

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF NANTUCKET



WARRANT FOR

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

*AND*

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

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

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

**NON-BINDING SENSE OF THE MEETING QUESTION**

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

*Background:*

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

*The proposed Town Council would:*

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

*Approval of this non-binding sense of the meeting vote would be the first step in moving forward with the process for adoption of a new Charter, provided, however, that the proposal as described above is not final, and that in order to formally revise the Charter there will likely be three additional steps: approval at a Town Meeting, approval by the General Court, and acceptance by the voters of the Town at an election.*

***A YES vote would indicate interest in converting from Open Town Meeting to a Town Council/Town Manager structure.***

***A NO vote would indicate opposition to this proposal and a preference for keeping Open Town Meeting.***

**ARTICLE 1  
(Receipt of Reports)**

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

*(Select Board)*

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

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

*(Select Board)*

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

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

*(Select Board)*

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

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

*(Select Board)*

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

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of establishing a Reserve Fund pursuant to Chapter 40 section 6 of the Massachusetts

General Laws, to provide for the extraordinary and unforeseen expenditures which may arise during Fiscal Year 2026; said sum not to exceed five (5) percent of the Fiscal Year 2025 tax levy; or to take any other action related thereto.

*(Select Board)*

## ARTICLE 6

### (Fiscal Year 2025 General Fund Budget Transfers)

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

*(Select Board)*

## ARTICLE 7

### (Personnel Compensation Plans for Fiscal Year 2026)

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

#### *Schedule A -- Miscellaneous Compensation Schedule*

|  |                            |
|--|----------------------------|
| Abatement Advisory Committee (yearly per member)                 | \$600.00                   |
| Americans with Disabilities Act Facilitator (hourly)             | \$32.00                    |
| Building, Plumbing, Wiring Inspector, Assistants (hourly)        | Up to \$80.00              |
| Certified Nurse's Aide/Our Island Home (Per Diem - hourly)       | <del>\$26.00</del> \$28.00 |
| Dietician/Our Island Home (hourly)                               | <del>\$43.00</del> \$45.00 |
| Election Warden (hourly)   | \$35.00                    |
| Election Worker (hourly)   | \$32.00                    |
| Exercise Instructors/Senior Center (hourly)                      | Up to \$40.00              |
|  | \$45.00                    |
| EMT, Call (hourly)   | \$32.00                    |
| Fire Captain, Call (yearly)                                      | \$150.00                   |
| Fire Fighter, Call (hourly)                                      | \$32.00                    |
| Fire Lieutenant, Call (yearly)                                   | \$125.00                   |
| Fire Chief, Second Deputy (yearly)                               | \$5,000.00                 |
| Fire Chief, Third Deputy (yearly)                                | \$5,000.00                 |
| Licensed Practical Nurse/Our Island Home (Per Diem - hourly)     | <del>\$33.50</del> \$35.50 |
| Our Island Home Ancillary (Per Diem - hourly)                    | <del>\$23.50</del> \$25.50 |
| Paramedic, Certified (Per Diem - hourly)                         | \$32.00                    |
| Registered Nurse/Our Island Home (Per Diem - hourly)             | <del>\$49.00</del> \$51.00 |
| Registrar of Voters (yearly)                                     | \$600.00                   |
| Registrar, Temporary Assistant (hourly)                          | \$32.00                    |
| <del>Reserve Police Officer (hourly)</del>                       | <del>\$32.00</del>         |
| <del>Student Police Officer (hourly)</del>                       | <del>\$38.65</del>         |
| Seasonal Assistant Harbormaster (hourly)                         | <del>\$32.00</del> \$34.00 |
| Seasonal Lifeguard Supervisor (hourly)                           | <del>\$32.00</del> \$34.00 |
| <del>Seasonal Maintenance Supervisor Public Works (hourly)</del> | <del>\$25.00</del>         |

|                           |                      |
|---------------------------|----------------------|
| Seasonal Health Inspector | \$32.00              |
| Temporary Employee        | various rates of pay |
| Veterans' Agent (hourly)  | \$32.00              |

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

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

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

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

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

|                            |                        |
|----------------------------|------------------------|
| Moderator                  | \$175 \$1,000 per year |
| Select Board Member, Chair | \$6,000/per year       |
| Select Board Members       | \$4,500/per year       |
| Town Clerk                 | \$142,501              |

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

Or to take any other action related thereto.

*(Select Board)*

## ARTICLE 8

### (Appropriation: Fiscal Year 2026 General Fund Operating Budget)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of

supporting the offices, departments, boards and commissions of the Town of Nantucket for Fiscal Year 2026; or to take any other action related thereto.

*(Select Board)*

## **ARTICLE 9**

### **(Appropriation: Health and Human Services)**

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

*(Select Board)*

## **ARTICLE 10**

### **(Appropriation: General Fund Capital Expenditures)**

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

*(Select Board)*

## **ARTICLE 11**

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

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

*(Select Board)*

## **ARTICLE 12**

### **(Supplemental Appropriation: Public Works Facility Improvements - Design)**

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

*(Select Board)*

## **ARTICLE 13**

### **(Appropriation: Our Island Home)**

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

*(Select Board)*

## **ARTICLE 14**

### **(Supplemental Appropriation: Tom Nevers Road Bike Path)**

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

*(Select Board)*



## **ARTICLE 15**

### **(Appropriation: Fiscal Year 2026 Enterprise Funds Operations)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the operation of the Enterprise Funds of the Town of Nantucket for Fiscal Year 2026, out of anticipated revenues of the designated funds; or to take any other action related thereto.

*(Select Board for the Various Departments Indicated)*

## **ARTICLE 16**

### **(Appropriation: Enterprise Funds Capital Expenditures)**

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

*(Select Board for the Various Departments Indicated)*

## **ARTICLE 17**

### **(Enterprise Funds: Fiscal Year 2025 Budget Transfers)**

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

*(Select Board)*

## **ARTICLE 18**

### **(Appropriation: Waterways Improvement Fund)**

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

Or to take any other action related thereto.

*(Select Board)*

## **ARTICLE 19**

### **(Appropriation: Ambulance Reserve Fund)**

To see what sum the Town will vote to appropriate from the Ambulance Reserve Fund for the purchase of ambulance-related equipment, including but not limited to

extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for ambulances, and other such related costs to operate the Town's ambulance services, including up to seven (7) full-time firefighter/EMT and/or paramedic positions. All expenditures to be made by the Fire Department, subject to the approval of the Town Manager; or to take any other action related thereto.

*(Select Board)*

## **ARTICLE 20**

### **(Appropriation: Ferry Embarkation Fee)**

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

Or to take any other action related thereto.

