

MEETING POSTING

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25
All meeting **notices and agenda** must be filed and time stamped with the
Town Clerk's Office and posted at least 48 hours prior to the meeting
(excluding Saturdays, Sundays and Holidays)

Committee/Board/s	FINANCE COMMITTEE
--------------------------	-------------------

Day, Date, and Time	FRIDAY, OCTOBER 10, 2025 @ 10:00 AM
----------------------------	-------------------------------------

Location / Address	131 PLEASANT STREET, TRAILER ROOM A AND REMOTE PARTICIPATION VIA ZOOM The meeting will be aired at a later time on the Town's Government TV YouTube Channel https://www.youtube.com/channel/UC-sgxAlfdoxteLNzRAUHIxA
---------------------------	---

Signature of Chair or Authorized Person	STEVEN HUNTER
--	---------------

WARNING: IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!

AGENDA

Please list below the topics the chair reasonably anticipates will be discussed at the meeting

Join Zoom Meeting

<https://us06web.zoom.us/j/83914169085?pwd=QFb8XhG9bHNXcijYsV3dvdBjXhwa1C.1>

Meeting ID: 839 1416 9085

Passcode: 384822

1. Call to Order
2. Approval of Agenda
3. Public Comment
4. Public Hearing on Special Town Meeting 2025 Warrant Articles; Adoption of Motions on Articles
5. Date of Next Meeting – Thursday, October 30th, 2025 @ 1:00 PM (Remote)
6. Other Business
7. Adjournment

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET**



WARRANT FOR

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

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

To the Constables of the Town of Nantucket:

GREETING:

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

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

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

Petition to Call a Special Town Meeting

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

Findings

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

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

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

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

Now, therefore:

ARTICLE 1

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

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

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

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

By adding the following new definitions:

LONG-TERM RENTAL (LTR)

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

SHORT-TERM RENTAL (STR)

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

USE, PRINCIPAL

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

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

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

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

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

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

Or take any other action in relation thereto.

(Brian Borgeson, et al)

ARTICLE 2

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

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

A. Amend the Zoning Bylaw as follows:

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

ACCESSORY USES

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

HOSTED STAY

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

OPERATOR

A person or other legal entity operating a Short-Term Rental including, but not limited to, the Owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such Short-Term Rental, except that the lessee of a Short-Term Rental shall not be considered an Operator.

OWNER

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

SHORT-TERM RENTAL

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

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

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

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

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

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

Or take any other action relative thereto.

(Select Board for Planning Board)

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

Given under our hands this 26th day of September in the year Two Thousand Twenty-five.

Dawn E. Hill, Chair

Matthew G. Fee, Vice Chair

Thomas M. Dixon

Malcolm W. MacNab

Brooke Mohr

SELECT BOARD OF NANTUCKET, MA

Pursuant to Chapter 39, section 10 of the General Laws of the Commonwealth and the Warrant adopted September 26, 2025, I have notified and warned the inhabitants of the Town of Nantucket qualified to vote in Town affairs to appear at the times and place and for the purposes within mentioned by posting said notification on _____ 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

Room Occupancy Tax – STR Revenue

Brian E. Turbitt | Finance Director

October 10, 2025
Finance Committee



Room Occupancy Tax – Collections FY24 – FY26

	Payment	Reporting Period	Short-term Rental	Traditional Lodging	Total	% Change
2026	1. September	June - August	4,364,787.85	2,670,518.43	7,035,306.28	17.89%
	2. December	Sept - November			-	-100.00%
	3. March	December - February			-	-100.00%
	4. June	March - May			-	-100.00%
	Totals		4,364,787.85	2,670,518.43	7,035,306.28	-47.46%
			62.04%	37.96%	100.00%	

	Payment	Reporting Period	Short-term Rental	Traditional Lodging	Total	% Change
2025	1. September	June - August	3,519,094.85	2,448,638.10	5,967,732.95	-15.00%
	2. December	Sept - November	2,945,344.03	2,762,757.61	5,708,101.64	10.87%
	3. March	December - February	610,609.73	232,617.79	843,227.52	43.19%
	4. June	March - May	728,756.18	142,851.78	871,607.96	-5.26%
	Totals		7,803,804.79	5,586,865.28	13,390,670.07	-2.10%
			58.28%	41.72%	100.00%	

	Payment Period	Short-term Rental	Traditional Lodging	Total		
2024	1. September	June - August	4,817,077.00	2,203,924.00	7,021,001.00	4.07%
	2. December	Sept - November	2,645,603.03	2,502,653.28	5,148,256.31	-4.36%
	3. March	December - February	389,537.32	199,364.27	588,901.59	-5.19%
	4. June	March - May	720,593.87	199,417.60	920,011.47	88.80%
	Totals		8,572,811.22	5,105,359.15	13,678,170.37	3.33%
		62.68%	37.32%	100.00%		

Footnotes found in Appendix

Room Occupancy Tax – STR Analysis

Potential Impact to Town Revenues June - August

Hosted Stay		(3)	Non-Hosted Stay		(4)
Estimated number of STR's in each category	(5)	240	Estimated number of STR's in each category	(5)	1111
Estimated % Renting		75%	Estimated % Renting		75%
Estimated Number Actively Renting		180	Estimated Number Actively Renting		833
Estimated Average Nightly Rate	\$	900.44	Estimated Average Nightly Rate	\$	900.44
Estimated Revenue	\$	162,143.60	Estimated Revenue	\$	750,228.44
Available Rental Days		78 (6)	Available Rental Days		78 (6)
Restrictions		78 (7)	Restrictions		49 (8)
Estimated Rental Revenue	\$	12,647,200.67	Estimated Rental Revenue	\$	36,761,193.75
Room Occupancy Tax	\$	758,832.04	Room Occupancy Tax	\$	2,205,671.62
Total Estimated Tax		\$ 2,964,503.67	Total Estimated Tax		\$ 2,964,503.67
Total Received 9/30/2025		4,364,787.85	Total Received 9/30/2025		4,364,787.85
Change Surplus/(Deficit)		\$ (1,400,284.18)	Change Surplus/(Deficit)		\$ (1,400,284.18)

Footnotes found in Appendix

Room Occupancy Tax – STR Analysis

Potential Impact to Town Revenues September - November

Hosted Stay		(3)	Non-Hosted Stay		(4)
		(5)			(5)
Estimated number of STR's in each category		240	Estimated number of STR's in each category		1111
Estimated % Renting		75%	Estimated % Renting		75%
Estimated Number Actively Renting		180	Estimated Number Actively Renting		833
Estimated Average Nightly Rate	\$	900.44	Estimated Average Nightly Rate	\$	900.44
Estimated Revenue	\$	162,143.60		\$	750,228.44
Available Rental Days		91 (9)	Available Rental Days		91 (9)
Restrictions		91 (10)	Restrictions		21 (11)
Estimated Rental Revenue	\$	14,755,067.45	Estimated Rental Revenue	\$	15,754,797.32
Room Occupancy Tax	\$	885,304.05	Room Occupancy Tax	\$	945,287.84

Total Estimated Tax Receipt Hosted/Non-Hosted	\$ 1,830,591.89
Total Received 12/31/2024	2,945,344.03
Change Surplus/(Deficit)	\$ (1,114,752.14)

Overall Change June - November Surplus/(Deficit)	\$ (2,515,036.33)
--	-------------------

