

COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET



WARRANT FOR

2026 ANNUAL TOWN MEETING
Nantucket High School
Mary P. Walker Auditorium
Monday, May 4, 2026 - 4:30 PM

AND

ANNUAL TOWN ELECTION
Nantucket High School
Tuesday, May 19, 2026
7:00 AM - 8:00 PM

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

To the Constables of the Town of Nantucket:

GREETING:

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

**MONDAY, MAY 4, 2026 AT 4:30 PM
THEN AND THERE TO ACT ON THE ARTICLES
CONTAINED WITHIN THE ENCLOSED WARRANT:**

**ARTICLE 1
(Receipt of Reports)**

To receive the reports of various departments and committees as printed in the Fiscal Year 2025 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 2027)**

To see what spending limits the Town will establish for revolving accounts established pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws and Section 19-21 of the Town Code for Fiscal Year 2027; or to take any other action related thereto.

(Select Board)

ARTICLE 5
(Appropriation: Reserve Fund)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of establishing a Reserve Fund pursuant to Chapter 40 section 6 of the Massachusetts General Laws, to provide for the extraordinary and unforeseen expenditures which may arise during Fiscal Year 2027; said sum not to exceed five (5) percent of the Fiscal Year 2026 tax levy; or to take any other action related thereto.

(Select Board)

ARTICLE 6
(Fiscal Year 2026 General Fund Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2026 General Fund operating budget from other line items of said budget and from other available funds; or to take any other action related thereto.

(Select Board)

ARTICLE 7
(Personnel Compensation Plans for Fiscal Year 2027)

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

Schedule A -- Miscellaneous Compensation Schedule

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

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

*Schedule B - Seasonal Employee Compensation Schedule
(Spring, Summer, Fall, Winter/Effective May 5, 2026)*

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

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

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

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

| | |
|----------------------------|------------------|
| Moderator | \$1,000 per year |
| Select Board Member, Chair | \$6,000/per year |
| Select Board Members | \$4,500/per year |
| Town Clerk | \$154,130 |

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 8

(Appropriation: Fiscal Year 2027 General Fund Operating Budget)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of supporting the offices, departments, boards and commissions of the Town of Nantucket for Fiscal Year 2027; or to take any other action related thereto.

(Select Board)

ARTICLE 9

(Appropriation: Health and Human Services)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the Council for Human Services to be used by the Council to contract with various health and human services, not-for-profit corporations to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket; further, that all such sums be expended on the condition that grant agreements be executed by and between the Select Board and the respective private, not-for-profit agency for Fiscal Year 2027, which grant agreements shall stipulate mutually agreed upon terms and conditions; or to take any other action related thereto.

(Select Board)

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: 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 12

(Appropriation: School Athletic Facilities Improvements)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Superintendent of Schools with the approval of the School Committee, to pay costs of professional services for owner's project manager, design, permitting, architecture, construction supervision, construction and other related professional services for the construction, installation and equipping of new, and/or additions or other improvements

to the Nantucket Public Schools Athletic Facilities, including a synthetic turf field the materials of which have been tested and reported PFAS as none detected by EPA Method 1633A and Massachusetts Department of Environmental Protection WSC-CAM Section X A Revision 1, or any other federal, state, or local requirements that are enacted prior to the issuance of bids for this Project which are more stringent than the above-referenced requirements; and, all other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board for School Committee)

ARTICLE 13

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

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

(Select Board)

ARTICLE 14

(Appropriation: LORAN Barracks Repairs)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of funding repairs to the LORAN Barracks facility (Phase IV) located at 54 Low Beach Road, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE 15

(Appropriation: Somerset Sewer Needs Area - Sewer Extension)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, to pay costs of professional services for design, permitting, engineering, construction supervision, and other related professional services, for the construction, installation and equipping of the extension of

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

(Select Board/Sewer Commissioners)

ARTICLE 16

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

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, to make various improvements (Phase II) at Tom Nevers Park including debris removal and erosion control/dune restoration, including the cost of professional services, permitting, engineering, construction, construction supervision, materials and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE 17

(Supplemental Appropriation: Public Works Facility Improvements - Design)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, to make design improvements to the Department of Public Works facility at 1 Shadbush Road and/or 188 Madaket Road, including the costs of professional services for design, permitting, and engineering, and other related professional services, and any other costs incidental and related thereto; or to take any other action related thereto.

(Select Board)

ARTICLE 18

(Appropriation: Fiscal Year 2027 Enterprise Funds Operations)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the operation of the Enterprise Funds of the Town of Nantucket for Fiscal Year 2027, out of anticipated revenues of the designated funds; or to take any other action related thereto.

(Select Board for the Various Departments Indicated)

ARTICLE 19

(Appropriation: Enterprise Funds Capital Expenditures)

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

(Select Board for the Various Departments Indicated)

ARTICLE 20

(Enterprise Funds: Fiscal Year 2026 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2026 Enterprise Fund operating budgets from other line items of said budgets and/or from Enterprise Surplus Reserve Funds; or to take any other action related thereto.

(Select Board)

ARTICLE 21

(Appropriation: Waterways Improvement Fund)

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 22

(Appropriation: Ambulance Reserve Fund)

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

(Select Board)

ARTICLE 23

(Appropriation: Ferry Embarkation Fee)

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 24

(Appropriation: County Assessment)

To see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to pay the County of Nantucket such assessment as is required for Fiscal Year 2027, and to authorize the expenditure of these funds for County purposes, all in accordance with the Massachusetts General Laws and in accordance with the County Charter (Chapter 290 of the Acts of 1996), the sum of Two Hundred Fifty Thousand One Hundred Fifty-five Dollars (\$250,155); or to take any other action related thereto.