*(Select Board)*

## **ARTICLE 21**

### **(Appropriation: County Assessment)**

To see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to pay the County of Nantucket such assessment as is required for Fiscal Year 2024, and to authorize the expenditure of these funds for County purposes, all in accordance with the Massachusetts General Laws and in accordance with the County Charter (Chapter 290 of the Acts of 1996), the sum of Two Hundred Forty Thousand Six Hundred Five Dollars (\$240,605); or to take any other action related thereto.

*(Select Board/County Commissioners)*

## **ARTICLE 22**

### **(Appropriation: Finalizing Fiscal Year 2026 County Budget)**

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

meaning of Chapter 35 section 32 of the Massachusetts General Laws; or to take any other action related thereto.

*(Select Board/County Commissioners)*

## **ARTICLE 23**

### **(Rescind Unused Borrowing Authority)**

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

Or to take any other action related thereto.

*(Select Board)*

## **ARTICLE 24**

### **(Appropriation: Other Post-Employment Benefits Trust Fund)**

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

Or to take any other action related thereto.

*(Select Board)*

## **ARTICLE 25**

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

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

*(Select Board)*

## **ARTICLE 26**

### **(Appropriation: Fiscal Year 2026 Community Preservation Committee)**

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

*(Select Board for Community Preservation Committee)*

## ARTICLE 27

### **(Community Preservation Committee: Fiscal Year 2025 Budget Transfers)**

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

*(Select Board for Community Preservation Committee)*

## ARTICLE 28

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

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

*(Select Board for Community Preservation Committee)*

## ARTICLE 29

### **(Rescind Unused Borrowing Authority for Affordable Housing Trust)**

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

For information of voters 2023 ARTICLE 18 provided as follows:

Appropriation: Affordable Housing Trust Fund)

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

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

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

*(Toby Brown, et al)*

### **ARTICLE 30**

#### **(Appropriation: Teenage Recreation Center Program)**

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

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

*(Emma Raith, et al)*

### **ARTICLE 31**

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

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

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

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

### **ARTICLE 32**

#### **(Zoning Map Change: RC-2 to R-5 or CTEC - Rosemary Way)**

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

| Map | Lot | Number | Street       |
|-----|-----|--------|--------------|
| 69  | 20  | 1      | Rosemary Way |
| 69  | 275 | 3      | Rosemary Way |

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

### ARTICLE 33

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

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

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

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

### ARTICLE 34

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

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

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

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

### ARTICLE 35

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

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

| Map | Lot | Number | Street             |
|-----|-----|--------|--------------------|
| 69  | 17  | 43     | Nobadeer Farm Road |

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

#### ARTICLE 36

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

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

Lots 1-13 on Plan 2024-16 on file with the Nantucket Registry of Deeds (formerly/currently known as 86A and 88 Old South Road, Map 68, Parcels 400 and 419.1).

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

#### ARTICLE 37

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

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

| Map    | Lot | Number | Street            |
|--------|-----|--------|-------------------|
| 55.1.4 | 37  | 103    | Washington Street |

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

#### ARTICLE 38

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

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

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

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

#### **ARTICLE 39**

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

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

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

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

#### **ARTICLE 40**

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

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

| Map | Lot | Number | Street       |
|-----|-----|--------|--------------|
| 68  | 55  | 23     | Airport Road |

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

#### **ARTICLE 41**

##### **(Zoning Map Change: Open Space Parcels - Various)**

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



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

| Map    | Lot  | Number | Street        |
|--------|------|--------|---------------|
| 42.2.3 | 39.1 | 1      | Meader Street |

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

| Map | Lot | Number | Street         |
|-----|-----|--------|----------------|
| 56  | 243 | 22     | Hawthorne Lane |

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

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

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

| Map | Lot | Number | Street           |
|-----|-----|--------|------------------|
| 30  | 45  | 41     | Jefferson Avenue |

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

| Map | Lot | Number | Street        |
|-----|-----|--------|---------------|
| 66  | 436 | 69     | Bartlett Road |

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

## ARTICLE 42

### **(Zoning Bylaw Amendment: Temporary Moratorium on Tertiary Dwellings)**

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

Inserting a new Section, TEMPOARY MORATORIUM ON TERTIARY DWELLINGS

## A. Purpose

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

## B. Definition

### TERTIARY DWELLING

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

Planning Board approvals shall be valid for a period of two years from the date of plan endorsement.

### C. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the allowance of new Tertiary Dwellings. The moratorium shall be in effect from the vote of Town Meeting through December 31, 2025. During the moratorium period, the Town shall review and address the impacts of Section 8 of Chapter 150 of the Acts of 2024 on the existing Zoning Bylaw and shall consider adopting new Zoning Bylaws in response to this issue.

Or to take any other action relative thereto.

*(Select Board for Planning Board)*

## ARTICLE 43

### (Zoning Bylaw Amendment: Accessory Dwelling Unit)

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

Amend section 2 (Definitions- Accessory Dwelling)

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

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

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

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

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

#### **ARTICLE 44**

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

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

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

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

#### **ARTICLE 45**

##### **(Zoning Bylaw Amendment: Principal Dwelling)**

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

Amend section 2 (Definitions) by inserting and defining, in alphabetical order with existing definitions, a new term “Principal Dwelling”

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

## ARTICLE 46

### (Zoning Bylaw Amendment: Dwelling Unit)

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

Amend section 2 (Definitions- Dwelling Unit)

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

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

## ARTICLE 47

### (Zoning Bylaw Amendment: Year-round Housing)

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

Amend section 2 (Definitions) by inserting and defining, in alphabetical order with existing definitions, a new term “Year-round Housing”

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

#### ARTICLE 48

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

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

Amend section 18B (Parking requirements) for “Accessory Dwelling” as follows:

1. “Accessory Dwelling **Unit**”
2. CDT, CMI from “0” to “N/A”
3. CN, VN, VTEC from “1” to “N/A”

Or to take any other action related thereto.

*(Select Board for Planning Board)*

#### ARTICLE 49

##### **(Zoning Bylaw Amendment: Definitions - Attainable Housing)**

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

Amend section 2 (Definitions) by inserting and defining, in alphabetical order with existing definitions, a new term “Attainable Housing” as follows:

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

Or to take any other action related thereto.

(Select Board for Planning Board)

## ARTICLE 50

### (Zoning Bylaw Amendment: Cottage Community)

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

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

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

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

#### (2) Requirements

- a. A Cottage Community may be permitted in the following zoning districts: ROH, R-5, R-10, R-20, R-40, VR, LUG-1, LUG-2, LUG-3, VN, CN, and CTEC.
- b. The lot(s) shall not be subject to any covenants, restrictions or similar encumbrances, whether appearing in a deed, easement, land-use permit or any other instrument, pertaining to the prohibition of the number of dwelling units allowed on the lot.
- c. The lot must be at least the minimum lot size required for the underlying zoning district.
- d. All units must be single family detached dwelling units.
- e. All dwelling units must be owner occupied, will be subject to a year-round deed restriction and must be sold to an owner that earns at or below 240% of the Nantucket County median household income.
- f. The monitoring and enforcement agent shall be assigned by the Nantucket Affordable Housing Trust, and may change from time to time through a Regulatory Agreement.