Footnotes found in Appendix

Room Occupancy Tax – Impacts

- Reductions in Room Occupancy Tax must be made up on a dollar-for-dollar basis through other sources
 - It is very unlikely that the town could recover any reductions to revenue through current sources
 - Under Proposition 2½ the Town can increase the levy on Real and Personal property tax by 2.5% percent plus any new growth
 - New Growth has averaged approximately \$1,700,000 over the last five years, not likely to increase enough in FY27 to cover a large shortfall
 - Although the impact to the island is unknown at this time, we expect that other local estimated receipts would be impacted as well. Potentially leading to a larger revenue loss
- Other potential impacts
 - Reduction in reserves available in the event of a natural disaster
 - Loss of Aaa bond rating from Moody's, which would lead to higher borrowing costs for proposed and planned projects

Room Occupancy Tax – Budget Options

- There will likely need to be substantial cuts to services that residents, businesses and visitors have come to expect, the impacts will be felt by both the Town and the School. A sample of options includes:
 - Reduction in funding to Our Island Home
 - Reduction in funding to Affordable Housing Trust
 - Reduction or elimination of Coastal Resiliency projects
 - Reduction in Capital projects funded through the tax levy
 - Reduction of contributions to OPEB trust fund
 - Reduction in staffing levels via attrition, elimination of vacant positions, and reductions in force
 - Potential Impacts to Collective Bargaining

Appendix

Room Occupancy Tax – Footnotes to Analysis

Estimated STR Nightly Rate Calculation

Revenue For June 1 - August 31	\$ 72,746,464.17	⁽¹⁾
Available nights in the time period	92	
Average Nightly Revenue	\$ 790,722.44	
Estimated number of STR's renting during time period	\$ 878	⁽²⁾
Estimated Nightly Rate June 1 - August 31	\$ 900.44	

⁽¹⁾ Estimated Revenue for June 1 - August 31 derived by taking the room occupancy tax attributable to STR's (\$4,364,787.85) and dividing it by the tax rate of .06%

⁽²⁾ The estimated number of STR operators renting during the time period is derived from the 1351 STR's registered with the Town of Nantucket as of 9/6/2025. This is an average of the the June activity at approximately 40% and the average of July/August activity of approximately 90% actively renting and available during this time period.

⁽³⁾ Hosted Stay is defined in the proposed Article 2 Zoning Change and the proposed General By-law change as An overnight stay whereby a Short-Term renter occupies a portion of a Dwelling Unit where the Owner or Operator is present or occupies a second Dwelling Unit on the same Lot where the Owner or Operator is present. An Owner or Operator is considered present when the Owner or Operator is on the premises except during the daytime and/or work hours

⁽⁴⁾ A Non-Hosted Stay would be all other STR registrations that do not meet the proposed definition for hosted stay in Article 2 of the STM

Room Occupancy Tax – Footnotes to Analysis cont.

- (5) Estimate based on number of residential dwellings and residential properties eligible for the residential exemption on the most recent recap sheet. Residential Dwellings 12,700, eligible for the residential exemption 2,257 Therefore there are 10,443 residential dwellings not eligible for the residential exemption or, 82% of the dwellings will be considered a non-hosted stay and subject to restrictions on the number of days eligible to rent and 18% of the residential dwellings will likely qualify as a Hosted Stay as defined in Article 2 and will have no restrictions on length of stays, or number of days allowed to rent.
- (6) Number of rental days available under the proposed Article 2 from the restriction period of June 15 through August 31
- (7) Under the proposal in Article 2 STR operators who qualify as a hosted stay are eligible to rent all 78 days with no restrictions.
- (8) Those who do not qualify and would be considered a non-hosted stay are limited to 62% of the 78 days or a total of 49 days in the period with a 7 day minimum stay and a maximum of 7 contracts. This calculation accounts for that restriction
- (9) Number of rental days available under the proposed Article 2 for the period of September 1 through November 30
- (10) Under the proposal in Article 2 STR operators who qualify as a hosted stay are eligible to rent all 91 days with no restrictions.
- (11) Number of rental days available under the proposed Article 2 for the period of September 1 through November 30

Brian E. Turbitt, Finance Director
bturbitt@nantucket-ma.gov



*Town of Nantucket, MA
Monday, October 6, 2025*

Chapter 123. Short-Term Rentals

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

§ 123-1. Purpose and intent.

[Amended 5-7-2024 ATM by Art. 60, approved 9-27-2024]

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

- A. Provide for an orderly process for identifying, registering, and regulating short-term rentals within the Town so as to ensure that such short-term rentals do not create or cause any nuisance conditions within the Town.
- B. Prevent the further growth of residential dwellings owned by corporations and used for the purpose of short-term rentals.
- C. Continue to permit the operation of short-term rentals by natural persons in order to protect the time-honored tradition of home rentals in Nantucket.
- D. Allow the Town to implement the short-term rental registration process and to collect sufficient data to accurately assess the practice of short-term rentals, including the impact (if any) this practice may have on affordable/attainable housing and to substantially develop additional regulations, if such data demonstrates additional regulation is necessary.

§ 123-2. Definitions.

[Amended 5-7-2024 ATM by Art. 60, approved 9-27-2024; 9-17-2024 STM by Art. 5, approved 12-13-2024]

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

CORPORATION

Any entity organized under the law of any state or country which is taxable as a corporation under the Internal Revenue Code, or which would be taxable thereunder as a corporation if it had income subject to taxation under the Internal Revenue Code. Such entities shall include without limitations corporations, limited-liability companies which are taxed as corporations, and so-called Massachusetts Business Trusts; provided, however, that a limited-liability company and an S corporation shall not be treated as corporations when every shareholder, partner, and member is a natural person, as established by documentation provided by the applicant as required at the time of registration and subsequently thereafter from time to time as required under regulations established under this chapter.

INTERNAL REVENUE CODE

The United States Internal Revenue Code of 1986, as amended.

OPERATOR

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

OWNER

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

PARTNERSHIP

Any entity organized under the law of any state or country which is taxable as a partnership under the Internal Revenue Code, or which would be taxable thereunder as a partnership if it had income subject to taxation under the Internal Revenue Code. Such entities shall include without limitation general partnerships, limited-liability companies which are taxed as partnerships, limited partnerships, limited-liability partnerships taxed as partnerships; provided, however, that a limited-liability company when every member is a natural person shall not be considered a partnership under this section.

REAL ESTATE INVESTMENT TRUST

Any entity defined in Internal Revenue Code § 856.

SHORT-TERM RENTAL

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

TIME-SHARING or TIME-INTERVAL-OWNERSHIP DWELLING UNIT OR DWELLING

A dwelling unit or dwelling in which the exclusive right of use, possession or ownership circulates among various owners or lessees thereof in accordance with a fixed or floating time schedule on a periodically recurring basis, whether such use, possession or occupancy is subject to either: a time-share estate, in which the ownership or leasehold estate in property is devoted to a time-share fee (tenants in common, time-share ownership, interval ownership) and a time-share lease; or timeshare 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.

TRANSIENT RESIDENTIAL FACILITY

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

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

[Amended 5-7-2024 ATM by Art. 60, approved 9-27-2024; 9-17-2024 STM by Art. 5, approved 12-13-2024]

- A. No person or other legal entity shall operate a short-term rental without having first obtained a certificate of registration from the Board of Health. An application for a certificate of registration shall be on a form provided by the Town and shall contain the Department of Revenue identification number or proof of exemption under G.L. c. 64G. The operator shall provide with the application a certificate of registration issued by the Department of Revenue in accordance with § 67 of Chapter 62C of the General Laws.