(Select Board/County Commissioners)

ARTICLE 25

(Appropriation: Finalizing Fiscal Year 2027 County Budget)

To see if the Town will vote to overturn any denial of approval by the Nantucket County Review Committee, of any item of the County budget for Fiscal Year 2027 by appropriating a sum of money for such County budget and authorizing the expenditure of estimated County revenues, County reserve funds, County deed excise fees or other available County funds including the Town assessment for County purposes; further, to see if the Town will vote to overturn any denial by the Nantucket County Review Committee of the establishment of a County Reserve Fund, from which transfers may be made to meet extraordinary or unforeseen expenditures with the approval of the County Commissioners acting as the County Advisory Board Executive Committee within the meaning of Chapter 35 section 32 of the Massachusetts General Laws; or to take any other action related thereto.

(Select Board/County Commissioners)

ARTICLE 26

(Rescind Unused Borrowing Authority)

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 27

(Appropriation: Other Post-Employment Benefits Trust Fund)

To see what sum the Town will vote to appropriate and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to deposit into the Other Post-Employment Benefits Liability Trust Fund established pursuant to Mass. General Law chapter 32B, section 20, for Fiscal Year 2027.

Or to take any other action related thereto.

(Select Board)

ARTICLE 28

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

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

(Select Board)

ARTICLE 29

(Appropriation: Fiscal Year 2027 Senior Work-off Program)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purpose of supporting the Senior Work-off Program pursuant to Massachusetts General Laws Chapter 59, Sections 5K and 5N for the Town of Nantucket for Fiscal Year 2027; or to take any other action related thereto.

(Select Board)

ARTICLE 30

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

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

(Select Board for Airport Commission)

ARTICLE 31

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

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

(Select Board)

ARTICLE 32

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

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

(Select Board for Board of Health)

ARTICLE 33

(Appropriation: Fiscal Year 2027 Community Preservation Committee)

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

(Select Board for Community Preservation Committee)

ARTICLE 34

(Community Preservation Committee: Fiscal Year 2026 Budget Transfers)

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

(Select Board for Community Preservation Committee)

ARTICLE 35

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

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Department of Public Works, with the approval of the Town Manager and the Select Board, for the purpose of making Traffic and Pedestrian Safety Improvements at the intersection of Surfside Drive, Surfside Road, and Miacomet Road by the installation of two (2) stop signs creating a 4-way stop; not to include the addition of additional turning lanes. This sum should include the costs of professional services for design, installation and the cost of equipment and materials, and any other costs incidental and related thereto

(Walter S. Flaherty, et al)

ARTICLE 36

(Off-Shore Wind Stabilization Fund)

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

or take other action with regard thereto.

(Vallorie Oliver, et al)

ARTICLE 37

(Appropriation: Municipal Waste and Hazardous Material Incineration)

To see if the Town will vote to appropriate and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent for the purposes of funding the purchase or lease of a municipal waste incinerator or gasification facility for the Nantucket Landfill. Moreover, to seek permitting for incineration of waste and hazardous materials under Massachusetts Environmental Regulations (310 SMR 7.08).

(Clifford J. Williams, et al)

ARTICLE 38

(Zoning Bylaw Amendment: Prohibited Uses)

To see if the Town will vote to amend Chapter 139 (Zoning), Section 7B(3) "Prohibited Uses" of the Code of the Town of Nantucket as follows (*NOTE: new*

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

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 39

(Zoning Bylaw Amendment: Demolition Delay)

To see if the Town will vote to amend Chapter 139 (Zoning), Section 26A(1)(f)[5] of the Code of the Town of Nantucket as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 40

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

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

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

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 41

(Zoning Bylaw Amendment: Rear Lot Subdivision)

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

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

Insert a new subsection (3)I

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 42

(Zoning Bylaw Amendment: Flood Hazard Overlay District)

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

Amend Section 2 (Definitions)as follows:

FLOOD HAZARD DISTRICT

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

the Town Clerk, Planning Board, Building Commissioner, and Conservation Commission.

Amend Section 4B as follows:

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

Amend Section 12H as follows:

Flood Hazard Overlay District (FHOD).

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

(1) Relevant flood zones:

(a) ZONE A means an area of special flood hazard without water

surface elevations determined

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

- (2) Use regulations. The FHOD is herein established as an overlay district to all other districts. The FHOD includes all special flood hazard areas within the Town of Nantucket designated as Zone A, AE, AO or VE on the Nantucket County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) on June 9, 2014 for the administration of the National Flood Insurance Program. ~~The map panels of the Nantucket County FIRM that are wholly or partially within the Town of Nantucket are panel numbers 25019C0018G, 25019C0019G, 25019C0033G, 25019C0034G, 25019C0042G, 25019C0061G, 25019C0062G, 25019C0063G, 25019C0064G, 25019C0066G, 25019C0067G, 25019C0068G, 25019C0069G, 25019C0082G, 25019C0083G, 25019C0084G, 25019C0086G, 25019C0087G, 25019C0088G, 25019C0089G, 25019C0091G, 25019C0092G, 25019C0093G, 25019C0094G, 25019C0103G, 25019C0111G, 25019C0112G, 25019C0113G, 25019C0114G, 25019C0132G, 25019C0151G, 25019C0152G, 25019C0156G, 25019C0157G, 25019C0176G, and 25019C0177G, dated June 9,~~

