Town and County of Nantucket
Board of Selectmen • County Commissioners

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C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE
BOARD OF SELECTMEN
JANUARY 13, 2016 - 6:00 PM
PUBLIC SAFETY FACILITY COMMUNITY ROOM
4 FAIRGROUNDS ROAD
NANTUCKET, MASSACHUSETTS

I. CALL TO ORDER

II. BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS

1. The Board of Selectmen Meeting is Being Video/Audio Recorded.

IV. WORKSHOP

1. Discussion Regarding Bike Routes In and Out of Town.
2. Roads and Right of Way Committee Update.
3. Sewer Projects Cost Update.

V. OFFICIAL BUSINESS

1. Review of 2016 Annual Town Meeting Warrant Articles.

VI. ADJOURNMENT

Board of Selectmen Agenda Protocol:

- *Roberts Rules: The Board of Selectmen follows Roberts Rules of Order to govern its meetings as per the Town Code and Charter.*

- *Public Comment: For bringing matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Board of Selectmen. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action. Except in emergencies, the Board will not normally take any other action on Public Comment. Any personal remarks or interrogation or any matter that appears on the regular agenda are not appropriate for Public Comment.*

  Public Comment is not to be used to present charges or complaints against any specifically named individual, public or private; instead, all such charges or complaints should be presented in writing to the Town Manager who can then give notice and an opportunity to be heard to the named individual as per MGL Ch. 39, s 23B.

- *New Business: For topics not reasonably anticipated 48 hours in advance of the meeting.*

- *Public Participation: The Board welcomes valuable input from the public at appropriate times during the meeting with recognition by the Chair. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Selectmen may have questions on the clarity of information presented. The Board will hear any staff input and then deliberate on a course of action.*

- *Selectmen Report and Comment: Individual Selectmen may have matters to bring to the attention of the Board. If the matter contemplates action by the Board, Selectmen will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting. Otherwise, except in emergencies, the Board will not normally take action on Selectmen Comment.*

NP&EDC
NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION

MEMORANDUM

TO: **Board of Selectmen**

FROM: **T. Michael Burns, AICP**
Transportation Planner

DATE: **January 5, 2016**

RE: **Summary of Downtown Bike Route Improvements**

As requested, attached are the following items: the goals and objectives for bike and pedestrian facilities in and around downtown, an evaluation and recommendation for other proposed bike routes, and a summary of accomplishments and planned projects to improve downtown bike routes and better accommodate bike and pedestrian traffic. It should be noted that the goals, objectives, and recommendations are included in the NP&EDC's Regional Transportation Plan (RTP), which also serves as the transportation strategy for the Town's Master Plan.

The attached goals and objectives from the RTP were presented to the Selectmen on July 8, 2015, and approved by the NP&EDC on July 20, 2015. The RTP was developed with input from the Commission on Disability, Council on Aging, Council on Human Services, Roads and Right of Way, Bicycle and Pedestrian Advisory Committee, and Traffic Safety. As shown in the highlighted objective 3.2.2.1, the priority areas to improve bike and pedestrian linkages are between the ferry terminals, downtown cultural areas, bike paths adjacent to downtown, the Hospital, Schools, and Mid-island commercial areas. The improvements in the RTP would satisfy this objective.

Also attached is a memo from the Traffic Safety Work Group with recommendations for the proposed "Historic Bike Route". Although not approved by the Selectmen, the recommendations include adding bike route stencils along the proposed route, removal of approximately seven (7) parking spaces along Pleasant Street and High Street, and the widening of Prospect Street between the existing path and Mill Street for bike lanes.

Lastly, a presentation is attached that summarizes past, present, and future initiatives to improve the bike and pedestrian facilities in and around downtown. This summary presents the initiatives according to the northern, western, and southern approaches to downtown. The summary of "future" initiatives also identifies areas of concern that may need to be addressed to further improve the route for bicycle traffic.

Thank you.

2 Fairgrounds Road ◆ Nantucket, MA
508.325.7587 ◆ 508.228.7298 facsimile

NANTUCKET

REGIONAL TRANSPORTATION PLAN 2016

FFY 2016 – 2040

APPROVED BY NP&EDC ON JULY 20, 2015

Nantucket Planning and Economic Development Commission
2 Fairgrounds Road, Nantucket, Massachusetts 02554
(508) 325-7587

3. NP&EDC GOALS AND OBJECTIVES

3.1. OVERVIEW

The goals and objectives in this section encompass a comprehensive system of solutions based on the notion that no single measure alone is capable of solving the island's transportation safety and congestion problems. As noted in Section 1.1, the community's principal role is to provide a quiet, rural, scenic, and historic setting for residents and visitors. This role, and the future health of the tourism industry, would be greatly impaired if the community pursues a transportation policy that would alter the island's rural and historic character.

Although the automobile may be the mode of choice for many visitors and residents, contemporary solutions to traffic and parking problems characterized by automobile-oriented functions and aesthetics should not be applied to Nantucket. In order to retain its rural and historic character, community practice has rejected building more streets, widening country roads, adding turning lanes, and installing traffic signals.

Considering the need to preserve the historic and environmental qualities of the island, the community's transportation vision for the next 25 years is to: **1) manage the use of cars on Nantucket while, 2) providing a transportation system that is safe, convenient, economical, and sensitive to the character of the island**.

The eight emphasis areas for the goals that will address these challenges are:

- Town and Country
- Multi-modal
- Congestion and Safety Balance
- Environmental and Historical Sensitivity
- Transport between the Mainland
- Parking Management
- Wayfinding
- Telecommunication

3.2. TRANSPORTATION GOALS

TOWN AND COUNTRY

3.2.1. Continue using the Town and Country overlay districts to guide development and infrastructure investments.

3.2.1.1. Adopt and implement a policy concerning the improvement, maintenance, or acquisition of roads consistent with the Town and Country concept.
Measure: All TIP and local capital roadway projects will be evaluated for location within the Town or Country overlay district.

3.2.1.2. Seek official designation to preserve the scenic integrity of the island's four scenic roads: Madaket Road, Polpis Road, Milestone Road, and Wauwinet Road.
Measure: Submit roadway to authorized agencies for consideration.

3.2.1.3. Require a street configuration for subdivisions in or near villages that is consistent with historic village patterns and connects streets.
Measure: All proposed subdivision roadways consider neighboring roadway materials and aesthetics when submitted for review.

