

COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET



WARRANT FOR

Tuesday, November 4, 2025
SPECIAL TOWN MEETING
Nantucket High School
Mary P. Walker Auditorium
5:00 PM

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

To the Constables of the Town of Nantucket:

GREETING:

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

***TUESDAY, NOVEMBER 4, 2025 AT 5:00 PM,
THEN AND THERE TO ACT ON THE ARTICLES
CONTAINED WITH THE ENCLOSED WARRANT:***

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

Petition to Call a Special Town Meeting

We the undersigned voters of the Town of Nantucket hereby petition the Select Board to call a Special Town Meeting for the purpose of timely addressing the Land Court's judgment clarifying that Nantucket's original renting and leasing language was inadvertently omitted from the zoning bylaw in 2015, and in consideration of the findings listed here, to consider the article which appears below them:

Findings

Recognizing that Nantucket is peerless amongst American coastal resorts, National Historic Landmarks, designated Seasonal Communities, and islands, the following findings are made as a preamble to the Citizens' Petition:

- *Whereas*, Nantucket is the only entire island in the United States designated as a National Historic Landmark (NHL), with periods of significance explicitly including the 19th and 20th century resort era, when vacation renting of private dwellings by both islanders and seasonal residents became a historic land-use pattern, recognized as a contributing feature of Nantucket's NHL designation, and one that has continued in practice ever since as part of the island's cultural identity; and
- *Whereas*, in 1980 Nantucket Town Meeting voted to prohibit new hotels in the Residential Old Historic District (ROH) in order to preserve the island's historic sense of place, thereby reinforcing the role of private home rentals as the traditional model of visitor accommodation; and
- *Whereas*, under the Massachusetts Affordable Homes Act (St. 2024, c. 150), the Commonwealth created the Seasonal Communities designation to recognize

towns like Nantucket that experience substantial visitor demand, seasonal fluctuations in housing need, and high levels of seasonal dwelling units; and

- *Whereas*, the law directs the creation of distinctive tools not to dismantle but to protect and sustain the valuable economic engine that Seasonal Communities contribute to the Commonwealth – and, in designating Nantucket, expressly recognizes that the renting of private dwellings is the backbone of Nantucket’s accommodations model and seasonal tourism economy; and
- *Whereas*, prior to 2015, the Nantucket Zoning Bylaw expressly recognized “renting and leasing” of dwellings as a lawful principal use, with no distinction as to whether such use was primary, secondary, or accessory; but in 2015 this language was inadvertently omitted in the course of a routine housekeeping article, creating unnecessary ambiguity about the legality of both Short-Term and Long-Term Rentals; and
- *Whereas*, after renting and leasing were inadvertently omitted from the Zoning code, the Select Board and Board of Health established regulatory and registry authority over STRs in 2022 and voters passed four warrant Articles regulating Short-Term Rentals between 2022-2024 (health and safety regulations, prohibitions on both corporate and investor REIT ownership of STRs, and a Community Impact Fee for owners of two or more STR units that are not the operator’s primary residence); and
- *Whereas*, unless Short-Term Rentals are specifically addressed in the Zoning Bylaw as a Principal Use, STR General Bylaws and the accompanying regulations (Chapters 123 and 338 of the Town Code) cannot be given their full intended effect, leaving enforcement uncertain and weakening the Town’s ability to regulate STRs; and
- *Whereas*, this amendment is intended as a narrow restoration of the omitted “renting and leasing” language, clarifying that both Short-Term Rentals and Long-Term Rentals are lawful Principal Uses consistent with Nantucket’s historic practice, subject always to the Town’s existing General Bylaws.

Now, therefore:

ARTICLE 1

(Zoning Bylaw: Amendments Relating to Long-Term and Short-Term Rentals)

To see if the Town will vote to amend the Zoning Bylaw, Chapter 139 of the Code of the Town of Nantucket, for the purpose of restoring the renting and leasing language inadvertently omitted in 2015 and clarifying its placement in the Use Chart, and by expressly allowing Long-Term Rentals and Short-Term Rentals as Principal Uses, as follows, *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw*

be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):

1. Amend § 139-2 (“Definitions and Word Usage”)

By adding the following new definitions:

LONG-TERM RENTAL (LTR)

The rental or leasing of any residential Dwelling Unit, or portion thereof, in exchange for compensation.

SHORT-TERM RENTAL (STR)

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.

USE, PRINCIPAL

A use which is expressly permitted by this chapter (other than as an accessory use), either with a special permit or without need of one. Principal Use shall include the renting or leasing of a Dwelling Unit, whether for Short-Term Rental or Long-Term Rental.