2014. The exact boundaries of the District may ~~shall~~ be defined by the ~~one-hundred-year~~ 1%-chance base flood elevations shown on the FIRM and further defined by the Nantucket County Flood Insurance Study (FIS) booklet dated June 9, 2014. The FIRM and FIS booklet are incorporated herein by reference and are on file with the offices of Planning and Land Use Services and Conservation Commission. In addition to meeting the requirements of district in which a particular piece of land may lie all development which lies within a boundary of the FHOD, including structural and nonstructural activities alterations, additions, relocations and demolitions, must be in compliance with MGL c. 181, § 40, and the requirements of the Massachusetts State Building Code pertaining to construction in floodplains and the following additional requirements:

- (a) VE Zones: All new construction as defined by the National Flood Insurance Program (NFIP) , except water-related structures such as piers, groins, and similar structures shall be located landward of the reach of mean high tide. Man-made, alteration of sand dunes which would increase potential flood damage is prohibited;
- (b) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (c) In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways;
- (d) In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge;
- (e) Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

- (f) ~~Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A Zones. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the applicant must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.~~
- (g) Where applicable, in A, A1-30, AH, AO, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.
- (h) In a riverine situation, the Natural Resources Coordinator shall notify the following of any alteration or relocation of a watercourse:
- ~~Adjacent communities~~
 - ~~NFIP State Coordinator~~
Massachusetts Department of Conservation and Recreation
 - ~~251 Causeway Street Suite 600-700~~
 - ~~Boston, MA 02114-2104~~
 - ~~NFIP Program Specialist~~
Federal Emergency Management Agency, Region I
 - ~~99 High Street, 6th Floor~~
 - ~~Boston, MA 02110~~
- (i) Nantucket requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.
- (j) Nantucket requires that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

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

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

(3) **Definitions**

- (a) **DEVELOPMENT** means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]
- (b) **FLOODWAY**. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]
- (c) **FUNCTIONALLY DEPENDENT USE** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]
- (d) **HIGHEST ADJACENT GRADE** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]
- (e) **HISTORIC STRUCTURE** means any structure that is:
 - [1] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - [2] Certified or preliminarily determined by the Secretary of the

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

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

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

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

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

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

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

[1] Built on a single chassis;

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

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

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

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

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

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

(j) **START OF CONSTRUCTION.** The date of issuance for new

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

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

certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), I(2), I(4), or I(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

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

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

- i. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- ii. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- iii. Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- iv. Minimum Requirements for Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

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

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

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

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

FEMA Region I Risk Analysis Branch Chief

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation

(6) Designation of Community Floodplain Administrator:

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

(7) Variances to building code floodplain standard

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

(8) Enforcement

- (a) Violations of any section or provision of this Bylaw may be enforced by the institution of enforcement actions, either criminal or civil, either legal or equitable or both, or by fines of not more

than three hundred dollars (\$300) for each offense. Each day that such offense continues *shall constitute a separate offense.*

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 43

(Zoning Bylaw Amendment: Definitions - Apartment Building)

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

Amend section 2 (Definitions) as follows:

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

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

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

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 44

(Zoning Bylaw Amendment: Attainable Housing)

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

Amend section 2 (Definitions- Attainable Housing) as follows:

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 45

(Zoning Bylaw Amendment: Community Land Trust)

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

Amend section 2 (Definitions) by inserting, in alphabetical order, a new definition for “Community Land Trust” as follows:

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

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

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

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 46

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

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

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

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

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

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

FRACTIONAL OWNERSHIP, INTERVAL, OR TIME SHARE UNIT

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

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

This section shall not be deemed to preclude the creation of mortgages, liens, easements, or other similar interests encumbering the residential property as a whole to secure a loan or for any other legitimate purposes; and

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

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

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 47

(Zoning Bylaw Amendment: Accessory Dwelling Unit)

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

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

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

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 48

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

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

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

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

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

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

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

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 49

(Zoning Bylaw Amendment: Gross Floor Area)

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

Amend section 2 (Definitions- Floor Area, Gross) as follows:

FLOOR AREA, GROSS

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 50

(Zoning Bylaw Amendment: Primary Dwelling)

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

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

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 51

(Zoning Bylaw Amendment: Secondary Dwelling)

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

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

SECONDARY DWELLING

A detached single-family dwelling unit or a dwelling unit within an attached or detached garage located on the same lot as a primary dwelling unit that is larger than 900 square feet of gross floor area or does not meet the criteria of a Protected Use Accessory Dwelling Unit (ADU). The ground cover of the secondary dwelling shall be a minimum of 20% less or more than the primary dwelling. The secondary dwelling may contain an attached garage. The primary and secondary dwelling must be separated by a minimum distance of 10 feet, measured at grade at the closest point between the dwellings; excluding retaining walls, window wells, platforms, decks, and steps, chimneys, bulkheads, bay windows, bow windows, roof eaves and overhangs, air conditioning units, a maximum of two aboveground fuel tanks not to exceed 120 gallons each, trash bins, and fences. Relief from the ground cover and scalar separation requirements of this definition may be granted by a special permit issued by the Planning Board subject to a finding that the reduced separation is in harmony with the general purpose and intent of this chapter. A secondary dwelling may only be attached to the primary dwelling by a breezeway.