- B. The annual fee for such certificate of registration shall be set forth in the regulations issued pursuant to § **123-4**.
- C. The application for the certificate of registration shall include an attestation that the owner and/or operator is in compliance with all applicable federal, state and local laws, including but not limited to G.L. c. 64G and the Fair Housing Act, G.L. c. 151B, and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, and that the owner and/or operator of the property is current with all Town taxes, water, and sewage charges and other fees, subject to the requirements of Chapter **19**, §§ **19-13** through **19-18**, of the Town Code. Any property offered for a short-term rental shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop-work orders. Nothing contained herein shall relieve the owner or operator from complying with all local permits, rules and regulations issued by the Board of Health and other Town boards generally applicable to resident dwelling units.
- D. The Board of Health shall not issue any certificate of registration unless the operator has:
 - (1) Submitted a complete application and paid all associated fees;
 - (2) Provided contact information for the operator and persons designated to address any issues at the short-term rental within two hours' notice; and
 - (3) Provided the Town with a certificate of insurance evidencing liability insurance coverage for the short-term rental in an amount to be determined by the regulations issued pursuant to § **123-4**.
- E. Operators are subject to inspection of the short-term rental by the Board of Health upon reasonable notice via consent or administrative warrant, or without such notice in the event of an imminent threat to public health or safety.
- F. Certificates of registration are valid for one year and may be renewed at the discretion of the Town, provided that the operator has complied with the provisions of this chapter and any associated regulations during the preceding year. An application for renewal of a certificate of registration shall be submitted along with the annual fee no later than November 1 of the next year. A renewal application shall include an attestation that the short-term rental was operated in accordance with all bylaws and regulations of the Town during the previous year.
- G. The certificate of registration is issued to the operator and does not run with the land. If the short-term rental is sold or transferred out of ownership, a new application for a certificate of registration shall be filed by the new operator before short-term rentals can continue or resume.
- H. Short-term rentals are prohibited in dwelling units owned by a corporation, partnership, real estate investment trust, or any similar entity which pools funds from investors and is engaged primarily in investment activity.
- I. Short-term rentals are prohibited in dwelling units designated as affordable or otherwise income-restricted, which are subject to an affordability restriction or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.
- J. No time-sharing or time-interval-ownership dwelling unit or units may engage in short-term rental activities or be eligible to receive a certificate of registration for such unit; except that this section shall not apply to the creation of mortgages, liens, easements or other similar interests encumbering the residential property as a whole to secure a loan or for any other legitimate purposes; and this section shall not apply to natural persons or noncommercial groups, such as families, partnerships, associations, or trusts with divided interests or agreements in which the real estate is held and transferred within the family, partnership, association or trust, as opposed to sold on the open market. In addition, time-share or time-interval ownership dwelling units shall be exempt from Subsections **H**, **I**, **J**, and **K**, provided that the owner obtains a certificate of registration and provides sufficient evidence that the unit was rented to one or more third parties for at least one period of less than 30 days prior to January 1, 2024.
- K. Any person or other legal entity, except corporations, but including LLCs, trusts, and S corporations, which paid the rooms excise tax on a short-term rental dwelling unit in any calendar quarter prior to

January 1, 2024, and which owned the property prior to May 7, 2024, shall be exempt from the requirements of Subsections **H**, **I**, and **J** of this section until the dwelling unit is transferred or conveyed, or the rental certificate is not renewed or is revoked by the Board of Health. If a property is bequeathed to a person or other beneficiary through a will, trust, or other instrument, the new owner may continue to engage in short-term rental activities in accordance with this section.

§ 123-4. Regulations.

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

§ 123-5. Enforcement.

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

§ 123-6. Severability.

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

§ 123-7. Effective date.

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

Town of Nantucket, MA
Monday, October 6, 2025

Chapter 338. Short-Term Rental Property

[HISTORY: Adopted by the Board of Health and Select Board of the Town of Nantucket 9-21-2022.
Amendments noted where applicable.]

GENERAL REFERENCES

Short-term rental bylaw — See Ch. 123.

§ 338-1. Authority.

The Board of Health, with the approval of the Select Board, promulgates these regulations pursuant to § 123-4 of the General Bylaws of the Code of the Town of Nantucket and MGL c. 64G, § 14.

§ 338-2. Purpose.

These regulations are promulgated to provide for an orderly process for identifying, registering and regulating short-term rentals within the Town, and to ensure that such short-term rentals do not create or cause a nuisance to the surrounding neighborhood due to unreasonable noise, the creation of public health and safety issues associated with traffic and parking congestion, or any other nuisance conditions.

§ 338-3. Certification of registration required.

As of January 1, 2023, no person shall operate a short-term rental (as defined in § 123-4) without having first obtained a certificate of registration from the Board of Health. The certificate of registration must be renewed annually by November 1.

§ 338-4. Procedure for obtaining certificate of registration; fee.

- A. Applicants for a short-term rental certificate of registration shall submit an application on a form included as Attachment 1 to these regulations.^[1]

[1] *Editor's Note: The Attachment 1 application form is available from the Health Department.*

- B. The annual fee of \$250 per unit for such certificate of registration shall be submitted with the application.
- C. All applicants must submit the following information and documentation with the application for a certificate of registration:
- (1) Ownership information, as set forth in the application form, including but not limited to the legal form of ownership, whether the unit is a professionally managed unit as defined in MGL c. 64G. The form shall also include the mailing address and contact information, and authorization from the owner to short-term rent the property if the owner is not the proposed operator, and shall include an attestation that all persons and entities with an ownership interest in the unit have been notified that a certificate of registration has been applied for. The attestation shall also

include a statement as to whether the unit is subject to any deed restriction or covenant that restricts or prohibits the use of the unit as a short-term rental.

- (2) The address of the proposed short-term rental and a description of the premises, including square footage per records of the Nantucket Assessor, and number of bedrooms, bathrooms and parking spaces.
- (3) A copy of the certificate of registration currently on file with the Massachusetts Department of Revenue.
- (4) The name, address and contact information for at least one individual who will be available to be physically on site 24 hours a day to address any issues at the short-term rental within two hours' notice ("local designated person"), including, but not limited to, any conditions which may endanger or impair the health or safety and well-being of a person or persons occupying the premises, as set forth in 105 CMR 410.750.
- (5) A certificate of insurance evidencing liability insurance coverage for operation of the premises as a short-term rental with liability limits of at least \$1 million per claim, unless such short-term rental is offered through a hosting platform that maintains equal or greater coverage.
- (6) An attestation that the owner and operator (if applicable) are in compliance with all applicable federal, state and local laws, including but not limited to MGL c. 64G and the Fair Housing Act, MGL c. 151B, and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, and that the owner and operator (if applicable) are current with all Town taxes, water and sewage charges and other fees, subject to the requirements of Chapter 19, Finances, Article X, Licenses and Permits; Collections, §§ 19-13 through 19-18, of the Town Code.

D. The Board of Health, or its agent, may reject any application that it deems incomplete.

§ 338-5. Operation of short-term rentals.