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

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

- a. Any newly constructed unit shall not exceed 24 feet in height.
- b. A single dwelling unit may not exceed three bedrooms. The Planning Board may grant a waiver to accommodate dwellings that were already in existence prior to granting the Special Permit.
- c. Groundcover and setbacks of the underlying district shall apply.
- d. There shall be a minimum separation of 5 feet between dwelling units.
- e. Requirements for a secondary dwelling, tertiary dwelling, apartment, and apartment building contained within § 139-2 of this chapter shall not apply.

#### (4) Off Street Parking Requirements

- a. Off street parking requirements as quantified in § 139-18 of this chapter shall not apply.
- b. All two bedrooms and three bedroom units shall require a minimum of two off street parking space per unit.



c. All studio and one-bedroom units shall require a minimum of one off street parking space per unit.

d. The Planning Board may waive these requirements.

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

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

## ARTICLE 51

### (Zoning Bylaw Amendment: Inclusionary Housing)

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

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

#### A. Purpose and Intent

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

#### B. Definitions

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

2. Eligible Household. An individual or family with household incomes that do not exceed 240% of the Nantucket County Area Median Income, with adjustments for household size, as reported by the United States Department of

Housing and Urban Development (HUD) or the Massachusetts Executive Office of Housing and Livable Communities (EOHLC), whichever is the most current.

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

### C. Applicability

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

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

### 3. Exemptions and waivers:

- (a) Any municipal structure, use, or lot division shall be exempt from the requirements of Sections 1-2 above;
- (b) Any not-for-profit organizations incorporated pursuant to G.L. c 180 et seq, may be exempt from the requirements of Section 1-2 above as determined by the Zoning Enforcement Officer; and
- (c) The Planning Board may waive the requirements of Sections 1-2 above, provided that the Board finds that the proposed development will provide a community housing benefit in compliance with the Town of Nantucket Master Plan and/or Housing Production Plan, which may be amended from time to time.
- (d) In lieu of providing Attainable Dwelling Units, an applicant may provide a monetary contribution of equivalent value to the Town of Nantucket, to be placed in a fund for the development of attainable housing administered by the Town of Nantucket's Affordable Housing Trust Fund. The amount of such contribution shall be equivalent to the average sale price of residential property with 5,000 square foot to 10,000 square foot lot sizes in the R-5 district as recorded by the Nantucket Islands Land Bank during the one-year period prior to approval of the special permit. This payment may be used only to construct or otherwise create new Attainable Dwelling Units within Nantucket County.

### D. Mandatory Provision of Attainable Dwelling Units

1. The Planning Board shall require that development regulated by Sections 139-9 (C)(1) or (C)(2) comply with the following minimum requirements, in

addition to those imposed pursuant to the Planning Board's authority found in Section 139-30:

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

(1) constructed or rehabilitated on the locus subject to the special permit; or

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

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

(1) constructed or rehabilitated on the locus subject to the special permit; or

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

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

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

1. Minimum design and construction standards for Attainable Dwelling Units. Attainable Dwelling Units within market rate developments shall be integrated with the rest of the development and shall be compatible in size, design, appearance, construction and quality of materials of the market-rate units.

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

#### F. Local Preference

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

#### G. Provision of Attainable Dwelling Units Off-Site

1. As an alternative to the requirements of Section 139-9(D), an applicant subject to the Bylaw may develop, construct or otherwise provide Attainable

Dwelling Units equivalent to those required by Section 139-9(D) off-site, provided that the location of the off-site unit(s) to be provided shall be approved by the Planning Board as an element of the special permit review and approval process.

#### H. Preservation of Affordability; Restrictions on Resale or Rental

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

##### 2. Attainable Dwelling Units that are Rented:

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

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

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

##### 3. Attainable Dwelling Units that are Sold:

(a) The gross income of an Eligible Household upon initial purchase and occupancy of an Attainable Dwelling Unit shall be determined as defined above.

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

4. The Planning Board shall require, as a condition for the issuance of a special permit under this Bylaw, that the applicant comply with the mandatory requirements of Attainable Dwelling Units and accompanying restrictions on attainability, including the execution of an attainable housing restriction or deed restrictions as set forth above. The Building Commissioner shall not issue a

Certificate of Occupancy for any Attainable Dwelling Unit required by this Bylaw until said affordable housing or deed restriction is recorded at the Nantucket County Registry of Deeds.

#### **I. Severability**

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

### **ARTICLE 52**

#### **(Zoning Bylaw Amendment: Use Chart - Pickleball)**

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

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

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

### **ARTICLE 53**

#### **(Zoning Bylaw Amendment: Solar Energy)**

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

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

The horizontal area of a lot covered at grade by structures, together with those portions of any overhangs which contain enclosed interior space; excluding, for instance, tents, retaining walls, substantially below grade finished or unfinished

space, exterior insulation, decks, unenclosed porches, unenclosed roofed overhangs and connectors, entryway hoods and projections, gazebos, pergolas, play structures, platforms and steps, docks, game playing courts at grade, exterior in-ground residential swimming pools, exterior in-ground or above grade hot tub/spas, chimneys, bulkheads, bay and bow windows, window wells, unenclosed breezeways, air-conditioning units, generators and generator enclosures, mechanical and utility equipment, unroofed walled enclosures, exterior showers, fuel tanks, roof eaves, trash bins, ground mounted solar, and one or more detached sheds not exceeding an aggregate 200 square feet ground cover, and none taller than 16 feet in height, as measured from the top of the slab, pier, or crawl space foundation(s).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

## ARTICLE 54

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

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

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

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

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

Site plan approval. Prior to the issuance of a building permit for structures or uses permitted as a matter of right or by special permit in the Moorlands Management District, the ~~Planning Board~~ **Zoning Board of Appeals** shall have the authority to review and approve the siting of said structure(s) on the lot in accordance with the following performance standards:

- (1) To maximize the protection of endangered plant and animal species through the siting of structures and uses a maximum distance away from known or suspected habitats of such species, even when such habitats are located off-site; to minimize disturbance to such species by limiting construction activities to certain times of the year.
- (2) To maximize the protection of scenic views through the siting of structures on lower elevations, and clustering of structures near other structures located off-site.
- (3) To maximize protection of moorlands and heath-land vegetation and landforms through the use of various measures, including, but not limited to, limitations on grading, fencing, landscaping, driveway and parking facilities, and other physical disruptions to indigenous natural systems.
- (4) The ~~Planning Board~~ **Zoning Board of Appeals** may include conditions as part of the approval of such a site plan in order to assure conformance with the standards.