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

In the R-5, R-10, and R-20 Districts, a maximum of eight bedrooms per lot shall be permitted at the following density:

- (a) R-5: 1 bedroom per each 1,000 square feet of lot area;
- (b) R-10: 1 bedroom per each 1,400 square feet of lot area;
- (c) R-20: 1 bedroom per each 2,500 square feet of lot area;

The Planning Board shall make a determination regarding the adequacy of access to the lot and structures prior to the issuance of a building permit. Planning Board approvals granted after April 8, 1996, shall be valid for a period of two years from the date of plan endorsement.

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

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

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

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

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 52

(Zoning Bylaw Amendment: Tertiary Dwelling)

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

1. Amend section 2 (Definitions - Tertiary Dwelling) by striking in its entirety:
 - ~~(1) The tertiary dwelling shall be in the same ownership as at least one other owner-occupied dwelling unit on the lot, or shall be owned by a not-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household.~~
 - ~~(2) A third dwelling unit located on a lot, including the following options:
 - ~~(i) A garage apartment not exceeding 900 square feet of gross floor area.~~
 - ~~(i) A dwelling unit attached to or within a single family dwelling, duplex, or an outbuilding or a dwelling unit attached to a studio or shed. The ground cover of the existing building shall not increase more than 900 square feet and the dwelling unit shall not contain more than 900 square feet of gross floor area.~~
 - ~~(i) A detached building containing not more than 900 square feet of ground cover and not more than 900 square feet of gross floor area.~~~~

- ~~(3) In the R-5, R-10, and R-20 Districts, a maximum of eight bedrooms per lot shall be permitted at the following density:~~
 - ~~(i) R-5: 1 bedroom per each 1,000 square feet of lot area;~~
 - ~~(i) R-10: 1 bedroom per each 1,400 square feet of lot area;~~
 - ~~(i) R-20: 1 bedroom per each 2,500 square feet of lot area;~~
- ~~(4) Any waivers from the standards contained within Subsection (2) or (3) of this definition may be granted through the issuance of a special permit by the Planning Board.~~
- ~~(5) The Planning Board shall make a determination regarding the adequacy of access to the lot and structures prior to the issuance of a building permit. Planning Board approvals shall be valid for a period of two years from the date of plan endorsement.~~

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 53

(Zoning Bylaw Amendment: Garage Apartment)

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

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

GARAGE APARTMENT

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

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

—endorsement.

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 54

(Zoning Bylaw Amendment: Apartment)

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

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

(5) **CI/VN**

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

(6) **VTEC**

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

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

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 55

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

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

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

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

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

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

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 56

(Zoning Map Change: RC-2 to CMI - Arrowhead Drive and Hinsdale Road)

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

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

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 57

(Zoning Map Change: RC-2 to CN - Miacomet Avenue and Surfside Road)

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

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

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 58

(Zoning Map Change: RC-2 to R-5, CN, or CMI - Old South Road, Forrest Avenue, Rose Bud Lane, Hinsdale Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following property currently located in the Residential Commercial-2 (RC-2) district in the Residential-5 (R-5) district, the Commercial Neighborhood (CN) district, or the Commercial Mid Island (CMI) district:

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

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 59

(Zoning Map Change: RC-2 to CI, CMI, or CN - Sun Island Road)

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

| Map | Lot | Number | Street |
|-----|------|--------|-----------------|
| 69 | 29.6 | 11 | Sun Island Road |

| | | | |
|----|------|----|-----------------|
| 69 | 29.7 | 13 | Sun Island Road |
| 69 | 29.8 | 15 | Sun Island Road |

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 60

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

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

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

| Map | Lot | Number | Street |
|-----|-----|--------|--------------------|
| 65 | 14 | 5 | Bartlett Farm Road |

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

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

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

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

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 61

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

To see if the Town will vote to amend the map entitled “Town and Country Designations” and referenced in Chapter 139 of the Code of the Town of Nantucket, section 5E, by placing the following properties currently located in the Country Overlay District (COD) in the Town Overlay District (TOD):

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

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

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 62

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

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

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

All as shown on a map entitled “2026 Annual Town Meeting Warrant Article __ R-20 to CN” filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Timothy F. McClure, et al)

ARTICLE 63

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

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

To see if the Town will vote to amend Chapter 139 of the Code of the Town of Nantucket (Zoning Bylaw) by making the following changes [note: language to be deleted is shown

by strikeout; language to be added is shown in bold; this method to denote changes is not meant to become part of the final text]:

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

Preexisting, nonconforming lots may be increased in area or frontage through the addition of adjoining property without the need for any relief under this bylaw. Any other alteration to a preexisting, nonconforming lot that does not increase an existing or create a new nonconformity is allowed upon determination by the Zoning Administrator that such alteration will not be substantially more detrimental to the neighborhood.