- A. Occupancy. Occupancy of a short-term rental shall be limited to two people per bedroom plus two additional people in the unit.
- B. Parking. Parking at a short-term rental shall not create public health or public safety issues or create undue traffic congestion. The Board of Health may refer violations of these parking requirements to the appropriate Town enforcing agent(s).
- C. Advertising a short-term rental. All advertisements for short-term rentals, whether online or at a real estate agency, shall include the operator's certificate of registration number and shall be consistent with the short-term rental information provided in the application to the Town.
- D. Information for prospective renters. The operator must provide all renters the following information:
 - (1) Renters. Rental solicitations, including written and online advertising and descriptions of property, shall include the following information: a copy of the operator's certificate of registration, the maximum number of occupants and vehicles allowed, policy(ies) regarding parties, events and weddings, and whether or not the unit is under professional management; and
 - (2) On-site or prior to arrival: (i) contact information for the operator and at least one local designated person; (ii) emergency exit diagrams, which also must be posted at the short-term rental premises in all bedrooms and on all egresses; (iii) instructions for waste disposal and recycling, including but not limited to the requirement that trash be removed from the premises at each turnover or weekly, whichever comes first; (iv) a copy of Nantucket's Noise Bylaw (Chapter 101) and (v) a copy of Nantucket's Outdoor Lighting Bylaw (Chapter 102). Items (iii), (iv) and (v) must be posted centrally in the unit.

§ 338-6. Recordkeeping and reporting requirements for operators.

- A. Operators shall maintain for a period of at least three years records of the following information for each short-term rental stay: (1) type of rental (room, apartment or whole house); (2) dates and number of nights; (3) number of guests; and (4) number of vehicles. The operator shall also keep a record of the income derived for a short-term rental and evidence that the rooms occupancy tax due on the unit has been remitted to the Department of Revenue. As a condition of maintaining a certificate of registration, the operator shall provide copies of the records set forth in this section to the Board of Health upon request.
- B. Every operator with any listings for short-term rentals shall provide to the Board of Health on a quarterly basis an electronic report, in a format specified by the Board of Health. The report shall include a breakdown of where each listing is located; whether the listing is a room, an apartment or whole-house rental; number of nights each unit was reported as occupied during the applicable reporting period; and the operator's name and full contact information.

§ 338-7. Compliance with statutes, bylaws and regulations.

- A. The operator at all times bears responsibility for ensuring compliance at the short-term rental, including compliance by short-term renters, with all applicable statutes, bylaws and regulations, including but not limited to these Short-Term Rental Regulations and the applicable building, health, sanitary, zoning and fire codes.
- B. Any violation of such applicable statutes, bylaws and regulations, including but not limited to the Town's noise and lighting bylaws,^[1] at the short-term rental shall also be deemed to be a violation of these regulations.

[1] *Editor's Note: See Ch. 102, Outdoor Lighting, and Ch. 101, Noise.*

§ 338-8. Inspection of short-term rental premises.

To verify compliance with all applicable statutes, bylaws and regulations, operators are subject to inspection of the short-term rental by the Board of Health upon reasonable notice via consent or administrative warrant, or without such notice, in the event of an imminent threat to public health or safety.

§ 338-9. Enforcement of regulations.

The Board of Health, or its agent, shall enforce these regulations in accordance with the bylaw.^[1] The Board of Health, or its agent, also has the discretion to set hearings to determine whether any specific violation warrants suspension or revocation of the operator's certificate of registration. In exercising this discretion, the Board of Health may, after a public hearing, issue a warning letter for the first offense. Thereafter, the Board of Health may assess a fine or civil penalty for subsequent violations as set forth in Chapter 123 of the Town Code. Operators or owners with multiple violations may have their certificate(s) of registration revoked and not renewed for a period of up to three years.

[1] *Editor's Note: See Ch. 123, Short-Term Rental Registration, § 123-5.*

Zoning and General Bylaw Amendments: Short-Term Rentals

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

A. Amend the Zoning Bylaw as follows:

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

ACCESSORY USES

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

HOSTED STAY

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

OPERATOR

A person or other legal entity operating a Short-Term Rental including, but not limited to, the Owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such Short-Term Rental, except that the lessee of a Short-Term Rental shall not be considered an Operator.

OWNER

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

SHORT-TERM RENTAL

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

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

3. Insert the following footnote in the Use Chart under Short-Term Rental:

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

.B. Amend the General Bylaws as follows:

1. Add the following new section to §123- 3L:

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

FinCom Motions/ Final Votes

ATM 2021

Article 90: FinCom Motion not to adopt.

ATM: Vote on Glidden's motion to adopt Article 90 - Yes:297 No:625. Motion Not adopted.

ATM 2022

Articles 39, 42, 43: FinCom supports Planning motion on both articles. Planning board adopted amendment in 42, take no action for 43.

ATM: Vote on motion for further study on Articles 42/43 - Yes:422 No:414. Motion adopted.

ATM 2023

Article 59 - FinCom supports Planning motion not to adopt.

ATM: Williams motion to adopt - Yes:476 No:293. Motion not adopted, does not meet two-thirds vote.

Article 60 - FinCom supports Planning motion not to adopt. Further study until Nov 7 Special Town Meeting.

ATM: Kilvert motion to adopt - Yes:378 No:558, not adopted.

STM 2023

Article 1 - FinCom made motion to adopt with amendments.

ATM: Motion to adopt - Yes:431 No:523, not adopted

Article 2 - FinCom supports Planning motion to take no action.

ATM: Motion to take no action - Yes:562 No:266, no action taken.

Summary:

Article 3 - FinCom moved to adopt,

ATM: not called.

ATM 2024

Article 59 - FinCom supports Planning motion to take no action,

ATM: motion to adopt - Yes:713 No:782, not adopted.

Article 60 - FinCom moved to adopt,

ATM: amended at ATM and moved to adopt - Yes:592 No: 545, adopted.

Article 61 - FinCom moved to take no action,

ATM: motion to take no action - Yes:795 No: 75, no action taken.

Article 62 - FinCom moved to take no action,

ATM: motion to take no action- Yes:763 No:42, no action taken.

STM 2024

Article 1 - FinCom supports Planning motion to Adopt.

ATM: Amended at ATM by Murphy – Yes:416 No:472, not adopted.

Article 2 - FinCom supports Planning motion to take no action.

ATM: Motion to adopt – Yes:478 No:394, not adopted.

Article 3 - FinCom supports Planning motion to take no action.

ATM: Not called.

Article 4 - FinCom supports Planning motion to take no action.

ATM: Motion to adopt – Yes:147 No:607, not adopted.

Article 5 - FinCom motion to take no action.

ATM: Amended and Motion to adopt – Yes:544 No:153, adopted

Article 6 - FinCom motion to take no action.

ATM: Not called.

Article 7 - FinCom motion to take no action.

ATM: Not called.

ATM 2025

Article 66 - FinCom supports Planning motion to adopt.

ATM: Motion to adopt Yes:468 No:321, not adopted, does not meet two-thirds vote

Article 67 – FinCom supports Planning Board motion to take no action.

ATM: Motion to adopt Yes:243 No:492, not adopted.

Article 68 – FinCom motion to not adopt.

ATM: Motion to adopt Yes: 181 No:477, not adopted.

Article 69 - FinCom motion to not adopt.

ATM: Motion to adopt Yes:82 No:490, not adopted.

ADVISORY COMMITTEE OF NONVOTING TAXPAYERS

9/22/2025

RE: The STR Proposals Submitted and Under Consideration for the Special Town Meeting Warrant Raise Important Economic Impact Issues that Need to be identified for the FinCom and the Voters

Dear Dave Iverson, Tom Dixon and Brian Borgeson:

First, thanks for grabbing the “third rail” of Nantucket Politics and proposing solutions. I hope your leadership leads to success.