3. Amend Section 139-13E (Procedures) as follows:

- (1) Failure of the ~~Planning Board~~ **Zoning Board of Appeals** to notify the Building Inspector of its action with respect to such application within 20 days of the application filing date shall be deemed approval of the application by the ~~Planning Board~~ **Zoning Board of Appeals**.
- (2) The Building Inspector shall not accept a building or use permit application for land in the Moorlands Management District unless it contains either:
  - (a) The ~~Planning Board's~~ **Zoning Board of Appeals** decision on the site plan review application; or
  - (b) Documentation in a form satisfactory to the Building Inspector that 20 days have elapsed from the date of submission of the site plan review application to the ~~Planning Board~~ **Zoning Board of Appeals** without said Board having rendered a decision.

Or to take any other action related thereto.

*(Select Board for Planning Board)*

## ARTICLE 55

### (Zoning Bylaw Amendment: Technical Amendment - Secondary Dwelling)

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



*meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket).*

Amend Section 2 (Definitions) "Secondary Dwelling" as follows:

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

## ARTICLE 56

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

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

Delete section 37 in its entirety:

- A. ~~Purpose. On November 8, 2016, the voters of the commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new MGL c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and, thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of a non-medical marijuana establishments (hereinafter, a~~

~~"recreational marijuana establishment," as defined in MGL c.94G, § 1) (hereinafter, a "recreational marijuana establishment"). The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of recreational marijuana establishments and address such issues, as well as to address the potential impact of the state regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of recreational marijuana establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for recreational marijuana establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.~~

~~B. Definition.~~

~~**RECREATIONAL MARIJUANA ESTABLISHMENT**~~

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

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

Or to take any other action related thereto.

*(Select Board for Planning Board)*

**ARTICLE 57**

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

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

| MAP | LOT | NUMBER | STREET        |
|-----|-----|--------|---------------|
| 66  | 37  | 32     | Appleton Road |

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

Or to take any other action related thereto.

(Jennifer Larrabee, et al)

#### ARTICLE 58

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

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

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

| Map | Lot | Number | Street           |
|-----|-----|--------|------------------|
| 79  | 112 | 25     | Monohansett Road |

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

| Map | Lot | Number | Street           |
|-----|-----|--------|------------------|
| 79  | 112 | 25     | Monohansett Road |

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

Or to take any other action related thereto.

(Peter MacKay, et al)

#### ARTICLE 59

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

To see if the Town will vote to

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

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

As shown on the attached map.

Or to take any other action related thereto.

*(David F. Visco, et al)*

#### ARTICLE 60

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

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

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

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

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

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

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

Or to take any other action related thereto.

*(Stephen Maury, et al)*

#### ARTICLE 61

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

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

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

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

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

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

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

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

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

Or to take any other action related thereto.

*(Stephen Maury, et al)*

## **ARTICLE 62**

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

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

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

| Map | Lot | Number | Street        |
|-----|-----|--------|---------------|
| 79  | 990 | 44     | Skyline Drive |

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

| Map | Lot | Number | Street        |
|-----|-----|--------|---------------|
| 79  | 990 | 44     | Skyline Drive |

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

Or to take any other action related thereto.

*(Clifford J. Williams, et al)*

#### **ARTICLE 63**

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

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

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

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

Or to take any other action related thereto.

*(Stephen Maury, et al)*

#### **ARTICLE 64**

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

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

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

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

Or to take any other action related thereto.

*(Stephen Maury, et al)*

## ARTICLE 65

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

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

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

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

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

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

; or otherwise act thereon.

*(Emily Molden, et al)*

## **ARTICLE 66**

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

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

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

#### **SHORT-TERM NANTUCKET VACATION RENTAL (NVR)**

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

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

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

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

Or to take any other action related thereto.

*(Caroline Baltzer, et al)*

## **ARTICLE 67**

### **(Zoning Bylaw Amendment: Regulating Short-Term Rental Use)**

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

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



## **SHORT-TERM RENTAL**

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

## **ACCESSORY SHORT-TERM RENTAL**

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

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

### **§139-38 ACCESSORY SHORT-TERM RENTALS**

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

2. Accessory Short Term Rentals during the months of July and August shall have a minimum stay of 7-days and a minimum stay of 3-days the remainder of the calendar year.
3. All other Short-Term Rentals in residential districts are prohibited.
4. For the purpose of this Section only, residential use by the Owner shall include non-commercial use by family or friends, and residential rentals of at least six months (without sublet).

Or to take any action relative thereto.

*(Frederick McClure, et al)*

## **ARTICLE 68**

### **(General Bylaw Amendment: Short-Term Rentals)**

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

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

#### **ACCESSORY SHORT-TERM RENTAL**

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

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

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

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

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

Or to take any action relative thereto.

(Patricia Wright, et al)

## ARTICLE 69

### (General Bylaw Amendment: Short-Term Rentals)

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

#### Short-Term Rentals

##### § 123-1. Purpose and Intent.

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

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

##### § 123-2. Definitions.

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

## CORPORATION

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

## OPERATOR

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

## OWNER

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

## SHORT-TERM RENTAL

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

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

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

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

- A. No person or other legal entity shall operate a short-term rental without having first obtained a certificate of registration from the Board of Health. An application

for a certificate of registration shall be on a form provided by the Town and shall contain the Department of Revenue identification number or proof of exemption under G.L. c. 64G. The operator shall provide with the application a certificate of registration issued by the Department of Revenue in accordance with § 67 of Chapter 62C of the General Laws.

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

attestation that the Short-Term Rental was operated in accordance with all bylaws and regulations of the Town during the previous year.

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

has not received a separate certificate of registration under the name of the sublessee for that specific property is also prohibited and shall be subject to the penalties set forth in Sections 123-5(D) below.

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

#### § 123-4. Regulations.

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

#### § 123-5. Enforcement.

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

#### § 123-6. Severability.

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

Or take any other action relative thereto.

*(Matthew Peel, et al)*

### ARTICLE 70

#### **(General Bylaw Amendment: Finances/Rename Revolving Account/Add Revolving Account)**

To see if the Town will vote to amend Chapter 19 (Finances), Article XIII (Revolving Accounts), §19-21 (Revolving accounts established) of the Code of the Town of Nantucket by renaming a Revolving Account; and adding a Revolving Account as



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

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

Or to take any other action relative thereto.