Notwithstanding the size of the lot, structures on lots created pursuant to MGL c. 41, § 81P, based upon the exception in the clause of MGL c. 41, § 81L for lots containing two or more structures that predate the adoption of subdivision control in the Town, shall may be altered or expanded by increasing any nonconformity with regard to setbacks and height by a Special Permit granted by the Zoning Board of Appeals. However, said structures shall not be increased by any additional dwelling units than would have otherwise been allowed prior to the recording of the MGL c. 41, § 81P Approval Not Required Plan (ither than a Protected Use ADU pursuant to MGL c. 40A, § 3 and 760 CMR 71.00) and shall not increase any nonconformity due to ground cover. have the same status as preexisting, nonconforming lots, and any structures thereon, which predate the adoption of subdivision control in the Town, shall have the status of preexisting nonconforming structures. The removal of structures to facilitate an alteration or change to an existing structure, the relocation of the structure upon the lot, or the construction of a new structure, shall not cause the lot to be merged with an abutting lot in common ownership, provided that the lot remains vacant for less than one year.

; or otherwise act thereon.

(Emily Molden, et al)

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

ARTICLE 64

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

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

(Select Board)

ARTICLE 65

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

To see if the Town will vote to adopt the provisions of MGL Chapter 59, Section 50, effective Fiscal Year 2027, allowing the Town to enter into an Affordable Housing

Property Tax Exemption Program and to act fully thereon; or to take any other action relative thereto.

(Select Board)

ARTICLE 66

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

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

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

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

2. Add Section 21 to the Trust as follows:

"21. Year-Round Housing Occupancy Restrictions.

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

All other provisions of the Trust shall remain the same.

Or to take any other action related thereto.

(Select Board for Nantucket Affordable Housing Trust)

ARTICLE 67

(Bylaw Amendment: Solid Waste Disposal)

To see if the Town will vote to amend Chapter 125 (Solid Waste Disposal) of the Code of the Town of Nantucket as follows *(NOTE: new language is shown as*

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

§125-6 Violations and penalties.

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

(Select Board)

ARTICLE 68

(Bylaw Amendment: Noise)

To see if the Town will vote to amend Chapter 101 (Noise) of the Code of the Town of Nantucket as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

§101-1 General prohibitions; exemptions; relief.

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

[(1) - (3) unchanged]

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

referenced in this section shall include any work for which a building, sidewall or roof, shingle, trench, tent, plumbing, gas, or wiring permit has been issued by the Town of Nantucket and any work for which a certificate of appropriateness has been issued by the Historic District Commission.

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

[(6) unchanged]

(Select Board)

ARTICLE 69

(Bylaw Amendment: Council for Human Services Membership)

To see if the Town will vote to amend Chapter 12 (Council for Human Services) of the Code of the Town of Nantucket as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

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

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

shall be in full compliance with the provisions of Massachusetts General Law Chapter 268A.

(Select Board)

ARTICLE 70

(Bylaw Amendment: Finances/Amend Purpose of Revolving Account/Add Revolving Account)

To see if the Town will vote to amend Chapter 19 (Finances), Article XIII (Revolving Accounts), §19-21 (Revolving accounts established) of the Code of the Town of Nantucket by adding a Revolving Account as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket)*:

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

Or to take any other action relative thereto.

(Select Board)

ARTICLE 71

(General Bylaw: Stormwater Management)

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

Chapter 142 Stormwater Management

§1. Purposes.

A. The purposes of this bylaw are:

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

B. Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are major causes of:

1. Impairment of water quality;
2. Decreased flow in lakes, ponds, streams, rivers, wetlands, and groundwater;
3. Contamination of drinking water supplies;
4. Erosion of stream channels;
5. Alteration or destruction of aquatic and wildlife habitat;
6. Flooding;
7. Overloading or clogging of municipal catch basins, infiltration systems, and storm drainage systems; and
8. Flooding and erosion on abutting properties.

C. Sedimentation from land disturbance activities and polluted stormwater runoff from land development and redevelopment are major sources of water pollution and impact drinking water supplies, natural habitats, and recreational resources. Runoff with sediment clogs stormwater infiltration systems causing failure and a need for replacement. Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of the Town of Nantucket's water bodies and groundwater resources, to safeguard the health, safety, and welfare of the general public, and to protect the natural resources of the Town.

D. The objectives of this bylaw are to:

1. Protect water resources;

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

§2. Authority.

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

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

§3. Definitions.

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

ABUTTER

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

ALTERATION OF DRAINAGE CHARACTERISTICS

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

change in the peak rate of runoff from the area; or change in the recharge to groundwater on the area.

APPLICANT

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

BEST MANAGEMENT PRACTICE (BMP)

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

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC)

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

CLEAN WATER ACT

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

CLEARING

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

COMMON PLAN OF DEVELOPMENT OR SALE

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

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

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

CRITICAL AREA

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

CMR 10.04 and 314 CMR 9.02, and shellfish growing areas as defined in 310 CMR 10.04 and 314 CMR 9.02.

DISCHARGE OF POLLUTANTS

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

DOWNTOWN DISTRICT

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (ESSD)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN CREDIT (ESSD CREDIT)

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

EQUIVALENT RESIDENTIAL UNIT

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

EROSION

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

EXISTING STORMWATER OUTFALL

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

GRADING

Changing the level or shape of the ground surface.

GROUNDWATER

Water beneath the surface of the ground.

GRUBBING

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

HAZARDOUS MATERIAL

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

ILLICIT CONNECTION

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

ILLICIT DISCHARGE

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

IMPAIRED WATER

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

IMPERVIOUS SURFACE

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

IMPOUNDMENT

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

IMPRACTICABLE

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

INFILTRATION

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

LAND-DISTURBING ACTIVITY

Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing and grading;

or results in an alteration of drainage characteristics. Areas that support the land-disturbing activity such as on-site or off-site stockpiles, borrow areas, concrete truck washouts, fueling areas, and material and equipment storage areas are considered part of the land-disturbing activity.