The purpose of this Memo is to put the economic consequences of (1) doing nothing, or (2) doing too much, front and center. The voters need reliable information to make sound legislative judgments. The Town needs to perform a sensitivity analysis to model what happens to the Town Budget if the Special Town meeting does nothing, and the parallel legal proceedings result in the end of STRs. That would not be economically desirable. The Court decision (now on appeal) indicates that *no one* is permitted to STR under Section 139 of the Zoning Bylaws. That would immediately precipitate the loss of STR Tax revenue to the Town and injure a host of stakeholders. It begs the question, what happens to the Town coffers if the Planning Board proposal (as currently drafted) is passed at the Special Town Meeting? In general we understand, that proposal limits STR from 6/15 to 8/31 or 9/15 each year to no more than 49 days a little more than half the days during that period; a maximum of 7 turnovers (contracts) during that period and to rentals of 7 days or more, effectively eliminating very short-term weekend rentals during the height of the Summer Season. Additionally, no one may STR for more than 70 days in total during the entire calendar year.

The voters need to know the economic consequences of doing nothing, on the one hand, or passing those restrictions, on the other, to make an informed decision at the Special Town Meeting.

The Economic Cost of doing Nothing and hoping the Appeal will save STRs, *may* result in an \$8.5 million property tax increase.

The worst case - “doomsday” - scenario is that both current STR proposals fail to garner the required 2/3d majority, and the Court’s decision prevents further traditional STRs in Nantucket - until the law is possibly changed at a future Town Meeting.

At present, we understand that the portion of STR taxes collected by the Commonwealth and passed back to Nantucket accounted for approximately \$8.5 million per annum in FY2024. But, if STR is not legalized, there will be no STR Tax benefit for the Town. That will amount to a loss of revenue equal to approximately 5% of the Town’s annual Budget. The shortfall will need to be made up by raising property taxes. How much will the average taxpayer’s bill go up if this happens? Surely that can be modelled and reported to the voters. It is an incentive for voters to come together to solve this predictable problem

The potential injury, however, is far larger than \$8.5 million per year of lost STR Tax revenue. If STR “rooms” are not available because STR is outlawed, and the number of transient hotel rooms on Nantucket are capped, how many nights of visitor visits will not be made because there is no room at the proverbial Inn? How many ferry tickets will not be sold? How many airplane trips through the airport will be cancelled? How many dollars that would be paid to Nantucket homeowners will not be paid? This can be modelled. One can go on to ask how many retail sales will not be made in Nantucket stores, how many taxi rides will not be taken, restaurant meals not consumed, bikes not rented, houses not cleaned, etc., etc., etc. Even meal tax receipts will go down. Voters need to have a reasonable estimate of the value of what is being lost. To ask citizens to act without

adequate information is the antithesis of well-informed New England Town Meeting democracy.

Are the STR Regulations in the Planning Board Proposal now under consideration too stringent or no more than what is necessary?

Here we ask the exact same questions. Will these restrictions result in lower STR Tax revenue? If so, how much? Concomitantly, how will these restrictions affect the local economy? How much revenue will be lost by those doing business on Nantucket, and by homeowners who STR? We have little or no idea. Does it make sense to legislate – to create laws that all must obey - based on gut instincts?

What about the Borgeson Article?

The Borgeson Article does not contain restrictions on STR. Thus, it does not raise the same financial issues. It merely prevents Nantucket's STR Tradition from coming to a crashing halt. However, if it is the desire of the voters to cap or control the expansion of STR, it does not provide any regulation to do so. Corporate ownership, a former "hot button issue" *is already prohibited* under Section 123 of the Bylaws. The prohibition on *corporate* ownership of STR's will continue if the Borgeson Article is passed.

Some question if more STR regulation is necessary, having observed that "the market" is already making STR expansion less desirable? According to reports, STR tax revenues are on a downward trend with collections \$2M less than the Pandemic high. Anecdotal reports indicate that 2025 saw less STR than prior years.

Conclusion

The FinCom will focus on these financial issues when it reviews the final Special Town Meeting Warrant. Its advice should be based on reliable data rather than "gut instinct". Hopefully, the Town will do the appropriate economic sensitivity analysis and provide the results to the FinCom and the

Public. The proponents of the Warrant Articles should be asking themselves the same economic questions to assure their proposals “do no harm” - that the benefits outweigh the costs.

It is popular these days to blame everything that goes wrong on “the government”. Here on Nantucket, the registered voters, are “the government”. We will have no one to blame but ourselves if we do not get this right.

Respectfully submitted,

-s- PEH

Peter E. Halle

Chair ACNVT

CC: Select Board

Planning Board

FinCom

Town Manager

Finance Director

VOTE YES ON ARTICLE 1

THE CITIZENS' ARTICLE

SPONSORED BY BRIAN BORGESON

SPECIAL TOWN MEETING, November 4th, 2025 at 5:00 PM at Nantucket High School

WE DECIDE, NOT AN OFF-ISLAND JUDGE OR OTHERS
Your family's right to rent. Legalize it or lose it.

REASONS TO SUPPORT ARTICLE 1

1. Article 1 restores the right to rent in Nantucket's Zoning By-Law and keeps the status quo. It codifies all rentals (short and long-term) subject to existing and future regulations. And it stops the current privately funded lawsuits.
2. Your family's right to rent your home is a property right. You may never plan to rent your home but your kids may need to. Why give up that right?
3. Nantucket has 12,700 residential dwelling units. Only 1,325 of them are registered to rent on a short-term basis (less than 32 days). This is only 11% of the total. The rest are occupied longer or only occupied in the summer and are empty the rest of the year. It is not possible that only 11% of the properties are the cause of all the challenges facing Nantucket.
4. Current regulations for STR's already include: no corporate ownership, local registration, occupancy limits, compliance with Nantucket's noise and parking rules, and safety and insurance requirements. There has been, for 2 years now, a 24/7 hotline for people to report any issues. The hotline received only 5 complaints this summer.
5. Nantucket businesses rely on island visitors and 90% of them stay in STR's. Most people cannot afford to vacation on Nantucket for longer than 32 days. Article 2, if passed, would hurt local businesses and impose restrictions that would make Nantucket further out of reach for average people. It is economic discrimination.
6. Since 2019 the Town of Nantucket has received nearly \$50 million dollars in excise taxes and community impact fees from the Room Occupancy Tax which goes straight into the general fund of the Town. Last year it was 10% of our operating budget. These taxes are paid by visitors, not by your property taxes.
7. Our Special Town Meeting will be short with only 2 articles. Because Article 1 is the Citizens' Article, it is up first, followed by Article 2, which was crafted by the Planning Board and others and endorsed by ACK-Now. Article 2 restricts your right to rent to only 49 days in the high season and 70 days annually. **TURN OVER TO SEE WHAT THIS LOOKS LIKE.**

NANTUCKET DECIDES

Because of the numerous lawsuits, including one currently on appeal, Nantucket cannot wait to codify the right to rent your home in our Zoning By-Law. The time is NOW to support Article 1 and end the endless assault on your rights. Thank you for showing up and for your vote. Let's end this on November 4th. *Brian Borgeson, Article Sponsor*



Typical 2026 Rental Calendar if Article 2 is Approved

Only 7 weeks allowed for vacation rentals from June 15 to August 31
No "Less Than 7 Day" Rentals Allowed - June 15 to August 31
Only 21 Other Rental Days a Year Allowed
No Short Term Rentals for 295 Days

Only 7 weeks allowed for vacation rentals from June 15 to August 31
No "Less Than 7 Day" Rentals Allowed - June 15 to August 31
Only 21 Other Rental Days a Year Allowed
No Short Term Rentals for 295 Days

Only 7 weeks allowed for vacation rentals from June 15 to August 31
No "Less Than 7 Day" Rentals Allowed - June 15 to August 31
Only 21 Other Rental Days a Year Allowed
No Short Term Rentals for 295 Days

Only 7 weeks allowed for vacation rentals from June 15 to August 31
No "Less Than 7 Day" Rentals Allowed - June 15 to August 31
Only 21 Other Rental Days a Year Allowed
No Short Term Rentals for 295 Days

Figure 1 displays 12 heatmaps arranged in a 4x3 grid, showing the spatial distribution of the number of fish (N) and the presence of a specific fish species (Y) across a 10x10 grid for each month of the year. The months are arranged in rows: January, February, March; April, May, June; July, August, September; and October, November, December. Each heatmap has a title bar with the month name. The grid cells are colored red (N), green (Y), or blue (Y). The distribution of fish (N) is generally higher in the center and lower at the edges. The distribution of the specific fish species (Y) is more localized, often appearing in small clusters or along the edges.