MULTI-MODAL

3.2.2. Offer an array and interconnection of transportation modes to the traveling public.

3.2.2.1. Expand and maintain an island wide system of shared-use paths, recreational trails, and sidewalks by seeking funding to repair, modify, and install accessible and obstruction-free sidewalks and paths between the following areas: ferry terminals, downtown public and cultural areas, bike paths adjacent to the downtown area, the Hospital, Schools, and mid-island commercial areas.
Measure: Submit at least one bike and pedestrian project annually to the Capital Project Committee for funding consideration.

3.2.2.2. Coordinate the Town's efforts to construct bicycle and pedestrian facilities with those of private developers who contribute to the construction of on-site and off-site paths as a condition for approval.
Measure: Evaluate the proximity of all proposed developments to RTP projects.

3.2.2.3. Coordinate with the DPW, Visitor Services, NRTA, and other agencies to identify location and quantity of bike racks that may be necessary in the core area, at the beaches, and at the Airport to encourage and facilitate bicycle use.
Measure: Evaluate bike rack utilization each summer season.

3.2.2.4. Seek supplemental funding from acceptable sources to increase frequency and expand hours of operation of shuttle service, to add ridership capacity, and induce greater utilization of the transit service.
Measure: Include at least one recommended improvement of the Regional Transit Plan in the annual Capital Plan.

3.2.2.5. Seek funding to design and construct taxi stand improvements along New Whale Street and Straight Wharf as recommended in the Wilkes Square Redevelopment Study, as updated.
Measure: Submit request annually to the Capital Project Committee for funding consideration.

CONGESTION AND SAFETY BALANCE

3.2.3. Rely on traffic control methods that reduce congestion while maximizing public safety and livability.

3.2.3.1. Consider the degree of a project's safety improvement as a key factor in evaluating and prioritizing projects for the Transportation Improvement Program.
Measure: Evaluate safety as part of the prioritization of projects for the TIP.

3.2.3.2. Institute a variety of traffic-calming measures to slow the speed of traffic and create more pedestrian-friendly streets in the downtown and mid-island areas.
Measure: Conduct speed studies as part of the annual traffic data collection.

3.2.3.3. Develop alternative solutions to identified "problem intersections" along Milestone Road, Old South Road, and Pleasant Street for pedestrians and bicyclists.
Measure: Submit at least one "problem intersection" project annually to the Capital Project Committee for funding consideration.

3.2.3.4. Coordinate with School Administration to encourage walking and biking to the schools.
Measure: Meet with School Administration prior to the beginning and end of the school year to discuss accommodations for walking and biking to school.

3.2.3.5. Seek funding for roadway improvements along established truck routes and collector roadways that enhance safety and reduce traffic congestion.
Measure: Prioritize TIP projects located along collector roadways and truck routes.

3.2.3.6. Consider options recommended in the Downtown Traffic Study, as updated, to improve vehicle flow along roadways servicing ferry terminals.
Measure: Update data and/or recommendations of the study annually.

ENVIRONMENTAL AND HISTORICAL SENSITIVITY

3.2.4. Consider environmental and historical impacts of any transportation system improvement.

3.2.4.1. Evaluate environmental and historical impacts of proposed projects during the criteria scoring and prioritizing of the proposed project.
Measure: Prioritize projects based on minimized impacts to environmental and historical resources, and reducing contributions to and resiliency to Climate Change.

3.2.4.2. Include in construction agreements protocols for preventing and removing invasive species identified by the Natural Heritage & Endangered Species Program or the Nantucket Conservation Commission as part of any transportation improvement.
Measure: Include protocols in all construction contracts.

TRANSPORT BETWEEN THE MAINLAND

3.2.5. Ensure that transportation to and from the island is safe, convenient, economical, and sensitive to the various areas of the island.

3.2.5.1. Strive for the expansion of healthy and multi-modal transportation (i.e., sidewalks and public transportation) servicing the ferry providers and the Airport to reduce auto-dependency.
Measure: Submit at least one bike and pedestrian improvement in or around island ports annually to the Capital Project Committee for funding consideration.

3.2.5.2. Study all ferry wharves and adjoining streets to see how they can more efficiently handle visitor arrivals and departures.
Measure: Update data and/or recommendations of the Downtown Traffic Study annually.

3.2.5.3. Advocate for better use of voluntary noise abatement routes.
Measure: All noise complaints are collected and investigated by Airport Administration.

3.2.5.4. Limit non-compatible land uses under and adjacent to Runway instrument approaches and established noise abatement corridors.
Measure: Inform Airport Administration of all major developments in vicinity of the Airport.

3.2.5.5. Advocate for convenient and unimpaired access by water to and from the mainland, including affordable fares, to be provided to Nantucket residents at all times of year.
Measure: Coordinate annually with Steamship Authority Administration and analyze ferry traffic reports monthly.

3.2.5.6. Study the ways and means of encouraging smooth transitions between the ferries, the Airport, and Nantucket destinations, while reducing the traffic impacts.
Measure: Collect traffic data annually to track level of impact of ferry traffic.

3.2.5.7. Urge all ferry services to provide destination facilities with the number of walk-on passengers, so that an appropriate number of shuttles, taxis, and bicycles are available on arrival.
Measure: Include subject in annual discussions with SSA Administration.

3.2.5.8. Encourage scheduling of arrivals and departures of ferries that do not conflict with peak traffic periods in the vicinity of the ferry terminals.
Measure: Include review of scheduling in annual discussion with SSA Administration.

3.2.5.9. Renew talks with the ferry service providers to create of a mutual strategy to reduce congestion at the Steamship Authority and lower Broad Street.
Measure: Include review of scheduling in annual discussion with SSA Administration.

PARKING MANAGEMENT

3.2.6. Create options and management policies for parking in the downtown area.

3.2.6.1. Continue to suggest amendments to the Traffic Rules and Regulations that would better protect the economic viability of downtown commerce by improving on-street parking opportunities and reducing congestion in the downtown area.
Measure: Meet annually with parking stakeholders to review potential amendments.

3.2.6.2. Continue to review and suggest modifications to the on-street space available for commercial delivery vehicles.
Measure: Include subject in annual meeting with parking stakeholders.

3.2.6.3. Continue to evaluate alternative parking permit systems for the downtown area.
Measure: Include subject in annual meeting with parking stakeholders.

3.2.6.4. Identify and evaluate peripheral parking areas to provide additional parking options for the NRTA and downtown area.
Measure: Include subject in annual meeting with parking stakeholders.

3.2.6.5. Encourage the lodging establishments to provide or expand the use of vans whenever a parking waiver is granted by the Planning Board.
Measure: All proposed lodging establishments will be requested to evaluate service.