(*Select Board*)

## ARTICLE 71

### (General Bylaw Amendment: Streets and Sidewalks)

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

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

- A. The Town will preserve the historic character of its road system by prohibiting the following improvements or construction for any publicly owned way or street on Nantucket unless an exception of any of the following standards is expressly authorized by a vote of Town Meeting:
  - (1) The installation of automated traffic signals;
  - (2) Road widenings for the purpose of increasing motor vehicle travel capacity;

- (3) The construction of travel lanes dedicated as turning lanes for motor vehicles;
  - (4) The construction of new public streets; and
  - (5) Paving of any unimproved publicly owned streets, ways, or roads.
  - (6) (Reserved)
  - (7) The installation of regulatory signs larger than the smallest or "minimum" size, as defined in the Massachusetts Department of Highways' current Manual on Uniform Traffic Control Devices (MUTCD); the installation of any nonregulatory or MUTCD warning or guide sign with a dimension greater than 24 inches; the use of fluorescent background colors on signs; the use of LED or other lights in a sign; the installation of a warning sign within 1,000 feet of another sign, unless such warning sign is defined by the MUTCD as an intersection warning sign or a pedestrian warning sign posted directly at a crosswalk.
- B. This section shall not apply to state roads, ways pursuant to the Subdivision Control Law, and common driveways.

§ 127-20. Exceptions.

Exceptions to the above prohibitions are:

- A. Areas located within the Town Overlay District (not including traffic signals or road widenings for vehicle capacity or installation of signs) as depicted on the map entitled "Town and County Overlay District," dated January 2, 2002, Nantucket Planning and Economic Development Commission (Article 37, 2002 ATM) as duly amended and on file at the Town Clerk's office.
- B. Reconstruction of road beds and resurfacing of paved roads in existence prior to the effective date of this article.
- C. Road improvements (not including traffic signal systems or installation of signs) as required by the Planning Board in conjunction with the approval of subdivision plans.
- D. Reconstruction of existing road drainage systems or construction of new drainage systems, provided that such systems are equipped with petroleum separation and capture per Massachusetts Department of Environmental Protection standards.
- E. Bike paths and bike lanes.

- F. Installation of warning signs in a school zone. Temporary installation of warning signs during construction.
- G. Road improvements on First Way required by the Planning Board or the Select Board to support affordable housing, such housing defined herein as that housing intended primarily for year-round residents earning up to 150% of median family income, as determined by the U.S. Department of Housing and Urban Development, and sponsored by a municipal entity, the Housing Authority or its designated nonprofit; housing required in connection with § 139-11J (MCD); or housing on lots subject to a Nantucket Housing Needs Covenant.
- H. Installation of traffic control devices using LED or other lights in a speed feedback sign to display a driver's speed or in a portable changeable message sign that displays messages to inform drivers of changing road conditions.

Or to take any other action relative thereto.

*(Select Board)*

## ARTICLE 72

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

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

#### § 58-1 Definitions.

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

#### BATTERY ELECTRIC VEHICLE

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

#### MOTOR VEHICLE

The same meaning as defined in the General Laws.

#### RENTAL AGENCY

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

#### RENTAL or LEASE

To grant or make available the use, possession or enjoyment of a motor vehicle for an agreed period of time in exchange for an agreed payment, whether or not

such transaction is a separate agreement in itself or is part of a broader agreement between the parties thereto.

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

No person, business or corporation shall engage in the business of renting, leasing or keeping for rent or lease any motor vehicle without first being licensed annually by the Select Board to do so. It shall be unlawful for any motor vehicle to be rented, leased or made available for rental or lease in the Town of Nantucket without such motor vehicle displaying a rental sticker affixed to the rear bumper pursuant to this chapter. Each sticker shall recite the registration number of the vehicle to which it is affixed.

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

- A. Each application for a rental agency license shall be accompanied by a nonrefundable application fee as established by the Select Board. The application shall include a listing of the registration number of current registration certificate for each motor vehicle available or to be available for lease for the year in which the license is to be valid. Each vehicle issued a medallion must be available for inspection by the Town. Licenses for rental agencies shall be issued on a calendar-year basis and shall be issued after payment of an annual fee of \$100 per rental motor vehicle to be established by the Select Board from time to time; provided, however, that no payment of such fee shall be required for a motor vehicle upon which an excise has been assessed, levied and paid to the Town of Nantucket under the provisions of Chapter 60A of the General Laws. The Select Board shall issue a license to each approved applicant, which shall be posted in a conspicuous manner at the place of business.
- B. The total number of motor vehicles available for lease on the island of Nantucket shall not exceed 700 for calendar year 2026. Thereafter the distribution of up to 100 additional medallions over the 700 limit may be issued at the discretion of the Select Board. The Select Board shall may issue each rental agency one rental vehicle medallion (RVM) for each motor vehicle listed in its 1996 annual application and which received a rental sticker. Each RVM constitutes the nonexpiring right to lease rent one motor vehicle for the calendar year. No rental agency shall hold RVMs that are not issued by the Select Board to specific motor vehicles. A rental agency shall possess one RVM for each motor vehicle listed in its application beginning in 1998.
- C. Upon issuance of the license, the Select Board shall provide one annual rental sticker for each motor vehicle listed in the approved application, which shall be affixed by the licensee to the left rear bumper of each motor vehicle so listed. Each sticker shall recite the registration number of the vehicle to which it is affixed.
- C. RVM's are transferable. Should a rental agency surrender its RVM rights to the Select Board, or should the Select Board possess surplus RVM's from any other cause, these RVM's may be retained by the Town and/or may be re-issued at a fee to be established from time to time by the Select Board. Any RVM's not

obtained by any rental agency by the end of any calendar year shall be considered surplus as of January first and may be retired or re-issued by the Town at that time. The Select Board may, by regulation in accordance with § 2-1 of the Town Code, determine a process by which unused or surplus RVM's are distributed and for the approval of requests for transfer of RVM's.

~~D. RVM's are transferable, with or without consideration, to any other rental agency or entity. Such transfers may be made whenever, and to the extent that, the number of RVM's held by the transferor exceeds the number of unexpired annual stickers issued to the transferor. A transfer shall be effective upon written notice of the transfer, by the transferor, to the Select Board. Should a rental agency surrender its RVM rights to the Select Board, or should the Select Board possess surplus RVM's from any other cause, these RVM's may be retained by the Town and/or may be re-issued at a fee to be established from time to time by the Select Board. Any RVM's not obtained by any rental agency by the end of any calendar year shall be considered surplus as of January first and may be retired by the Town at that time.~~

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

#### **§ 58-3.1 Licensee to pay fees.**

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

#### **§ 58-4 Nontransferability.**

~~The license shall not be transferable between businesses, persons or corporations, nor between location of business premises; individual motor vehicle stickers shall not be transferable between different motor vehicles.~~

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

### **§ 58-5 Violations and penalties.**

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

### **§ 58-6 Vehicles with controls for disabled.**

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

### **§ 58-7 Electric vehicles.**

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

Or to take any other action relative thereto.