49 Days Allowed for Weekly Rentals - June 15 to August 31

21 Other Days Permitted to Rent

Memorial Day Weekend May 21 to May 25

Nantucket Food and Wine Festival - May 27 - May 31

Wedding Weekend - September 10 to 13

Wedding Weekend - September 17 to 19

Thanksgiving - November 24 to 29

Christmas Stroll - December 3 to 6

Events impacted by the "Less than 7 Day" rental ban

Nantucket Film Festival - June 17 to 22

Nantucket by Design - July 13 to 16

Nantucket Dance Festival - July 7 to 11

Nantucket Garden Festival - July 7 to 9

Nantucket Comedy Festival - July 9 to 11

Nantucket Race Week - August 12 to 16

SUMMARY OF 2025 NAREB DATA REPORT (covering years 2019 – 2024)

High intensity renting is rare: from 2019-2024, 95% of all properties were rented fewer than 8 times. Half were rented for 4 weeks or less in duration.

The number of all leases has been stable and statistically flat since 2021 (AV 3,948 for the entire year).

Town has the largest number of vacation rentals (28%) because it has the largest number of homes. Sconset is second with 11%.

In 2024, 1,555 Nantucket properties matched the DOR list for registration of short-term rentals.

Not surprisingly, for the past 5 years 70% of all vacation rental leases are for July in August; in 2024, this dropped to 66%. July has slightly passed August in popularity.

93% of all leases were for less than 32 days with the majority renting for one week. Only 7% of all NAREB leases are for longer than 32 days.

Citizens' Article One Questionnaire's Supporting Materials for the Finance Committee
(assembled by Borgeson & Baltzer)

1. Ward II Judge Vhay's Order (March 2025) & Judgement (June 2025)

<https://www.dropbox.com/scl/fi/qkppq6oagg3v2mrgk6mf2j/VhayOrderMarch2025.pdf?rlkey=gs4ik42xzojsbbbceb6z6nfl&st=xcmt1h48&dl=0>

<https://www.dropbox.com/scl/fi/71h8o7s2zd5julp6lraqw/vhay-findings-of-fact-and-law.pdf?rlkey=o3b4bp8c1lnh51s0qw7xuur6l&st=ibt9nrax&dl=0>

2. Town Counsel's Affidavit (April 2025) to Judge Vhay <https://www.dropbox.com/scl/fi/asoy5dppolymeqp4yjsgd/VhayApril25SubmissionbyTON.pdf?rlkey=gi1nje2sodmy44liav9nfbsk1&st=zsp1zw2n&dl=0>

3. Town Staff July 2025 Email clarifying that the Town of Nantucket is not making a public service announcement regarding the 2015 unintentional deletion in Zoning code of "renting and leasing" because of the ongoing lawsuit against the TON as sponsored by ack•now for Catherine Ward. (Available upon request.)

4. Iverson's 2021 and 2025 Quotations <https://www.dropbox.com/scl/fi/rr7d1a8scfdv8a8asww6a/PBChairTranscriptCodification.pages?rlkey=i3w33w9vj5uucaz149gllr21c&st=8ka4m79w&dl=0>

5. Town Counsel's October 2025 Opinion on Article One <https://www.dropbox.com/scl/fi/c7cv120dhzy9bopirzxi7/OpinionTownCounsel.pages?rlkey=3uxvfd5azcsdkgyupmmnbkxh7&st=n9fusj3z&dl=0>

6. NAREB 2025 Updated Report <https://www.dropbox.com/scl/fi/hxnscpzczjoqykqw0fupd4/NAREB-Dataset-Report-FY25-050325.pdf?rlkey=pg2upmcp00rowuhlb2xg6c0lw&st=6suo4dyt&dl=0>

7. Baltzer's Notes on the Planning Board's factual omissions 9/25/25 <https://www.dropbox.com/scl/fi/rr7d1a8scfdv8a8asww6a/PBChairTranscriptCodification.pages?rlkey=i3w33w9vj5uucaz149gllr21c&st=px43b809&dl=0>

8. For exemplars of Historical research relating to the Landmark-protected land-use patterns of vacation accommodations in privately owned dwellings of both summer and island families, please see the NHA's book: Holiday Island, by Historian Clay Lancaster, 1992; and Sea Captains Houses and Rose-covered Cottages, by Gonnella and Booker, 2003 <https://www.dropbox.com/scl/fi/vq86ijiaaoz5ia6rqqm3f/Sea-Captains-Houses-Chapters-4-5-1.pdf?rlkey=mx6pnyzpmrs9pexpr4zwrzz0p&st=b5ob01zs&dl=0>

9. Town Historian, Michael Harrison's May 2023 NHA lecture on Utube on Summer on Nantucket: A History of the Island Resort - Nantucket Historical Association
10. Fact Sheet for Commonwealth's Seasonal Community Designation https://www.dropbox.com/scl/fi/adtl2o9qrtbez8lmi6b87/Seasonal-20Communities-20Guidance_12.12.2024.pdf?rlkey=xi85mal8ci8lph4pfdqj7hp3a&st=ix57udhq&dl=0
11. National Historic Landmark designation of two historical periods of significance and encompassing the entire island; includes land use patterns in continuous use from the 19th and 20th centuries resort era.
<https://nantucketpreservation.org/national-historic-landmark-update-1328/>
12. Historical testimony from the ZBA 2024 Ruling in Ward v TON
<https://www.dropbox.com/scl/fi/6h6a51f9dtbftkvjgigfz/zba-ruling.pdf?rlkey=hslk6mv407aiazesg7ckwuthg&st=rne3554d&dl=0>
13. Nantucket Preservation Trust, ex: Preservation page, Town of Nantucket Preservation Planning | Nantucket, MA - Official Website
14. Master Plan Town of Nantucket
<https://portal.laserfiche.com/Portal/DocView.aspx?id=237284&repo=r-ec7bdbfe>
15. Capital Program Committee Report and Recommendations FY 2026
<https://www.nantucket-ma.gov/DocumentCenter/View/50723/FY2026-Capital-Program-Committee-Report-and-Recommendations--PDF>

For the Finance Committee - Citizens Warrant Article Information Form

Date Form Completed: 10/7/25

Date Form Received by Town Admin:

Article Title: “Article One – Zoning Bylaw Amendment: Restoring Renting and Leasing Language & Use Chart Clarification”

Sponsor: Capt. Brian Borgeson (Citizens’ Lead Petitioner & Article Sponsor)

Email: brianborgeson@hotmail.com

[Prepared with: Caroline Robinson Baltzer (Drafter) Email: caroline.Baltzer@gmail.com]

1. At a summary level, what is the proposed purpose and objective of this Warrant Article?

This Citizens’ Petition Article for Zoning Restoration and Clarification is a narrow, legally sound correction to restore the renting and leasing language that the Town inadvertently deleted from its Zoning Bylaw in 2015. Restoring this language will thereby strengthen the existing STR regulations established by the Board of Health, the Select Board, and Town Meeting voters since that omission — including local STR registration and enforcement, health and safety rules, prohibitions on corporate and REIT ownership, and the Community Impact Fee.