3.2.6.6. Promote the use of NRTA Park and Ride lots for downtown access as an alternative for island residents and visitors who reside beyond walking distance to existing shuttle routes.
Measure: Include funding for promotional material in annual NRTA budget.

3.2.6.7. Assist the Town in developing a strategy to implement a paid parking system with a portion of the revenue to fund an additional NRTA Park and Ride route for the downtown area.
Measure: Include subject in annual meeting with parking stakeholders.

WAYFINDING

3.2.7. Improve information for using the island's alternative transportation modes.

3.2.7.1. Maintain and improve digital communication that provides information on Nantucket's bicycle, pedestrian, and public transportation systems.

Measure: Review Town maintained on-line information annually.

3.2.7.2. Publicize traffic laws that apply to bicyclists.
Measure: Include funding for educational material in annual Town budget.

3.2.7.3. Assist as necessary with the development of additional information systems to inform travelers on ferries, airplanes, taxis, the shuttle, and at the Visitor Center and Chamber of Commerce of details concerning bike routes, shuttle routes, and any changes to those systems.
Measure: Include educational material in annual Visitors Guide.

3.2.7.4. Continue to encourage downtown restaurants to persuade potential patrons, at the time reservations are made, to use taxis or the NRTA shuttle system.
Measure: Include subject in annual meeting with parking stakeholders.

3.2.7.5. Encourage employers to purchase shuttle passes for their employees and participate in the Emergency Ride Home program.
Measure: Require as part of parking waiver requests submitted to Planning Board.

3.2.7.6. Encourage distribution of truck-route maps for downtown Nantucket to all truck drivers when they board in Hyannis.
Measure: Include subject in annual meeting with SSA Administration.

TELECOMMUNICATION

3.2.8. Utilize the telecommunication infrastructure as a means to reduce the number of trips.

3.2.8.1. Develop a program through the Town's Human Resources Department that would allow certain Town employees to work from home.
Measure: Establish a baseline number of employees that telecommute regularly.

3.2.8.2. Evaluate changes to the Town's website and on-line services that may reduce vehicle trips.
Measure: Include subject in annual meeting with parking stakeholders.

Nantucket Traffic Safety Group

MEMORANDUM

TO: **Board of Selectmen**

FROM: **Nantucket Traffic Safety Group**

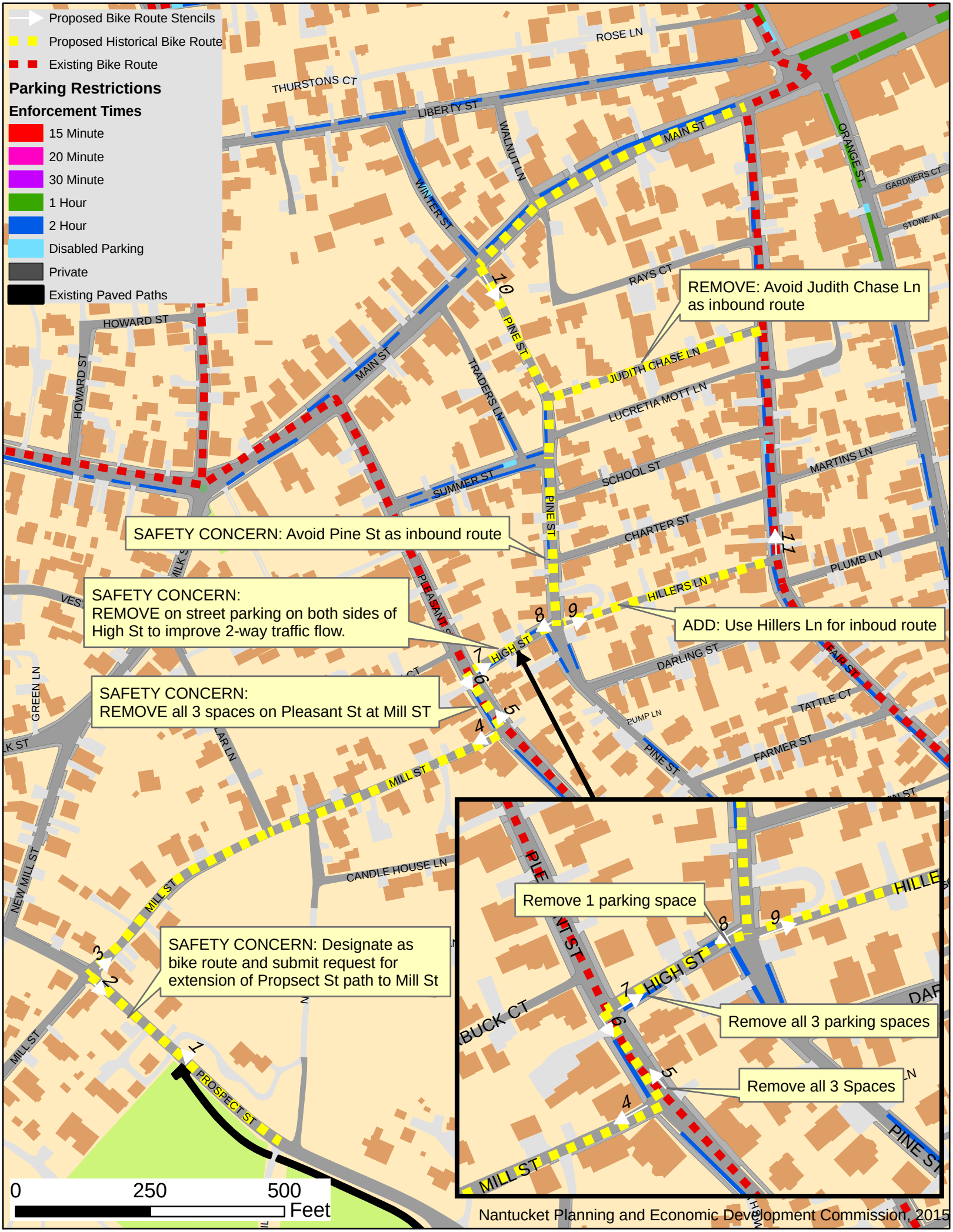
DATE: **April 16, 2015**

SUBJECT: **Historic Bike Route Comments**

As requested, the following recommendations of Nantucket Traffic Safety Group were made for your consideration at our April 16, 2015 meeting following a review of a proposed "Historic Bike Route" plan proposed by Selectmen Glidden. A map is attached that contains the following comments:

1. Avoid Pine Street and Judith Chase Lane as in-bound segments of the route, and use Hillers Lane instead for the in-bound route. This avoids directing bicycle traffic into conflicting vehicle traffic along one-way roadways.
2. Remove parking on both sides of High Street (approximately 4 parking spaces), and on Pleasant Street between Mill Street and High Street (approximately 3 parking spaces). This removes conflicts along the route between two-way bicycle and vehicle traffic where the on street parking spaces reduce the roadway with to essentially one lane.
3. Add bike route stencils at the 11 locations as shown on the map of comments, and add stop bars at all intersections along the route. These pavement markings will maximize safety along the route and will alert drivers of the bike route and serve as a way finding guide for bicyclists.
4. Recommend extending the Prospect Street path to the intersection of Mill Street. The portion of the route between the end of the Prospect Street path and Mill Street is a safety concern. Although a sidewalk along the south side of Prospect Street has been recommended, a path for bicyclists separate from the roadway would improve the safety of the existing "share the road" condition.

Thank you.



Nantucket Planning and Economic Development Commission, 2015

REGIONAL TRANSPORTATION PLAN

SUMMARY OF DOWNTOWN AREA BIKE AND PEDESTRIAN IMPROVEMENTS

Past, Present, and Future

PAST, PRESENT, AND FUTURE: GOALS AND OBJECTIVES

The community's transportation vision for the next 25 years is to:
"Manage the use of cars on Nantucket while providing a transportation system that is safe, convenient, economical, and sensitive to the character of the island."

The eight emphasis areas for the goals that will address this challenge are:

- Town and Country
- Multi-modal
- Congestion and Safety Balance
- Environmental and Historical Sensitivity
- Transport between the Mainland
- Parking Management
- Wayfinding
- Telecommunication

PAST, PRESENT, AND FUTURE: GOALS AND OBJECTIVES

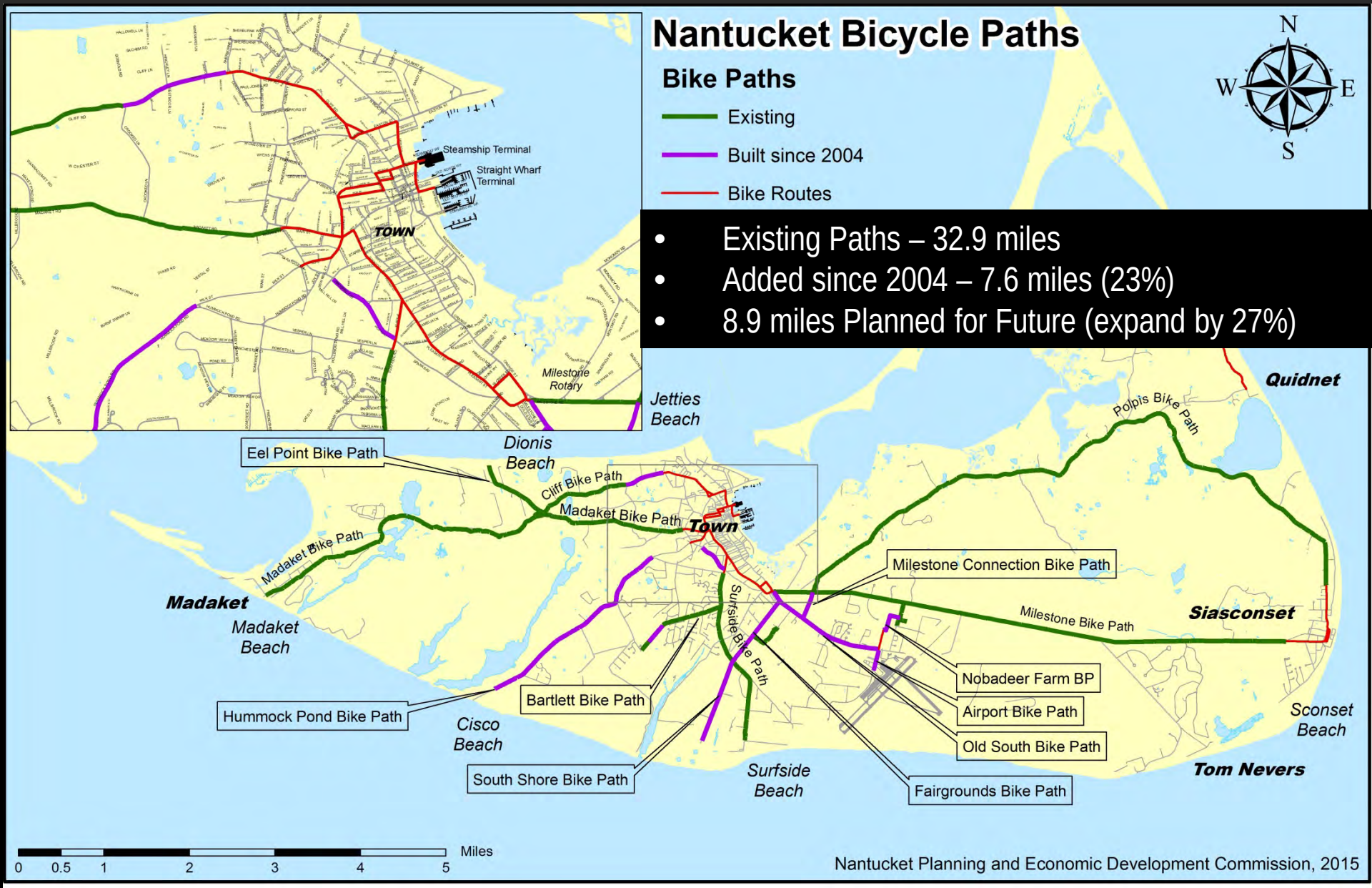
Goal: 3.2.2. Offer an array and interconnection of transportation modes to the traveling public.

Objective 3.2.2.1. Expand and maintain an island wide system of shared-use path, recreational trails, and sidewalks by seeking funding to repair, modify, and install accessible and obstruction-free sidewalks and paths between the following areas:

- Ferry terminals,
- Downtown public and cultural areas,
- Bike paths adjacent to the downtown area,
- Hospital,
- Schools, and
- Mid-island commercial areas.

