open space and conservation purposes, in all or any portions of an unnamed and unconstructed way between the northern sideline of Grove Lane to the southern sideline of Westchester Road, subject to 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.

Or to take any other action related thereto.

(Select Board)

ARTICLE 98

(Real Estate Conveyance: Town of Nantucket to Nantucket Islands Land Bank and/or Sconset Trust, Inc. - Miscellaneous Parcels in Siasconset and Grove Lane)

To see if the Town will vote to authorize the Town of Nantucket, acting by and through its Conservation Commission to transfer the care, custody, management and control of a certain parcel of land situated at 35 Grove Lane, Nantucket as shown on a plan of land recorded with Nantucket County Registry of Deeds in Plan File 8A, to the Select Board for purposes of conveyance; and further to authorize the Select Board to sell, convey or otherwise dispose of a portion of the fee title or lesser interests in the afore-referenced properties to the Nantucket Islands Land Bank for all purposes pursuant to its enabling legislation and/or to the Sconset Trust, Inc. for open space, conservation and passive recreation purposes, such disposition to be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the following properties: (1) a certain parcel of land off Low Beach Road being a portion of the former railroad bed and shown on Town Assessor's Map 74 as Parcel 71; (2) a certain parcel of unconstructed land shown as Hawthorne Avenue, bounded by Ocean Avenue to the Atlantic Ocean; and (3) a certain parcel of land shown as 35 Grove Lane shown on Town Assessor's Map 41 as Parcel 342, Siasconset.

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 99

(Real Estate Acquisition: 75A, 75B and 77 Bartlett Road)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for the purpose of construction of a municipal sewer pumping station, municipal housing and drainage, sidewalk, utility, public transportation and any other related public purposes, the fee title or lesser interests of all or any portion of property located at 75A, 75B and 77 Bartlett Road, shown on Town Assessor's Map 66 as Parcels 427.1, 427.2 and 428.

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 100

(Real Estate Acquisition: Paper Streets - Miacomet Park)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain the fee title or lesser interests together with any public and private rights of passage for public ways, open space and/or municipal purposes and for conveyance purposes in all or any portions of unconstructed ways within an area of land known as Miacomet Park including but not limited to Central, Ocean, Miacomet and Surfside Avenues, and Cottage, Dartmouth, Harvard, Hemlock, Highland, Lincoln, Mineral, Spring, Spruce, Summer and Walnut Streets, as shown on a plan entitled "Plan of Land Taking in Nantucket, MA," dated October 5, 1998, recorded with the Nantucket Registry of Deeds as Plan 53-T.

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 101

(Real Estate Conveyance: Paper Streets - Miacomet Park)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee title or lesser interests to the Nantucket Islands Land Bank for all purposes pursuant to its enabling legislation all or any portions of unconstructed ways within an area of land known as Miacomet Park including but not limited to Central, Ocean, Miacomet and Surfside Avenues, and Cottage, Dartmouth, Harvard, Hemlock, Highland, Lincoln, Mineral, Spring, Spruce, Summer and Walnut Streets shown on a plan of land entitled "Plan of Land Taking in Nantucket, MA," dated October 5, 1998 recorded with Nantucket Registry of Deeds as Plan 53-T, subject to 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.

Or to take any other action related thereto.

(Select Board)

ARTICLE 102

(Real Estate Conveyance: School Street, Surfside)

To see if the Town will vote to authorize the County of Nantucket to transfer the care, custody, management and control of School Street, as shown on a plan entitled "Plan of Taking for Nantucket County Commissioners School Street in Nantucket (Surfside) MA.," dated May 26, 1981, prepared by John J. Shugrue, Inc., recorded with Nantucket County Registry of Deeds in Plan Book 12-C-1, to the Select Board for purposes of conveyance; and further to authorize the Select Board sell, convey or otherwise dispose of a portion of the fee title or lesser interests in School Street subject to the following terms: (1) the Town shall accept a grant of a One Big Beach Easement

to be held for the public benefit as consideration for such disposal of all or any portion of School Street; (2) the Town shall retain rights for the public to access Surfside Beach from Western Avenue to the Atlantic Ocean; (3) the owner of 26 Western Avenue, shown on Town Assessor's Map 87 as Parcel 77, shall grant an easement over their property to the Town for pedestrian and emergency access over an existing path; and (4) subject to such terms and conditions as the Select Board, deem appropriate which may include the reservation of restrictions and other easements.