In doing so, Article One provides a clear legislative fix in direct response to the Land Court’s ruling against the Town of Nantucket, and returns legislative sovereignty to the island. It avoids the risks of competing proposals that attempt again to insert brand-new, untested restrictions — such as day caps or seasonal limits — that are neither customary nor proven necessary on Nantucket and could invite new litigation.

By simply restoring what was lost, Article One re-affirms both short- and long-term rentals as lawful principal uses, ensuring that the community rules already enacted are immediately enforceable. Upon passage by the required two-thirds majority, it will end legislation by litigation involving costly neighbor-versus-neighbor lawsuits and the pending case against the Town of Nantucket.

2. Does the community-at-large gain value through the article ? If so, how?

Yes. The article restores zoning clarity, and preserves the existing short- and long-term renting and leasing framework protecting a vital part of Nantucket’s economy. Private short-term dwelling rentals provide ~92% of all visitor accommodations on Nantucket and generate a 5-year average of \$7.5 million annually in local room-tax revenue that supports general operations and infrastructure.

By reaffirming a principal-use status, the Town maintains stable enforcement and avoids uncertainty that has led to confusion, neighbor disputes, and inconsistent application of the bylaws.

3. Have you done any research on the topic that can be shared? If yes, please feel free to attach any supplemental information.

Yes. This article is grounded in extensive legal, historical, and planning research demonstrating that the renting and leasing of private dwellings has been a defining part of Nantucket's residential, cultural, and economic fabric for well over a century.

Both Town Counsel's affidavit to the Land Court (KP Law, Atty George Pucci) of April 2025 and the The Land Court judgment of June 2025 confirmed the 2015 unintentional deletion of the "renting and leasing" verbiage from the Zoning Bylaw, and verified that the phrase had appeared in prior versions for decades, reflecting the Town's long established understanding that both short- and long-term rentals are lawful residential uses. From Town Counsel, Atty George Pucci's affidavit to the Land Court:

'There was no intention by the Planning Board in proposing the deletion of "use" to remove one's ability to rent or lease their home, whether on a short-term or long-term basis, as a primary or accessory use.....It was simply a generally accepted practice in the island, consistent with residential uses. The first time any distinction was made between short-term rentals being a principal or accessory use of a dwelling unit was in this [Ward] litigation.' (See link in attached resources.)

Regardless of the unintended nature of the 2015 omission of the "renting and leasing" language, that omission created an interpretive gap in the Zoning Bylaw—one that has allowed neighbors to challenge long-accepted principal use of rentals in court, as occurred in Ward v. Grape and Town of Nantucket (I and II), even where no nuisance behaviors were found as is true in both Ward I and II. Consider this excerpt from The Land Court's June 2025 Judgement against The Town of Nantucket:

'For whatever reason, Nantucket's Town Meeting dropped from the Bylaw in 2015 its distinctive definition of "used," the key to the Town and the ZBA claiming in this case (see note 6 above) that STRs once were among the expressly allowed primary uses of residential properties on Nantucket. That action left the Bylaw exposed to the Supreme Judicial Court's 2021 decision in Styler v. Zoning Bd. of Appeals of Lynnfield, 487 Mass. 588 (2021), which held that STRs aren't an "implied" principal residential use under zoning bylaws like those on Nantucket. This Court ruled in Ward I that, reading the post-2015 Bylaw through Styler's lens, STRs aren't an allowed principal use of the Grape Property as a "primary dwelling." Ward I, 32 LCR at 136-137. The Court's found no authority that suggests that once a municipality has (knowingly or not) withdrawn express authorization for a primary use, that use can return as an "incidental" accessory absent other express authorization.....The facts found by this Court show that STRs are, as the Town and ZBA have contended, a "customary" activity on Nantucket, albeit one with a puzzling zoning history.' (p. 18. See link in attached resources.)

Therefore, Article One specifically seeks to *clarify* what has been "puzzling" to the Land Court of the Commonwealth of Massachusetts, as well as for our voters, residents, owners of rental properties, their tenants, future visitors to our National Historic Landmark island, the proprietors of island businesses, members of our local governance, and Town staff. Consistency and fairness is best for good governance.

On a island designated as one of the Commonwealth's Seasonal Communities where more than 60% of all dwellings are defined as being *"used for seasonal, occasional or recreational use or is otherwise not used as a primary residence by the property's owner,"* [emphasis added] data from our local STR Registry show that vacation rentals represent just 11% of all dwellings yet generate an average of \$7.5 million annually in local room-tax revenue. The Commonwealth's designation sets out to protect the island's economy in granting Nantucket-specific tools to aid its year-round residents, *because of* its seasonal tourism business, not in spite of it. We must exercise these tools given to us by the designation, or we risk losing them (Seasonal Communities Advisory Council public meeting, 9/11/25, Nantucket.)

There is no evidence that STRs are trending up on Nantucket despite being allowed as a principal use across the island until the unintentional zoning deletion and lawsuits (NAREB's 2025 UMass Donahue report used by the Town of Nantucket in its testimony in Ward II; see attached resources). For a point of comparison, a century ago in 1927, 39% of all Nantucket's dwellings were booked that summer as private vacation rentals (this statistic was derived from Town Clerk's office archives, Inquirer and Mirror archives, and historian Clay Lancaster's book, Holiday island). These figures confirm the economic importance of preserving continuity in policy and interpretation.

Historic and planning sources—including maps, records in the Town Clerk's archives, and historical books and documents —acknowledge that Nantucket's economy and housing market are shaped by its

dual identity as a historic residential community and seasonal destination. Together, these findings substantiate that Article One is not a policy change but a factual correction that restores consistency between the bylaw, the island's customs, six years of taxation of a cottage industry at both the local and state levels, and its legal and planning record.

4. What is your understanding of the cost implications (operating and capital), both immediate and long-term to the town? (example: personnel costs, maintenance , equipment, supplies, etc); and, what would be the proposed funding source?

There are no new operating or capital costs associated with Article One. It simply restores zoning language and maintains the Town's current regulatory framework. Existing departments—Health, Building, and Finance—already oversee Short-Term Rental registration, inspection, and tax collection under Town Code Chapters 123 and 338.

By maintaining the current system, the Town continues to receive an average of \$7.5 million annually in local room-tax revenue, a critical source of funding for general government operations and infrastructure.

Failure to clarify the bylaw could expose the Town to further litigation costs or revenue uncertainty.

However, if restorative Article One should fail to reach the necessary 2/3s vote, alternative zoning proposals which introduce new categories, special permits, or duration limits would likely require additional staff, enforcement systems, and legal support, creating measurable new expenses. STM's Article Two for example replaces local legislative clarity with regulatory complexity — and therefore would erode Nantucket's legislative sovereignty.

5. Who do you envision executing the outcome of the article (will it require a new position; how would it fit in with a particular department; who would enforce it; who would be in charge of implementing it)? Have efforts have been made to involve the necessary participants as to the impacts of executing the article?