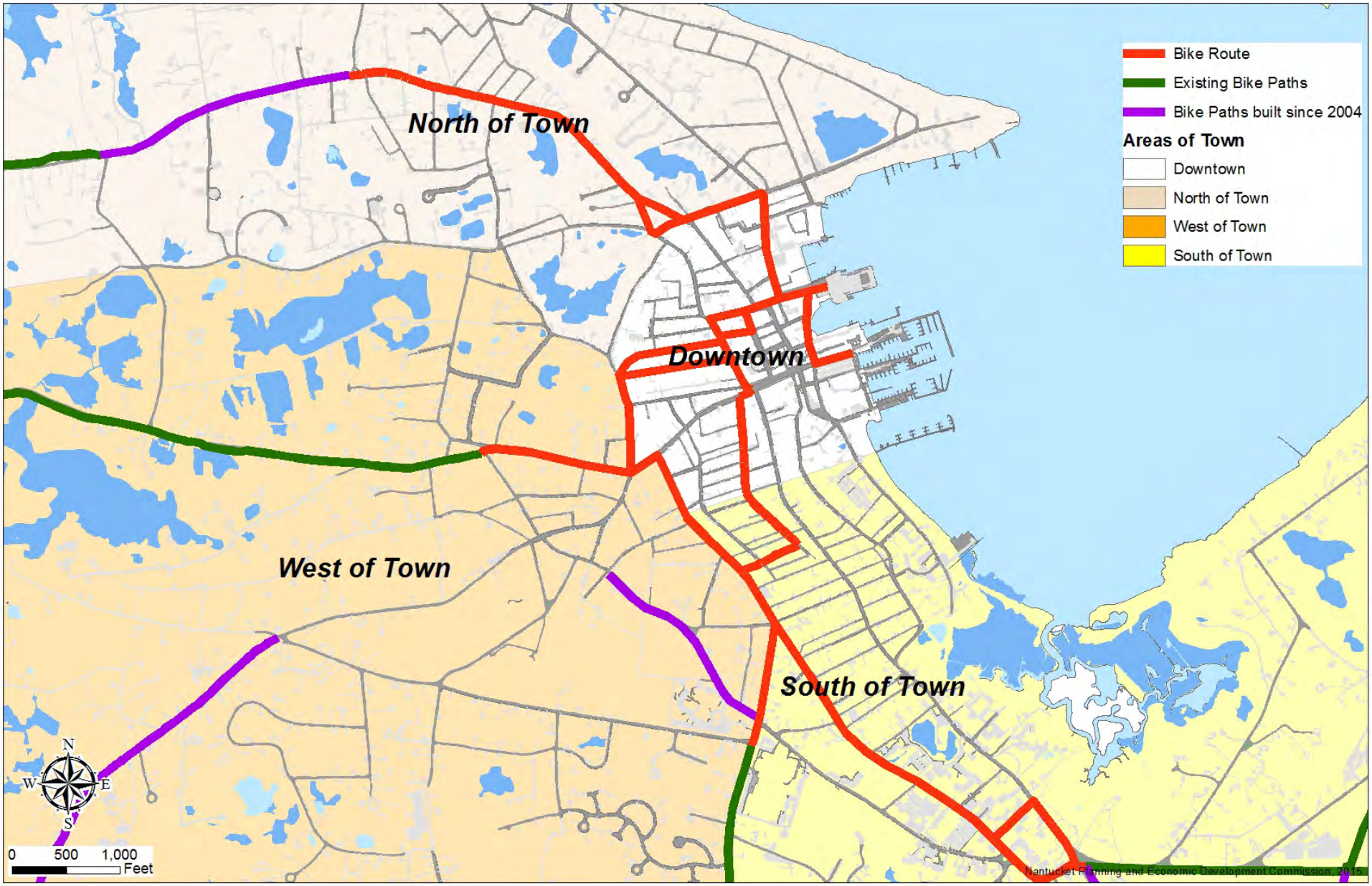
Measure: Submit at least one bike and pedestrian project annually to the Capital Project Committee for funding consideration.

PAST, PRESENT, AND FUTURE: AREAS OF TOWN



- Existing Paths – 32.9 miles
- Added since 2004 – 7.6 miles (23%)
- 8.9 miles Planned for Future (expand by 27%)

PAST, PRESENT, AND FUTURE: AREAS OF TOWN



PAST, PRESENT, AND FUTURE: PAST

I. Past (2005 – 2015)
   A. Downtown
      1) Bike route wayfinding stickers and paper maps
      2) Test of bike route stencils
      3) Survey and conceptual design of downtown sidewalk improvements
      4) Study of bike parking opportunities and options (ReMain Nantucket)
   B. North of Town (Cliff Rd)
      1) Extension of the Cliff Rd bike path
   C. West of Town (Milk St / Pleasant St)
      1) Improved bike route and wayfinding signage
      2) Resurfaced Madaket bike path
      3) Construction of the Hummock Pond bike path
      4) Initiate design of Prospect Hill Improvements
         a. Prospect St sidewalk
         b. Mill Hill Path
         c. Milk St Extension Path
         d. Winn St Improvements
   D. South of Town (Washington St / Orange St)
      1) Conceptual design of Mid-island sidewalk improvements
      2) In-Town bike path
         a. Study of conceptual design and alignment options
         b. Design of phase 1

PAST (2005 TO 2015): DOWNTOWN

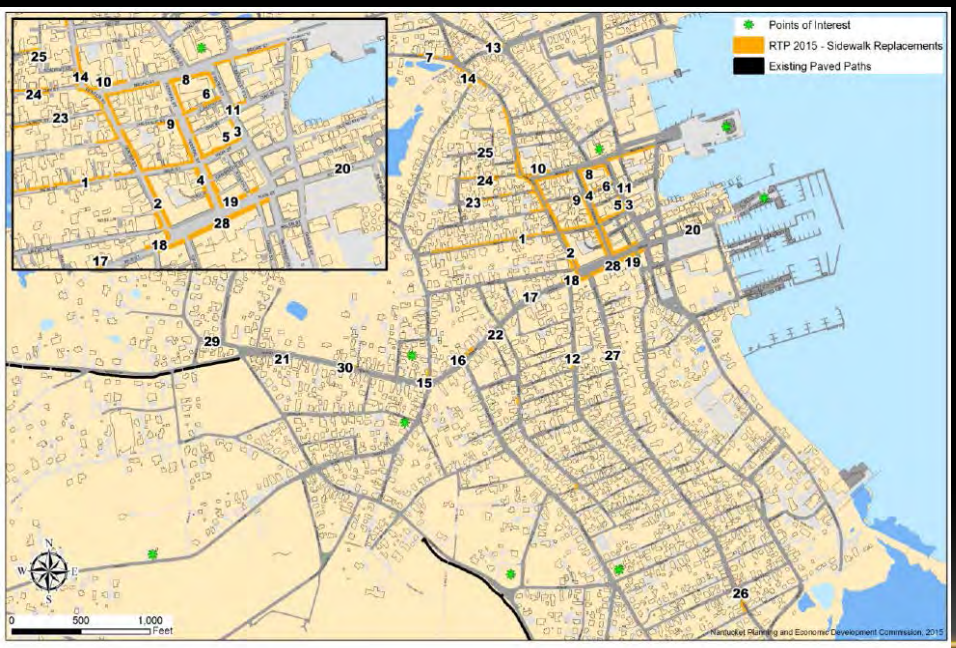
- Bike Route Wayfinding Stickers and Signage (Visitor Services / Young's Bike Shop)
- Test of Bike Route Stencils (DPW)