*(Select Board)*

## **ARTICLE 73**

### **(General Bylaw Amendment: Bicycle Right of Way)**

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

### **§ 57-13 Authority and purpose.**

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

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

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

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

- C. The speed limit of bicycle, e-bike, or any device being operated on multi-use/shared use paths/walkway paths, shall not exceed 20 mph. When a user of such a device is within ten (10) feet of a pedestrian or other cyclist, the rider shall reduce speed and pass with caution and not in excess of 5 mph more than the pedestrian.
- D. Before overtaking a pedestrian or cyclist from behind, a rider shall signal their presence by voice, bell, or bike horn to alert the pedestrian or cyclist.

#### DEFINITIONS.

##### Electric bicycle

A bicycle or tricycle equipped with fully operable pedals and an electric motor of 750 watts or less that meets the requirements of a class 1 electric bicycle or a class 2 electric bicycle.

##### Class 1: Pedal Assist

An electric bicycle or tricycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

##### Class 2: Throttle on Demand

An electric bicycle or tricycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

##### Class 3: Speed Pedelec

The electric drive system on the e-bike is activated by pedaling which ceases to provide assistance once the e-bike reaches 28 mph.

##### E-Cargo Bikes

Motorized bikes, which can come in any class listed above, that are designed to carry heavy loads, including additional people, or goods.

#### § 57-15 Severability.

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

Or to take any other action relative thereto.

*(Select Board)*

## ARTICLE 74

### (General Bylaw Amendment: Motorized Passenger Devices)

To see if the Town will vote to amend Chapter 98 (Motorized Passenger Devices) of the Code of the Town of Nantucket as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

§ 98-1 Prohibited absent express written permission.

No person shall operate a motorized scooter, motorized skateboard, Segway, all-terrain vehicles or other similar device (hereinafter referred to as "personal motorized passenger devices") on any Town-owned or -controlled public way, sidewalk, park, playground or beach ~~without the express written permission to do so from the Town official(s) or officer having jurisdiction over the use of said Town property or their respective designee (hereinafter referred to as the "authorizing official")~~. The following vehicles shall be exempt from the provisions of this chapter:

- A. Vehicles or motorized passenger devices licensed or registered by the Commonwealth of Massachusetts as motor vehicles or otherwise to the extent authorized by the Commonwealth or the United States for such operation;
- B. Vehicles or motorized passenger devices licensed or used by the federal government or any federal agency, instrumentality or entity, including the United States Postal Service, performing a service to the public;
- C. Personal motorized passenger devices used by handicapped persons;
- D. Personal motorized passenger devices used by public safety personnel, including police officers;
- E. Landscaping equipment;
- F. Golf carts.

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

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

- ~~(1) Without being equipped with a braking system;~~
- ~~(2) Without the rider wearing a helmet;~~
- ~~(3) In a careless or reckless manner as to endanger the safety of any person or the property of any person; and~~



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

~~B. The authorizing official is further authorized to impose such other restrictions and limitations as deemed appropriate or necessary to protect the public safety, interest and welfare. All persons using Town property pursuant to a grant of permission shall comply with the restrictions and limitations referenced herein or imposed pursuant hereto.~~

~~§ 98-3~~ § 98-2 Enforcement and penalties.

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

Or to take any other action relative thereto.

*(Select Board)*

## ARTICLE 75

### (General Bylaw Amendment: Wetlands)

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

§ 136-2. Purpose.

The purpose of this chapter is to protect the wetlands of the Town of Nantucket by controlling activities deemed to have a significant or cumulative effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion control, storm damage prevention, water pollution, fisheries, shellfish, wildlife, rare species, including rare, threatened or endangered plant species and animals and habitats, recreation, resiliency and wetland scenic views (collectively, "the interests protected by this chapter"). This chapter is intended to utilize the Home Rule Authority of this municipality to protect additional resource areas for additional values, with additional standards and procedures in addition to those of the Wetlands Protection Act, MGL c. 131, § 40, and regulations thereunder, 310 CMR 10.00.

§ 136-3. Permit required; procedure.

- A. No person shall commence to remove, fill, dredge, alter or build upon or within 100 feet of any bank, freshwater wetland, coastal wetland, beach, dune, flat, marsh, meadow, bog, swamp or upon or within 100 feet of any estuary, creek,

river, stream, pond or lake or upon or within 100 feet of any land subject to tidal action, coastal storm flowage, inland or coastal flooding or inundation, or within 100 feet of the hundred-year storm line or within any area located within the geographic boundaries of the resource areas listed previously that is habitat for rare/significant wildlife and/or fauna, including Department of Environmental Protection certified vernal pools, or within 200 feet of a great pond, without filing written application for a permit to remove, fill, dredge, alter or build upon, including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with the permit issued pursuant to this chapter. Said resource areas shall be protected whether or not they border surface waters. The application and permit required by this chapter shall not be required for maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services.

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

§ 136-4. Hearing; determination; enforcement orders; appeals; plan changes or modifications.

- A. The Commission shall hold a public hearing on the application within 21 days of its receipt. Notice of the time and place of the hearing shall be given by the Commission at the expense of the applicant, not less than five days prior to the hearing, by publication in a newspaper of general circulation in Nantucket and by mailing a notice to the applicant, the Board of Health, the Select Board, the Planning Board, all abutters, the property owner if different from the applicant and to such other persons as the Commission may by regulation determine. At least five days prior to the public hearing, by certified mail, ~~return receipt requested~~, the applicant shall send a copy of the notice of the public hearing, supplied by the Commission, to all abutters, as certified by the Assessor from the Town's most recent Assessor's list. Postmarked mailing receipts and the certified abutter's list shall be presented to the Commission at the ~~opening of the public hearing time of filing. Return receipt cards shall be presented to the Commission before the hearing can be closed.~~ The Commission, its agents, officers and employees, may enter upon privately owned land for the purpose of performing their duties under this chapter.

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

Or to take any other action relative thereto.

*(Select Board for Conservation Commission)*

## ARTICLE 76

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

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

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

All as shown on the attached map.

Or to take any other action related thereto.

*(David F. Visco, et al)*

## ARTICLE 77

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

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

| Map | Lot | Number | Street           |
|-----|-----|--------|------------------|
| 79  | 55  | 42     | Monohansett Road |

All as shown on a map entitled “2024 Annual Town Meeting Warrant Article \_\_\_\_\_” dated \_\_\_\_\_ and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Christopher Fraker, et al)*

## ARTICLE 78

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

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

| Map | Lot | Number          | Street         |
|-----|-----|-----------------|----------------|
| 79  | 208 | 13 (portion of) | Woodland Drive |
| 79  | 8   | 13A             | Woodland Drive |

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

Or to take any other action related thereto.

*(Stephen Maury, et al)*

## ARTICLE 79

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

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

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

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

Or to take any other action related thereto.

*(Stephen Maury, et al)*

## ARTICLE 80

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

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

| Map | Lot | Number | Street        |
|-----|-----|--------|---------------|
| 79  | 990 | 44     | Skyline Drive |

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

Or to take any other action related thereto.