No new staff, programs, or funding are required.

6. Is the topic of the article contained within any Town Plan (ie, Master Plan, Transportation Plan, Capital Improvement Plan, Strategic Plan)?

Article One is a zoning clarification, not a spending measure. It has no direct fiscal impact—no appropriation, borrowing, or staff increase—and does not affect the tax rate or enterprise user fees. By restoring the long-standing “renting and leasing” language, it stabilizes existing revenue streams, including the roughly \$7.5 million annual average in local rooms-tax receipts, and reduces litigation exposure and administrative costs caused by ambiguity in the current zoning bylaw.

Public financial reports, including the Town's FY 2026 Capital Program Committee Report, highlight the importance of predictability, coordination, and fiscal discipline amid growing capital obligations. Those findings underscore the value of maintaining clarity in Town policy and avoiding new regulatory or legal burdens. Article One supports that stability without any new cost or appropriation, ensuring fiscal consistency while the Town focuses its limited resources on essential infrastructure and resilience priorities.

In addition, our Master Plan speaks to supporting the primary economic engine of the island, Seasonal Heritage Tourism.



[Draft] (No subject)

From

Draft saved Thu 10/9/2025 10:08 AM

From: Brian Borgeson <brianborgeson@hotmail.com>

Sent: Wednesday, October 8, 2025 8:33 PM

To: Jill Vieth <jvieth@nantucket-ma.gov>

Cc: Penny Dey <penny@nantucketrealestate.com>; Edward Sanford <edwardjsanford@gmail.com>

Subject: Fin com Friday 10 am

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As the sponsor of article 1 for special town meeting this fall I regret I will not be able attend the Friday at 10 meeting as I have charters that have been moved due to the weather. The groups I'm taking fishing are only here for 5 days (gasp) and have to leave on Saturday because of the impending storm. It's for these exact reasons article 2 is a total non starter for anyone that Owns any business on Nantucket. WE ARE STILL IN SEASON. I have a new son and bulls and a mortgage to pay. There will be someone to answer any pertaining questions about the article.

Thank you

Brian Borgeson

5084949847

Sent from my iPhone

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

LAND COURT DEPARTMENT
Case No. 24 MISC 000543 (MDV)

CATHERINE S. WARD

Plaintiff,

v.

TOWN OF NANTUCKET, TOWN OF
NANTUCKET ZONING BOARD OF
APPEALS, SUSAN MCCARTHY,
MICHAEL J. O'MARA, ELISA ALLEN,
JOSEPH MARCKLINGER, and JOHN
BRESCHER, as they are members of THE
TOWN OF NANTUCKET ZONING
BOARD OF APPEALS, PETER GRAPE
and LINDA OLIVER GRAPE.

Defendants.

TOWN OF NANTUCKET
AND NANTUCKET ZONING
BOARD OF APPEALS' OFFER OF
PROOF AS TO PLANNING
DIRECTOR'S TESTIMONY

Consistent with this Court's order dated April 7, 2025 that the Town of Nantucket and Nantucket Zoning Board of Appeals (collectively, the "Town") file by April 11, 2025 an offer of proof as to the Planning Director's expected testimony, the Town submits as follows:

1. Leslie Woodson Snell is the Director of Planning for the Town. She has been employed by the Planning and Land Use Services Department since 2002 and is intimately familiar with the history of the Town's Zoning Bylaw and its amendments.
2. From 1972 through 2015, the Nantucket Zoning Bylaw ("Bylaw") contained a definition of "use" or "used" which was to be "construed as if followed by the words 'or is intended, arranged, designed, built, altered, converted, rented or leased to be used.'"
3. In 2015, the definition of used was deleted from the Zoning Bylaw:

USED: ~~As a verb, shall be construed as if followed by the words 'or is intended, arranged, designed, built, altered, converted, rented or leased to be used.'~~

4. This deletion of the definition of “Used” in 2015 was a “technical amendment” or housekeeping matter on recommendation by the Planning Department that one can merely look to the Miriam-Webster’s Dictionary definition of use if there is any uncertainty as to what this common term meant.
5. There was no intention by the Planning Board in proposing the deletion of “use” to remove one’s ability to rent or lease their home, whether on a short-term or long-term basis, as a primary or accessory use.
6. No one ever sought a determination whether the Bylaw in the 1970s, or in the 1990s, or in the 2000s, authorized the vacation or seasonal rental of property as a principal as-of-right use or as an accessory use. It was simply a generally accepted practice on the island, consistent with residential uses. The first time any distinction was made between short-term rentals being a principal or accessory use of a dwelling unit was in this litigation.
7. The 1991 Zoning Bylaw defined accessory uses as “[s]eparate structures, buildings or uses which are subordinate and customarily incidental to a principal structure, building or use located on the same lot. **Accessory uses** shall not be construed to include a building or structure used in whole or in part for human habitation.”
8. This definition’s exclusion of accessory buildings or structures from being used for human habitation applied to accessory structures like studios, garages, buildings for businesses or home occupations, private stables, storage trailers, and/or sheds and similar buildings that humans were not authorized to live in.
9. The building permits and certificates of occupancy issued for such structures used to include express language stating that the accessory structure could not be used for “human habitation.”

10. The use of regular dwelling units or accessory apartments, including for vacation or year-round rentals, did not include such “human habitation” language in any certificates of occupancy or building permits.

11. In 2015, in the same warrant article deleting the definition of “used” above, the second sentence of this definition of accessory uses was deleted as part of the same “technical amendment” or housekeeping matter, as follows:

ACCESSORY USES: Separate structures, buildings or uses which are subordinate and customarily incidental to a principal structure, building or use located on the same lot. ~~Accessory uses shall not be construed to include a building or structure used in whole or in part for human habitation.~~

12. This clean-up was intended to be consistent with the fact that many accessory uses in Town have always included human habitation purposes, such as accessory apartments and accessory dwelling units, and the fact that other references in the same bylaw for “accessory uses” in Section 139-15 did not contain this sentence.

Respectfully submitted,

DEFENDANTS,

TOWN OF NANTUCKET AND ZONING BOARD
OF APPEALS,

By their attorneys



George X. Pucci (BBO# 555346)

Devan C. Braun (BBO# 703243)

Nicole K. Montana (BBO# 715518)

KP Law, P.C.

Town Counsel

101 Arch Street, 12th Floor

(617) 654-1703

gpucci@k-plaw.com

dbraun@k-plaw.com

nmontana@k-plaw.com

Date: April 11, 2025

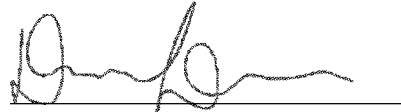
CERTIFICATE OF SERVICE

I, Devan C. Braun, hereby certify that on the below date I caused to be served a copy of the foregoing *Offer of Testimony* electronic mail only, by agreement of the parties, to the following counsel of record and to the following *pro se* Defendants:

Nina Pickering-Cook, Esq.
Kristen Gagalis, Esq.
Anderson & Kreiger, LLP
50 Milk Street, 21st Floor
Boston, MA 02109
npickeringcook@andersonkreiger.com
kgagalis@andersonkreiger.com
Counsel of Record for Plaintiff

Peter A. Grape
Linda Oliver Grape
61 Lowell Road
Wellesley, MA 02481
Pgrape19@gmail.com
lindaoliver17@gmail.com
Defendants, pro se

Date: April 11, 2025


Devan C. Braun