LAND USE WITH HIGHER POTENTIAL POLLUTANT LOADS (LUHPPL)

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

LONG-TERM OPERATOR

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

LOT

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

LOW IMPACT DEVELOPMENT (LID)

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

NANTUCKET STORMWATER SYSTEM

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

NEW DEVELOPMENT

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

NONPOINT SOURCE POLLUTION

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

NONRESIDENTIAL PROPERTY

A property that is not considered residential.

NONSTORMWATER DISCHARGE

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

OFF-LINE DESIGN

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

OPEN DRAIN

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

OPERATION AND MAINTENANCE PLAN

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

OUTFALL

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

OWNER

A person with a legal or equitable interest in property.

PERMANENT STABILIZATION

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

PERSON

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

POINT SOURCE

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

POLLUTANT

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

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

PRIVATE ROADS

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

PROJECT SITE

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

RECHARGE

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

REDEVELOPMENT

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

REQUIRED RECHARGE VOLUME

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

RESIDENTIAL PROPERTY

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

RUNOFF

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

SEDIMENT

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

SEDIMENTATION

The process or act of deposition of sediment.

SITE

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

SOIL

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

STORM DRAIN

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

STORMWATER

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

STORMWATER CONTROL MEASURE (SCM)

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

STORMWATER MANAGEMENT PLAN (SWMP)

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

STORMWATER MANAGEMENT SYSTEM

Stormwater Management System means a physical system and infrastructure for conveying, collecting, storing, discharging, recharging or treating stormwater (and only

stormwater) on-site including Stormwater Control Measures and any pipes and outlets intended to transport, reduce pollutants, and discharge stormwater to ground water or surface water.

STORMWATER PERMIT (SWP)

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

STORMWATER UTILITY

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

TEMPORARY STABILIZATION

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

TOTAL SUSPENDS SOLIDS or TSS

Undissolved organic or inorganic particles in water.

TOWN

The Town of Nantucket.

VERNAL POOLS

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

WATERCOURSE

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

WATER QUALITY VOLUME (WQV)

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

WATERS OF THE COMMONWEALTH

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

WETLANDS

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

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

§4. Applicability.

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

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

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

§5. Stormwater Utility.

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

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

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

§6. Administration.

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

promulgated hereunder, where it makes a written finding that such action is: 1. Allowed by federal, state, or local statutes and/or regulations; 2. In the public interest; and 3. Consistent with the purpose and intent of the Town of Nantucket Stormwater Bylaw and its Rules and Regulations.

§7. Enforcement.

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

B. Orders

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

Nantucket may, at its option, with the approval of a court of competent jurisdiction, undertake such work, and the property owner shall reimburse the Town's expenses.

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

§8. Access Permission.

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Nantucket Stormwater Utility and its agents, officers, and

employees may request entry upon privately owned property for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys, or sampling as the Nantucket Stormwater Utility deems reasonably necessary to determine compliance with the permit. Denial of entry onto privately-owned property may constitute violation of the Stormwater Permit and/or cause for enforcement.

§9. Surety.

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

§10. Severability.

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

(Select Board)

ARTICLE 72

(Bylaw Amendment: Signs; Satellite Dishes; Rooflines)

To see if the Town will vote to:

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

§ 124-9 Permit for razing required.

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

; or otherwise act thereon.

(Hollis Webb, et al)

ARTICLE 73

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

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

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 74

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

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

AN ACT FURTHER AMENDING CHAPTER 561 OF THE ACTS OF 1973 PERTAINING TO THE NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION

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

SECTION 1. ~~In order to plan for the orderly and coordinated development and protection of the physical, social and economic resources of the Island of Nantucket, there is hereby established the Nantucket Planning and Economic Development Commission, hereinafter called the "Commission." The Commission shall consist of the members of the Planning Board of the Town of Nantucket; one (1) representative of the Nantucket Housing Authority to be appointed annually by said Authority; one (1) representative of the County Commissioners of Nantucket County to be appointed annually by said County Commissioners; one (1) representative of the Conservation Commission to be appointed annually by said Conservation Commission; and three (3) persons from said town appointed at large by the Commission; one (1) for a term of one (1) year, and one (1) for a term of two (2) years and one (1) for a term of three (3) years.~~ In order to plan for a resilient,

sustainable, and equitable region by balancing economic, environmental, and social factors for current and future needs, there is hereby established the Nantucket Regional Commission, hereafter called the "Commission". The Commission members shall be legal residents of Nantucket County and shall serve without compensation. The Commission shall consist of three (3) members of the Planning Board of the Town of Nantucket to be appointed annually by said Board; one (1) member of the County Commissioners of Nantucket County to be appointed annually by said County Commission; one (1) land conservation sector representative to be appointed annually by the Conservation Commission of the Town of Nantucket.; one (1) business sector representative to be appointed annually by Nantucket Island Chamber of Commerce acting in their capacity as a Regional Tourism Council; one (1) historic preservation sector representative to be appointed annually by the Certified Local Government Committee of the Town of Nantucket; one (1) housing sector representative to be appointed annually by the Nantucket Affordable Housing Trust; one (1) social services sector representative to be appointed annually by the Council for Human Services of the Town of Nantucket; one (1) member of the Nantucket Islands Land Bank Commission to be appointed annually by said Nantucket Islands Land Bank Commission; and three (3) persons, with one (1) appointed annually by the County Commissioners of Nantucket County for a term of three (3) years. Transfer from the existing membership of the Commission to the membership provided in this Act shall take place at the first meeting in July following approval of this Act for appointments from the Planning Board of the Town of Nantucket, the Nantucket Affordable Housing Trust, the County Commissioners of Nantucket County, the Conservation Commission of the Town of Nantucket, the Nantucket Island Chamber of Commerce acting in their Capacity as a Regional Tourism Council, the Certified Local Government Committee of the Town of Nantucket, and the Council for Human Services of the Town of Nantucket, and the Nantucket Islands Land Bank Commission. Transfer of the three (3) at large members shall occur when the terms of the current at large members expire.