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 103

(Real Estate Conveyances: Utility Easements for Electric Vehicle Charging Stations)

To see if the Town will vote to authorize the Select Board to convey a perpetual non-exclusive easement to National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain, operate, use, inspect and patrol the electric lines and transformer necessary for electric vehicle charging stations and together with any other equipment and appurtenances, reasonably required in, through, under, across and upon a portion of two Town-owned parcels of land located at (1) Surfside Beach, 166 Surfside Road, Nantucket shown on Town Assessor's Map 87 as Parcel 131, and (2) Jetties Beach Tennis Courts located at 4 Bathing Beach Road, Nantucket, shown on Town Assessor's Map 29 as Parcel 1.

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 104

(Real Estate Conveyance: Wauwinet Road and Unnamed Way)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee title or lesser interests in all or any portions of the subject land pursuant to M.G.L., c. 30B, and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's office, any such disposition to be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of easements and restrictions, in the following:

- An unnamed way between the western sideline of properties shown on Town Assessor's Map 20 as Parcels 37 and 41 and the eastern sideline of Wauwinet Road;
- A portion of Wauwinet Road between the western sideline of property shown on Town Assessor's Map 20 as Parcel 41, the eastern sideline of property shown on Town Assessor's Map 20 as Parcel 45, the southern sideline of an unnamed way,

and a point connecting the southwestern sideline of property shown on Town Assessor's Map 20 as Parcel 41 with the southern property line of property shown on Town Assessor's Map 20 as Parcel 45.

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 105

(Real Estate Acquisition: Unnamed Way (Surfside))

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain the fee title or lesser interests together with any public or private rights of passage for public ways and/or general municipal purposes in the unnamed way from the northern side of Western Avenue to Weeweeder Pond.

Or otherwise act thereon.

(Patricia A. Halsted, et al)

ARTICLE 106

(Real Estate Conveyance: Unnamed Way (Surfside))

To see if the Town will vote to authorize the Select Board to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of the unnamed way from the northern sideline of Western Avenue to Weeweeder Pond, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's office, such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions.

Or otherwise act thereon.

(Patricia A. Halsted, et al)

ARTICLE 107

(Real Estate Acquisition: Bank Avenue and Adjacent Way)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for general municipal purposes and for the purpose of conveyance of the fee title or lesser interests, together with any public or private rights of passage, in the unconstructed private way called Bank Avenue, as shown upon Land Court Plans 8178-A and 14733-A, and in so much of the Way running to the northeast from Bank Avenue between Lots A and C on Land Court Plan 8178-A as is southwest of the extended northeasterly line of Lot C;

or take other action with regard thereto.

(Arthur I. Reade, Jr., et al)

ARTICLE 108

(Real Estate Conveyance: Bank Avenue and Adjacent Way)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land pursuant to M.G.L., c. 30B, and guidelines established under the “Nantucket Yard Sales” program on file at the Board of Selectmen’s office, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in the unconstructed private way called Bank Avenue, as shown upon Land Court Plans 8178-A and 14733-A, and in so much of the Way running to the northeast from Bank Avenue between Lots A and C on Land Court Plan 8178-A as is southwest of the extended northeasterly line of Lot C;

or take other action with regard thereto.

(Arthur I. Reade, Jr., et al)

ARTICLE 109

(Real Estate Acquisition: Hamblin Road)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for general municipal purposes and for the purpose of conveyance of the fee title or lesser interests, together with any public or private rights of passage, in the unconstructed private way called Bank Avenue, as shown upon Land Court Plans 8178-A and 14733-A, and in so much of the Way running to the northeast from Bank Avenue between Lots A and C on Land Court Plan 8178-A as is southwest of the extended northeasterly line of Lot C;

or take other action with regard thereto.

(Kenneth Gullicksen, et al)

ARTICLE 110

(Real Estate Acquisition: Hamblin Road)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land pursuant to M.G.L., c. 30B, and guidelines established under the “Nantucket Yard Sales” program on file at the Board of Selectmen’s office, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in so much of the unconstructed private way called Hamblin Road, as shown upon plan dated Nov. 1953, recorded with Nantucket Deeds in Plan Book 14, Page 40, as lies between the extended southern boundary of Lot 12 on said plan and the extended northerly boundary of Lot 9 on said plan;

or take other action with regard thereto.