PAST (2005 TO 2015): DOWNTOWN

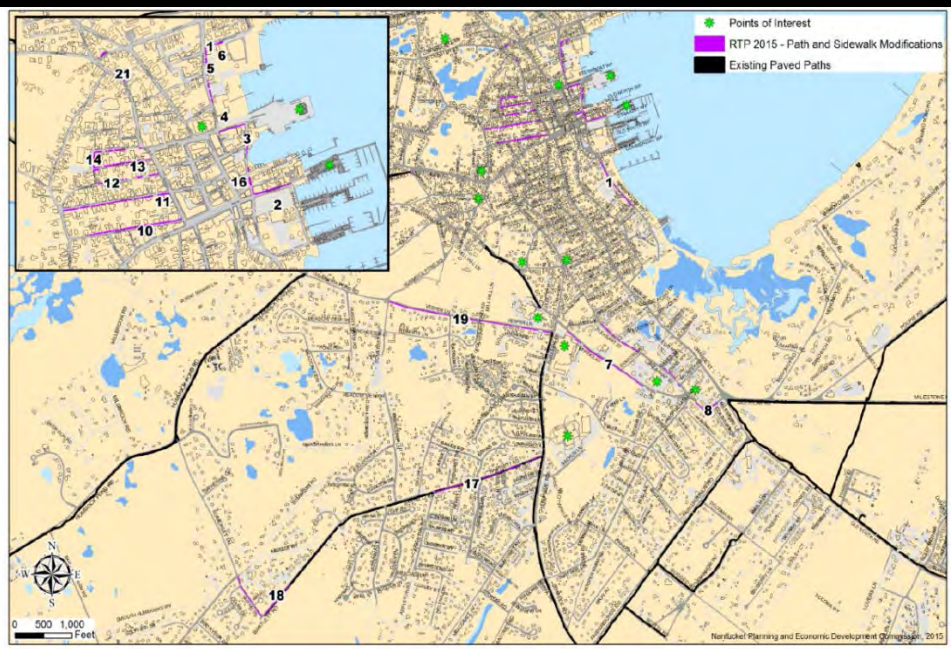
- Bike Route Wayfinding Stickers and Signage (Visitor Services / Young's Bike Shop)
- Test of Bike Route Stencils (DPW)
- Study of Bike Rack Needs and Options (ReMain Nantucket)

PAST (2005 TO 2015): DOWNTOWN

- Bike Route Wayfinding Stickers and Signage (Visitor Services / Young's Bike Shop)
- Test of Bike Route Stencils (DPW)
- Study of Bike Rack Needs and Options (ReMain Nantucket)
- Survey of Sidewalk Conditions (Roads and ROW)