*(Clifford J. Williams, et al)*

## ARTICLE 81

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

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

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

Or to take any other action related thereto.

*(Select Board)*

## ARTICLE 82

### **(Acceptance of Massachusetts General Law: Seasonal Community Designation)**

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

*(Select Board)*

## ARTICLE 83

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

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

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

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

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

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

(d) An employee of the commonwealth in a reserve component of the armed forces of the United States who is ordered to service for more than 30 consecutive days shall be paid the regular base salary as a public employee for each pay period of such military leave of absence, reduced by any amount received either from the United States or the commonwealth as base pay for military service performed during the same pay period. No such employee shall lose any seniority or accrued vacation leave, sick leave, personal leave, compensation time or earned overtime.

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

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

*(Ryan B. Webb, et al)*

## ARTICLE 84

### (Charter Amendment: Town Meeting)

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

#### Section 2-1. Legislative Powers

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

the warrant for the first or second town meeting as may be deemed necessary and appropriate by the Select Board.

- (f) Nothing herein shall limit the ability of any voter s to submit additional petitions for a special town meeting or to call a special town meeting in accordance with General Laws Chapter r39, § 10.

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

The following additional powers may be exercised by Town Meeting:

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

Or to take any other action relative thereto.

*(Campbell Sutton, et al)*

## ARTICLE 85

### **(General Bylaw Amendment: Notices of Public Hearings)**

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

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

or take other action with regard thereto.

*(Jason Graziadei, et al)*



## ARTICLE 86

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

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

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

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

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

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

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

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

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

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

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

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

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

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

determine the amount of the fee due pursuant to this section; instead, the Town may require payment of the fee referred to in real property interests so conveyed as determined by the Town.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. (a) The Town treasurer shall keep a full and accurate account stating when, from or to whom, and on what account money has been paid or received relative to the activities of the Trust Fund and the Housing Fund. Said account shall be subject

to examination by the director of accounts or his agent pursuant to section forty-four of chapter thirty-five of the General Laws.

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

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

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

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

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

fee interest in such land, at the address of such person as set forth in an instrument recorded or registered in Nantucket County.

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

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

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

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

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

SECTION 8. The fee described in section 2 shall be of a ten-year duration from the date this act shall take effect. This fee may continue for five-year periods by a majority vote at a Town Meeting authorizing the fee. The fee described by section 2 may be (1) decreased, or (2) eliminated by two-thirds vote of Town Meeting. In the event that Town Meeting votes to eliminate the fee, the balance of any fees previously collected shall be transferred to the Town of Nantucket and held by the treasurer in a separate account, and shall first be used to satisfy any outstanding liabilities or obligations incurred by the

Town of Nantucket or the Affordable Housing Trust as a result of imposition of the fee, and the remainder may be expended without further appropriation by the Select Board for affordable housing purposes. In the event that the liabilities and obligations of the Town of Nantucket or the Affordable Housing Trust exceed the amounts transferred to the Town, the fee shall remain in full force and effect until such liabilities and obligations have been satisfied.

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

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

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

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

*(Select Board)*

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

## ARTICLE 87

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

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

#### Article II, Section 2.2 - Town Moderator

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

#### Article II, Section 2.4 - Clerk of the Meeting

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

#### Article II, Section 2.5 - Town Meeting Warrant

...

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

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

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



requested of them in writing by one hundred registered voters.

## **Article II, Section 2.6 - Rights of Nonresident Property Owners**

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

## **Article IV, Section 4.2 - Town Manager**

...

(d) In particular, the Town Manager:

...

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

## **Article IV, Section 4.3 - Town Manager Appointments**

The Town Manager:

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

...

## **Article V, Section 5.4 - Recall of Elected Officials**

...

(c) If, within 21 days after the certification date, such recall petition forms signed by at least 20% of registered voters, as established by the Town Clerk as of March 1<sup>st</sup> 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 1<sup>st</sup> of the previous year.

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

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

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

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

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

Or to take any other action related thereto.

*(Select Board)*

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

## **ARTICLE 88**

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

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

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

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

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

Section 2. The act shall take effect upon passage.

Or to take any other action related thereto.

*(Select Board)*

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

## **ARTICLE 89**

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

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

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

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

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

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

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

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

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

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

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

Or to take any other action related thereto.

*(Select Board)*

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

## **ARTICLE 90**

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

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

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

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

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

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

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

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

Or to take any other action related thereto.

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

*(Select Board)*

**ARTICLE 91**

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

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



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

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

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

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

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

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

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

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

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

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

Or to take any other action related thereto.

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

*(Select Board)*

## **ARTICLE 92**

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

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

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

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

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

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

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

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

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

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

Or take any other action related thereto.

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

*(Select Board)*

#### **ARTICLE 93**

##### **(Real Estate Acquisition: Parcels Abutting Tom Nevers Road and Real Estate Conveyance: Tom Nevers Road and Parcels Abutting Tom Nevers Road)**

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

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

Or to take any other action related thereto.

*(Select Board)*

#### **ARTICLE 94**

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

To see if the Town will vote to authorize the Select Board to lease for a term not to exceed ninety-nine (99) years to the Nantucket Education Trust, Inc. a portion of 48 Sparks Avenue, Nantucket, located on a portion of Town-owned property located on Town Assessor's Map 55 as Parcel 242, containing 40,010± square feet, and shown as "Proposed Lease Lot" on a plan entitled "Lease Plan, 48 Sparks Avenue & Cow Pond Lane, Nantucket, Massachusetts, Assessor's Map 55, Parcel 242," dated December 30, 2024, prepared by Site Design Engineering, LLC," a copy of which is on file with the Office of the Town Clerk, for year-round housing for Nantucket Public Schools staff and to grant non-exclusive rights in the Access Areas, shown on said Plan as "Proposed Access Area 1" containing 1,154± square feet, "Proposed Access Area 2" containing 1,729± square feet, "Proposed Access Area 3" containing 405± square feet, and "Proposed Access Area 4" containing 6,402± square feet for access and utility purposes located over portions of the Town-owned property at 48 Sparks Avenue and 8 Cow Pond Lane, all as shown on said Lease Plan," the lease and easements being on such terms and conditions as the Select Board deems appropriate, and the reservation of any easements or restrictions in regard to the subject property.

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

Or to take any other action related thereto.

*(Select Board)*

#### **ARTICLE 95**

##### **(Real Estate Disposition: Utility Easement - Portion of 10 Nobadeer Farm Road/Airport Housing)**

To see if the Town will vote to authorize the Select Board in its capacity and also acting through its Airport Commission to convey a perpetual non-exclusive easement to Nantucket Electric Company/National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high voltage electrical current and for the transmission of intelligence, an underground electric distribution system in, through, under, over, across, and upon certain portions of a parcel of Town-owned land at 10 Nobadeer Farm Road f/k/a 10 Sun Island Road and being Land described in deed dated January 23, 1980 and recorded as Document No. 22105, Certificate of Title No. 9094, being a portion of Lot 66 on Land Court Plan 26984-U, filed with the Nantucket Registry District for the Land Court, and designated by the Town of Nantucket Tax Assessor's office as Map 69, Parcel 3.1; as more particularly shown on an Easement Sketch Plan dated November 3, 2023 prepared for: Nantucket Airport Commission and filed with the Office of the Town Clerk.