2. Amend § 139-7A (“Town of Nantucket Use Chart”)

By inserting the following new uses after “Tertiary Dwelling” and before “Apartment Building,” in sequence, as follows:

Use	R-1 S R-1	R O H S O H	R-5 R-5 L	R-10 R-10 L D R-10	R-20 S R-20	R-40	C D T	C M I	C N	C T E C	C I	R C	R C-2	V- R	LU G-1	LU G-2	LU G-3	M M D	V N	V T E C
<u>Short-Term Rental (STR)</u>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
<u>Long-Term Rental (LTR)</u>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

(Legend: "Y" = Permitted by right; "N" = Prohibited)

Footnote: All Short-Term and Long-Term Rentals shall be subject to all applicable provisions of the Town Code. In particular, in order for a Dwelling Unit to be used as a Short-Term Rental Principal Use, the Dwelling Unit must comply with all provisions of c. 123 and 338 of the Town Code. All other Short-Term Rentals are expressly prohibited.

Or take any other action in relation thereto.

(Brian Borgeson, et al)

ARTICLE 2

(Zoning and General Bylaw Amendments: Short-Term Rentals)

To see if the Town will vote to amend Sections 139 (Zoning Bylaw) and 123 (Short-Term Rental General Bylaw) as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket)*:

A. Amend the Zoning Bylaw as follows:

1. Add or amend the following definitions to §139-2 Definitions and Word Usage (It is the intent of this bylaw that the defined terms contained herein shall have the same meaning as set forth in Massachusetts General Laws c. 64G):

ACCESSORY USES

Separate structures, buildings or uses which are subordinate and customarily incidental to a principal structure, building or use located on the same lot. A Short-Term Rental shall be deemed an Accessory Use if it complies with the requirements of §139-7A (Use Chart).

HOSTED STAY

An overnight stay whereby a Short-Term renter occupies a portion of a Dwelling Unit where the Owner or Operator is present or occupies a second Dwelling Unit on the same Lot where the Owner or Operator is present. An Owner or Operator is considered present when the Owner or Operator is on the premises except during the daytime and/or work hours.

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, except that the lessee of a Short-Term Rental shall not be considered an Operator.

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.

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

Notwithstanding anything to the contrary in §139 of the Town Code, and except for Hosted Stays, a Dwelling Unit may not be used by the Owner or Operator as a Short-Term Rental for more than a total of 49-days between June 15 and August 31 or more than 70-days in any calendar year. In order to qualify for the A use designation in the Use Chart, a Short-Term Rental must be operated in compliance with all applicable provisions of §123 of the Town Code. If a Lot contains more than one Dwelling Unit and each dwelling unit is rented separately as a Short-term Rental, each day that each Dwelling Unit is used as a Short-Term Rental shall count as one day towards the maximum of 49 or 70-days, as applicable. A Dwelling Unit may not be subleased to any other person or legal entity during any period that it is used as a Short-Term Rental. All other Short-Term Rentals shall be prohibited as either a Principal or Accessory Use.

- B. Amend the General Bylaw by adding the following new section to §123- 3L:

Short-Term Rentals shall be subject to the following limitations: (1) seven changes in occupancy between June 15 and August 31; (2) the minimum stay between June 15 and August 31 shall be seven days; and (3) A Dwelling Unit shall not be rented as a Short-Term Rental for a total of more than 49-days between June 15 and August 31 or a total of more than 70-days in any calendar year. If a Lot contains more than one Dwelling Unit and each dwelling unit is rented separately as a Short-term Rental, each day that each Dwelling Unit is


used as a Short-Term Rental shall count as one day towards the maximum of 49 or 70-days, as applicable.


Or take any other action relative thereto.


(Select Board for Planning Board)


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 26th day of September in the year Two Thousand Twenty-five.


Dawn E. Hill, Chair


Matthew G. Fee, Vice Chair


Thomas M. Dixon

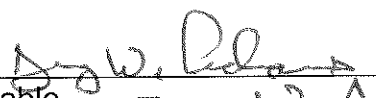

Malcolm W. MacNab

Brooke Mohr

SELECT BOARD OF NANTUCKET, MA

Pursuant to Chapter 39, section 10 of the General Laws of the Commonwealth and the Warrant adopted September 26, 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 10-01-2025 at the Stop & Shop on Pleasant Street, the Town and County Building at 16 Broad Street; and upon the Bulletin Boards at the corner of Main and Federal Streets, and Siasconset Square.

Sworn to under pains and penalties of perjury,


Constable Jerry W. Adams