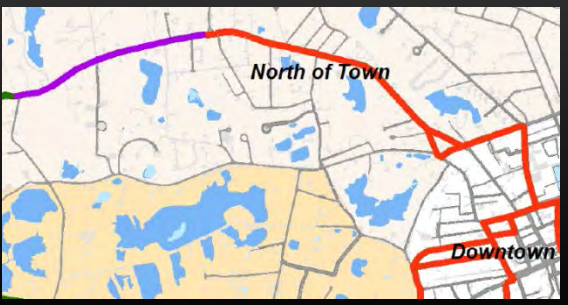


Map 31. Sidewalk Replacements



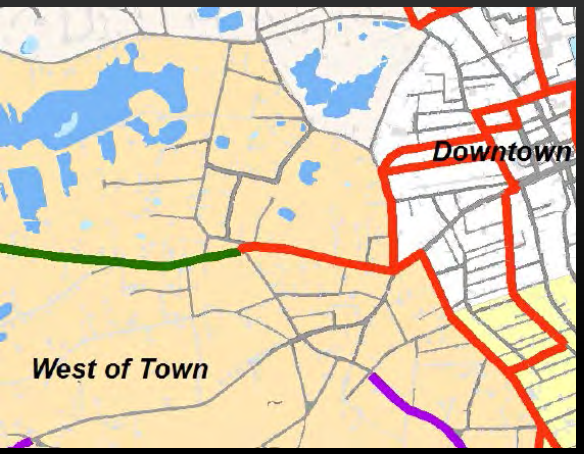
Map 32. Sidewalk Modifications

PAST (2005 TO 2015): NORTH OF TOWN



- Extension of the Cliff Road Bike Path

PAST (2005 TO 2015): WEST OF TOWN

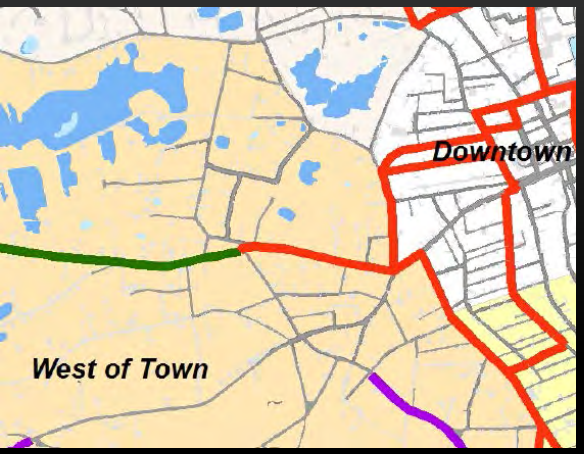


- Improved Wayfinding signage

Gardner St @ Main St (Monument) – Outbound

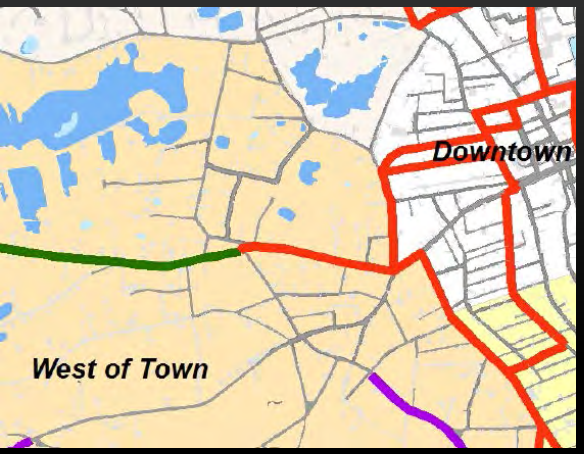
Pleasant St @ 5-Corners – Outbound

PAST (2005 TO 2015): WEST OF TOWN

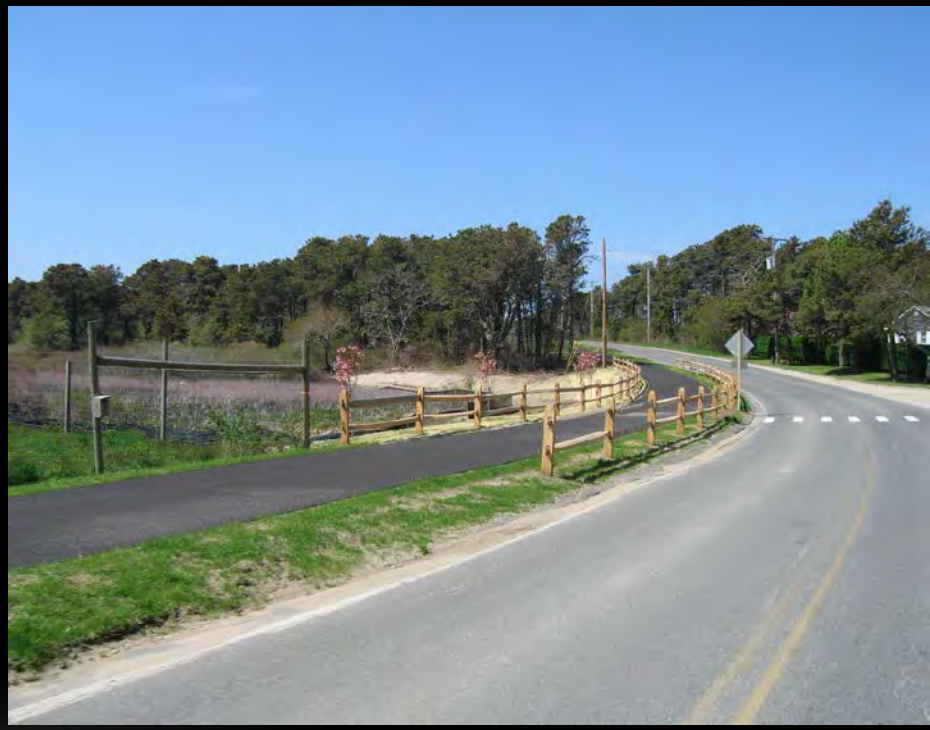


- Improved Wayfinding signage
- Resurfaced Madaket Bike Path

PAST (2005 TO 2015): WEST OF TOWN

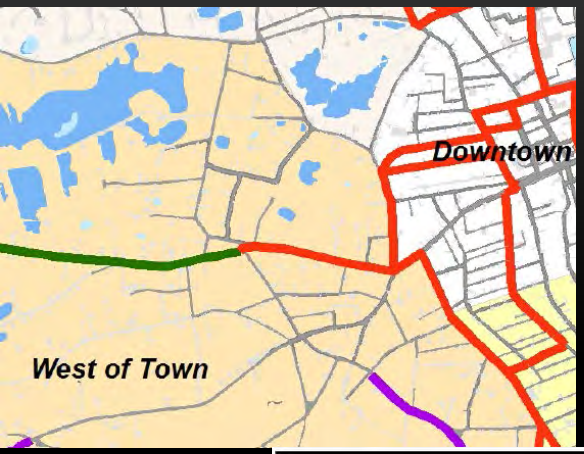


- Improved Wayfinding signage
- Resurfaced Madaket Bike Path
- Built Hummock Pond Bike Path