(Kenneth Gullicksen, et al)

ARTICLE 111
(Appropriation: Stabilization Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of the Stabilization Fund in accordance with Chapter 40 section 5B of the Massachusetts General Laws, from which appropriations may be made by a two-thirds vote of an Annual or Special Town Meeting for any purpose for which a municipality may borrow money or for any other lawful purpose; said sum not to exceed ten percent (10%) of the Fiscal Year 2023 tax levy.

Or to take any other action related thereto.

(Select Board)

ARTICLE 112
(Appropriation: Free Cash)

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

(Select Board)

ZONING

139 Attachment 2

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

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

A = Accessory Use as defined in § 139-15

FBED = Formula Business Exclusion District

N = No

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

Y = Yes

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

* Article 45/Emily Molden article attachment

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

139 Attachment 2:1

Supp 40, Jun 2022

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

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

***TUESDAY, THE TWENTY-FIRST DAY OF MAY 2023
BETWEEN THE HOURS OF 7:00 AM and 8:00 PM***

for the following purpose:

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

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

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

1. Debt Exclusion for Town Employee Housing Feasibility 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 conduct a Town Employee Housing Feasibility Study, and Design and OPM services for Town Employee Housing, including the cost of professional services, including permitting, and engineering, and any other costs incidental and related thereto?

2. Debt Exclusion: Acquisition of 31 Western Avenue

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to purchase the property located at 31 Western Avenue and any other costs incidental and related thereto?

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

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

professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto?

4. Debt Exclusion for Supplemental Funding for Newtown Road Transportation 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 to provide supplemental funding to make various transportation-related improvements on Newton Road 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?

5. Debt Exclusion for 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 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?

6. Debt Exclusion for the Expansion of Landfill Cell 3B

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 expand landfill cell 3B located at the Solid Waste Management Facility at 188 Madaket 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?

7. Debt Exclusion for Reconstruction of the Jetties Beach Tennis Courts

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 reconstruct the Tennis Courts located at Jetties Beach, 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?

8. Debt Exclusion for Public Safety Auxiliary Building

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 Public Safety Auxiliary Building located at 4 Fairgrounds 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?

9. Capital Outlay Exclusions

Shall the Town of Nantucket be allowed to assess an additional \$4,338,916 in real estate and personal property taxes for the following purposes in the amounts as follows for the fiscal year beginning July 1, 2024?

Department	Purpose	Amount
DPW - Central Fleet	DPW Mechanic's Truck Replacement	\$120,000
DPW - Central Fleet	New: Parks and Recreation Pickup Truck	\$82,500
DPW - Central Fleet	New: Parks and Recreation Dump Truck	\$129,800
DPW - Central Fleet	New: Operations Dump Truck	\$121,000
DPW - Central Fleet	Operations: Dump Truck Replacement	\$129,800
DPW - Central Fleet	Facilities: Dump Truck Replacement	\$121,000
DPW - Central Fleet	Facilities: Utility Body Truck Replacement	\$104,500
DPW - Operations	Cat 420 Backhoe Replacement	\$153,800
DPW - Operations	Kubota M4070 Tractor Replacement	\$84,400
DPW - Parks	Tom Nevers Playground Reconstruction	\$157,116
Fire Department	Engine 1 Replacement (supplemental funding)	\$50,000
Fire Department	Engine 2 Replacement	\$1,000,000
Fire Department	New: Administration Car - EMS/Training Deputy Chief	\$85,000
Fire Department	Ladder Truck Replacement	\$2,000,000
Total Capital Exclusion		\$4,338,916

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

Given under our hands this seventeenth day of January in the year Two Thousand Twenty-four.

Dawn E. Hill Holdgate, Chair

Brooke Mohr, Vice Chair

Thomas Dixon

Matthew G. Fee

Malcolm MacNab

SELECT BOARD OF NANTUCKET, MA

Pursuant to Chapter 39, section 10 of the General Laws of the Commonwealth and the Warrant of January 17, 2024 I have notified and warned the inhabitants of the Town of Nantucket qualified to vote in Town affairs to appear at the times and place and for the purposes within mentioned by posting said notification on _____ at the Stop & Shop on Pleasant Street, the Town and County Building at 16 Broad Street; and upon the Bulletin Boards at the corner of Main and Federal Streets, and Siasconset Square.

Sworn to under pains and penalties of perjury,

Constable