Or to take any other action related thereto.

*(Select Board for Nantucket Memorial Airport Commission)*

## **ARTICLE 96**

### **(Real Estate Disposition: Utility Easements/Airport)**

To see if the Town will vote to authorize the Select Board in its capacity and also acting through its Airport Commission to convey perpetual non-exclusive easements to Nantucket Electric Company/National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, an underground electric distribution system in, through, under, over, across, and upon certain portions of three (3) parcels of Town-owned land at 14 Airport Road being (i) Land described in deed dated June 12, 1941, recorded as Document No. 3850, Certificate of Title No. 2503, shown as Lot D5 on Land Court Plan 14342-C, filed with the Nantucket Registry District for the Land Court, and designated by the Town of Nantucket Tax Assessor's office as Map 78, Lot 1; (ii) Land described in Order of Taking dated September 8, 1941, recorded with Nantucket County Registry of Deeds in Book 109, Page 409, and designated by the Town of Nantucket Tax Assessor's office as Map 78, Lot 17; and (iii) Land described in Order of Taking dated March 11, 1958, recorded with Nantucket Registry of Deeds in Book 117, Page 551, and designated by the Town of Nantucket Tax Assessor's office as Map 79, Lot 12; all as more particularly shown on an Easement Sketch Plan dated July 1, 2024 prepared for: Nantucket Memorial Airport and filed with the Office of the Town Clerk.

Or to take any other action related thereto.

*(Select Board for Nantucket Memorial Airport Commission)*

## **ARTICLE 97**

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

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

Or to take any other action related thereto.

*(Select Board)*

## **ARTICLE 98**

### **(Real Estate Disposition: Utility Easement/Waitt Drive)**

To see if the Town will vote to authorize the Select Board to convey a perpetual non-exclusive easement to Nantucket Electric Company/National Grid for such

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

Or to take any other action related thereto.

*(Select Board)*

#### **ARTICLE 99**

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

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

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

Or to take any other action related thereto.

*(Select Board)*

#### **ARTICLE 100**

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

To see if the town will vote to authorize the Town of Nantucket, acting through its Select Board, to acquire by purchase, gift or eminent domain, the land at 3, 5, 7, and 9 South Shore Road(Nantucket Assessors Map 67, Parcels 336, 336.9, 336.8, and 336.7), being 13 acres more or less, for the purposes of locating the new replacement Town-owned and town-operated nursing home Our Island Home; and for the purpose of

locating a town developed affordable housing facility of 40 affordable units which the present private sector property owner has asserted that it is unable to build; and for the further purpose of locating two (2) athletic school playing fields; and finally to set aside land for open space and walking trails;

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

or to take any other action related thereto.

*(Meghan Glowacki, et al)*

## **ARTICLE 101**

### **(Signs; Satellite Dishes; Rooflines Proposal)**

To see if the Town will vote to:

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

Note:

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

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

*(Stephen Welch, et al)*

## **ARTICLE 102**

### **(Ground Cover Allowance Proposal)**

To see if the Town will vote to:

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

Note:

1. Intent of this submission is to kick-start discussion and action leading to a path for re-use of structures on lots that would (due to ground cover and/or setback

requirements) otherwise be precluded from any allowance for re-use structures of a certain size or configuration. This, in exchange for relatively minuscule additional residential density (scattered organically) around the island.

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

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

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

*(Stephen Welch, et al)*

### **ARTICLE 103**

#### **(Appropriation: Stabilization Fund)**

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

Or to take any other action related thereto.

*(Select Board)*

### **ARTICLE 104**

#### **(Appropriation: Free Cash)**

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

*(Select Board)*



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

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

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

*for the following purpose:*

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

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

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

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

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

**2. Debt Exclusion: Our Island Home**

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so called, the amounts required to pay for the bonds issued to construct a new Our Island Home facility located at 40 Sherburne Commons Lane, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

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

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

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

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so called, the amounts required to pay for the bonds issued to construct town employee housing at Waitt Drive, including the cost of Design Services, Owner's Project Manager services, the cost of professional services such as permitting, engineering, construction and any other costs incidental and related thereto?

**5. Capital Outlay Exclusion**

Shall the Town of Nantucket be allowed to assess an additional \$1,556,000 in real estate and personal property taxes for the following purposes in the amounts as follows for the fiscal year beginning July 1, 2025?

| Department                     | Purpose   | Amount             |
|--------------------------------|---|--------------------|
| DPW - Central Fleet            | Replacement of (2) Assessor's Office Vehicles   | \$100,000          |
| DPW - Central Fleet            | Ford E-Transit Van Purchase                     | \$73,000           |
| DPW - Central Fleet            | Front-end Loader Replacement                    | \$282,000          |
| DPW - Central Fleet            | 10-Wheel Dump Truck Replacement                 | \$375,000          |
| DPW - Parks                    | Natural Grass Maintenance Equipment Replacement | \$96,000           |
| Fire Department                | Fire Prevention Vehicle Replacement             | \$80,000           |
| School Department              | Security Camera System Replacement              | \$550,000          |
| <b>Total Capital Exclusion</b> |   | <b>\$1,556,000</b> |

**6. Non-Binding Public Opinion Advisory Ballot Question**

Shall the Town of Nantucket direct the Town Council Study Committee to propose a Charter Revision in the form of a Home Rule Petition to be voted on at a future Town Meeting which would create a Town Council/Town Manager Form of Government, a fair and concise summary of which is set forth below?

*The Town Council Study Committee, appointed by the Select Board in response to the vote taken under Article 81 of the 2023 Annual Town Meeting, is proposing consideration of a new charter establishing a Town Council/Town Manager form of*

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

\*\*\*\*\*

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 22<sup>nd</sup> day of January in the year Two Thousand Twenty-five.

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Brooke Mohr, Chair

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Matthew G. Fee, Vice Chair

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Thomas Dixon

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Dawn E. Hill Holdgate

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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 22, 2025 I have notified and warned the inhabitants of the Town of Nantucket qualified to vote in Town affairs to appear at the times and place and for the purposes within mentioned by posting said notification on \_\_\_\_\_ at the Stop & Shop on Pleasant Street, the Town and County Building at 16 Broad Street; and upon the Bulletin Boards at the corner of Main and Federal Streets, and Siasconset Square.

Sworn to under pains and penalties of perjury,

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Constable