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

these responsibilities, the Commission may retain experts as may be required.

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

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

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

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

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

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

Section 6B. The commission shall by majority vote adopt rules and regulations for the

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

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

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

Or to take any other action relative thereto.

(Select Board for Nantucket Planning & Economic Development Commission)

ARTICLE 75

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

Article Summary

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

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

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

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

Article Text

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

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

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

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

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

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

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

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

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

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

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

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

Or otherwise act thereon.

(Hillary Hedges Rayport, et al)

ARTICLE 76

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

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

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

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

Section 1. The County of Nantucket is hereby authorized to convey School Street, as shown on a plan of land entitled "Plan of Taking for Nantucket County Commissioners of School Street in Nantucket (Surfside) MA.," dated May 26, 1981, prepared by John J. Shugrue, Inc., recorded with Nantucket County Registry of Deeds in Plan Book 12-C, Page 2, to the Town of Nantucket for purposes of conveyance. Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map on file with the Office of the Town Clerk.

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

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 77

(Home Rule Petition: Real Estate Conveyances from Town of Nantucket to Nantucket Islands Land Bank)

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

***AN ACT AUTHORIZING THE TOWN OF NANTUCKET CONSERVATION
COMMISSION TO CONVEY A CERTAIN PARCEL OF LAND SITUATED IN THE
TOWN FOR PURPOSES OF CONVEYANCE TO THE TOWN OF NANTUCKET
UNDER THE CARE, CUSTODY, MANAGEMENT AND CONTROL OF THE SELECT***

BOARD AND THE TOWN OF NANTUCKET TO CONVEY CERTAIN LAND IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE, PASSIVE RECREATION OR CONSERVATION PURPOSES TO THE NANTUCKET ISLANDS LAND BANK FOR THE PURPOSES PURSUANT TO ITS ENABLING LEGISLATION FOR OPEN SPACE, CONSERVATION AND PASSIVE RECREATION PURPOSES

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

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding any provisions of any general or special law to the contrary, the Town of Nantucket acting by and through its Conservation Commission, is hereby authorized to convey a certain parcel of land situated at 35 Grove Lane, shown as Lot 5, on a plan of land recorded with the Nantucket County Registry of Deeds in Plan File 8-A, owned by the Town of Nantucket pursuant to a Deed recorded with the Nantucket County Registry of Deeds in Book 164, Page 228, to the Town of Nantucket acting by and through its Select Board for purposes of conveyance.

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

- 35 Grove Lane, shown on Tax Assessor's Map 71 as Parcel 342

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

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 78
(Town Council Form of Government)

To see if the Town will vote to establish the Town Council form of government as the legislative body for the Town and County of Nantucket, as described in the Town Council Study Committee report submitted to the Nantucket Select Board dated October 27, 2025. Or to take any other action as appropriate.

(Curtis L. Barnes, et al)

ARTICLE 79

(Real Estate Conveyances: Portion of 21 South Shore Road, a/k/a 1-43 Sherburne Commons Lane, Map 80, Parcel 1)

To see if the Town will vote to authorize the Select Board to sell, convey or grant a conservation restriction or other lesser interests in the portions of the following parcel of land to the Nantucket Islands Land Bank or other qualified entities pursuant to G.L. c. 184, §§ 31-33, subject to G.L. c. 30B, the area shown on a plan entitled "Our Island Home Development Plan & Proposed Conservation Management Plan, Our Island Home, Sherburne Commons Site, Nantucket, MA," prepared by SMRT dated April 8, 2025 and filed at the Nantucket Town Clerk's Office, containing approximately .94 acres of land for 1-43 Sherburne Commons Lane, being a portion of Parcel 1 shown on plan of land entitled "Plan of Land in Nantucket, Mass., prepared for Town of Nantucket," dated February 20, 2001, prepared by Blackwell & Associates, Inc., recorded with Nantucket County Registry of Deeds as Plan No. 2001-30 containing 19,949± square feet of land.

Or to take any other action related thereto.

(Select Board)

ARTICLE 80

(Real Estate Disposition: Utility Easement - Waitt Drive and Ticcoma Green Workforce Housing)

To see if the Town will vote to authorize the Select Board to convey a perpetual non-exclusive easement to Nantucket Electric Company/National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, an underground electric distribution system in, through, under, over, across and upon certain portions of Town-owned land shown as Map 67, Parcels 917 and 918, now known as 4 Waitt Drive and 6 Fairgrounds Road, being Lots 83 and 84 shown on a plan of land recorded with Nantucket Registry of Deeds as Plan No. 2016-58, and a certain portion of the public way named Waitt Drive shown on a plan of land recorded with said Deeds as Plan Nos. 2024-10 and 2024-13; said easement area being shown on a plan filed with the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 81

(Real Estate Acquisition: 46 Sparks Avenue)

To see if the Town will vote to authorize the Select Board to acquire by eminent domain, gift or purchase for public cemetery purposes a certain parcel of land shown on Assessor's Map 55, Parcel No. 241 located at 46 Sparks Avenue, Nantucket; and further to authorize the Select Board to transfer the care, custody and management of said property for public cemetery purposes to the Nantucket Cemetery Commission.

Or to take any other action related thereto.

(Select Board)

ARTICLE 82

(Real Estate Acquisition: Boynton Lane)

To see if the Town will vote to take the appropriate action through the Planning and/or Zoning Boards to take Boynton Lane as a Town public way, in the interest of improved traffic control and public safety. Or to take any other action relative thereto.

(Curtis L. Barnes, et al)

ARTICLE 83

(Appropriation: Stabilization Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of the Stabilization Fund in accordance with Chapter 40 section 5B of the Massachusetts General Laws, from which appropriations may be made by a two-thirds vote of an Annual or Special Town Meeting for any purpose for which a municipality may borrow money or for any other lawful purpose; said sum not to exceed ten percent (10%) of the Fiscal Year 2026 tax levy.

Or to take any other action related thereto.

(Select Board)

ARTICLE 84

(Appropriation: Free Cash)

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

(Select Board)

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 NINETEENTH DAY OF MAY 2026
BETWEEN THE HOURS OF 7:00 AM and 8:00 PM***

for the following purpose:

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

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

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

Debt Exclusion Questions:

1. Debt Exclusion: Our Island Home

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

2. Debt Exclusion: School Athletic Facilities Improvements

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so called, the amounts required to pay for the bonds issued for the costs of professional services for owner’s project manager, design, permitting, architecture, construction supervision, construction and other related professional services for the construction, installation and equipping of new, and/or additions or other improvements to the Nantucket Public Schools Athletic Facilities, including a synthetic turf field the materials of which have been tested and reported PFAS as none detected

by EPA Method 1633A and Massachusetts Department of Environmental Protection WSC-CAM Section X A Revision 1, or any other federal, state, or local requirements that are enacted prior to the issuance of bids for this Project which are more stringent than the above-referenced requirements; and, all other costs incidental and related thereto?

3. Debt Exclusion: Town Employee Housing Design, Owners Project Manager and Construction Costs

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

4. Debt Exclusion: LORAN Barracks Town Employee Housing Repairs

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so called, the amounts required to pay for the bonds issued to for the purpose of funding repairs to the LORAN Barracks facility (Phase IV) located at 54 Low Beach Road, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

5. Debt Exclusion: Somerset Sewer Needs Area Sewer Extension

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bonds issued for the costs of professional services for design, permitting, engineering, construction supervision, and other related professional services for the construction, installation and equipping of the extension of municipal sewer lines and associated infrastructure, from the Surfside Wastewater Treatment Facility to the areas established in the Comprehensive Wastewater Management Plan Update adopted June 3, 2015 and described as "Somerset Needs Area" and acquisition of any interests in land as may be necessary or appropriate, including the payment of all costs incidental and related thereto?

6. Debt Exclusion: Tom Nevers Park Debris Removal and Erosion Control/Dune Restoration

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bonds issued to make various improvements (Phase II) at Tom Nevers Park including debris removal and erosion control/dune restoration, including the cost of professional services, permitting, engineering, construction, construction supervision, materials and other related professional services, and any other costs incidental and related thereto?

7. Capital Outlay Exclusion

Shall the Town of Nantucket be allowed to assess an additional \$2,274,300 in real estate and personal property taxes for the following purposes in the amounts as follows for the fiscal year beginning July 1, 2026?

| Department | Purpose | Amount |
|--------------------------------|---|--------------------|
| DPW - Central Fleet | Replacement: Ford E-Transit Van/Public Works | \$70,500 |
| DPW - Central Fleet | Replacement of F-350 Truck/Public Works | \$97,000 |
| DPW - Central Fleet | Replacement of Forestry Bucket Truck and Equipment/Public Works | \$303,400 |
| DPW - Central Fleet | Replacement of Hook Lift Truck/Public Works | \$295,000 |
| DPW - Central Fleet | Replacement of F-550 Dump Truck/Public Works | \$134,900 |
| DPW - Central Fleet | New F-150 Truck/Housing Department | \$60,000 |
| DPW | Replacement of DPW Generator | \$70,000 |
| DPW | Replace Central Fleet Garage Doors | \$75,000 |
| DPW - Parks and Rec | Tom Nevers Softball Field New Fencing | \$75,000 |
| DPW - Parks and Rec | Delta Field Fencing Replacement | \$93,500 |
| Fire Department | Replacement of Two (2) Compact All-terrain Fire Engines | \$1,000,000 |
| Total Capital Exclusion | | \$2,274,300 |

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 twenty-first day of January in the year Two Thousand Twenty-six.

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 of January 21, 2026 I have notified and warned the inhabitants of the Town of Nantucket qualified to vote in Town affairs to appear at the times and place and for the purposes within mentioned by posting said notification on _____ at the Stop & Shop on Pleasant Street, the Town and County Building at 16 Broad Street; and upon the Bulletin Boards at the corner of Main and Federal Streets, and Siasconset Square.

Sworn to under pains and penalties of perjury,

Constable