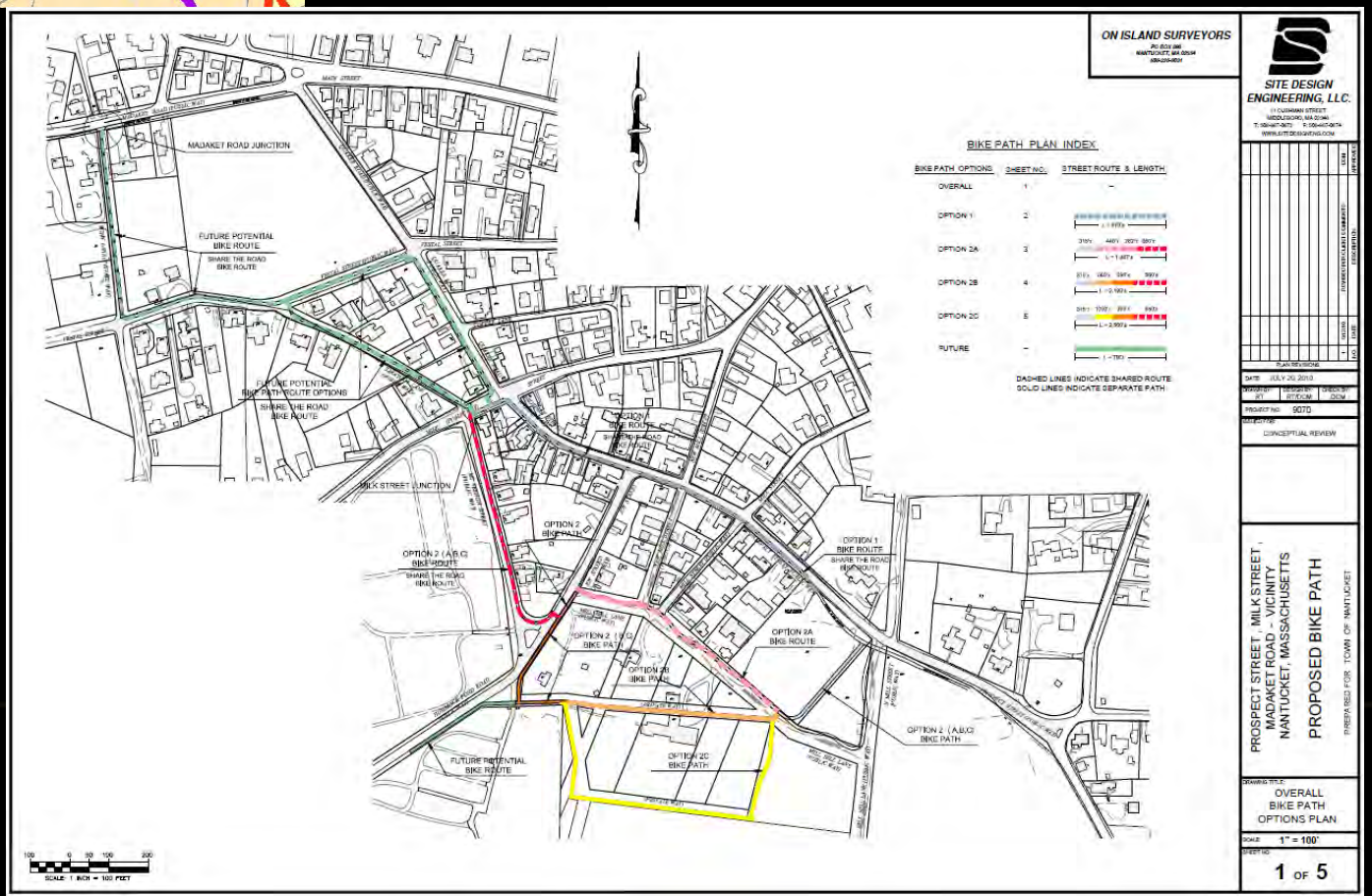


Friends of
The Hummock Pond Road Bike Path

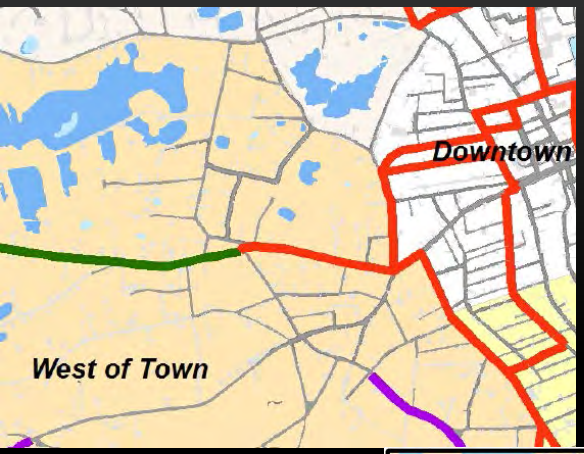
PAST (2005 TO 2015): WEST OF TOWN



- Improved Wayfinding signage
- Resurfaced Madaket Bike Path
- Built Hummock Pond Bike Path
- Prospect Hill Improvement Concepts
  - Prospect St Sidewalk, Mill Hill Path, Milk St Path, Winn St



PAST (2005 TO 2015): WEST OF TOWN



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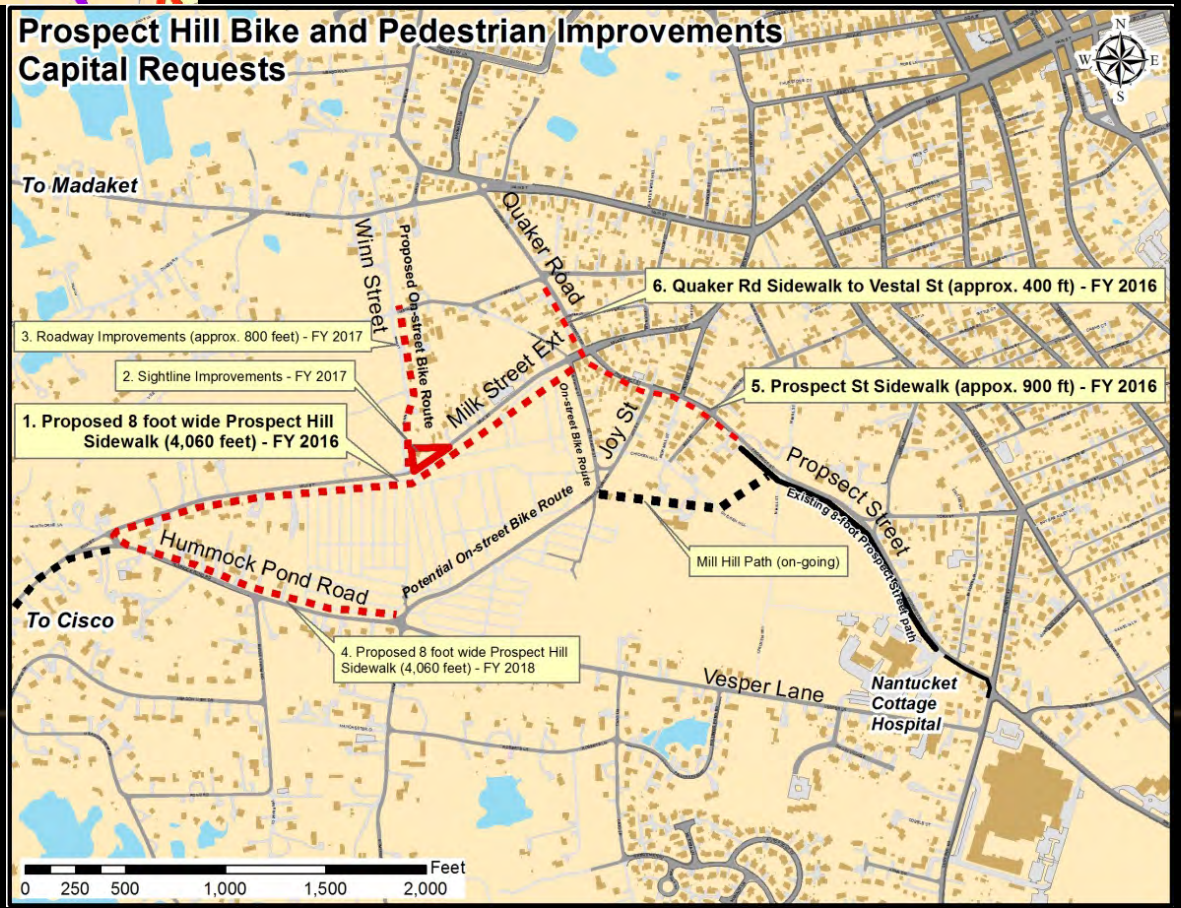
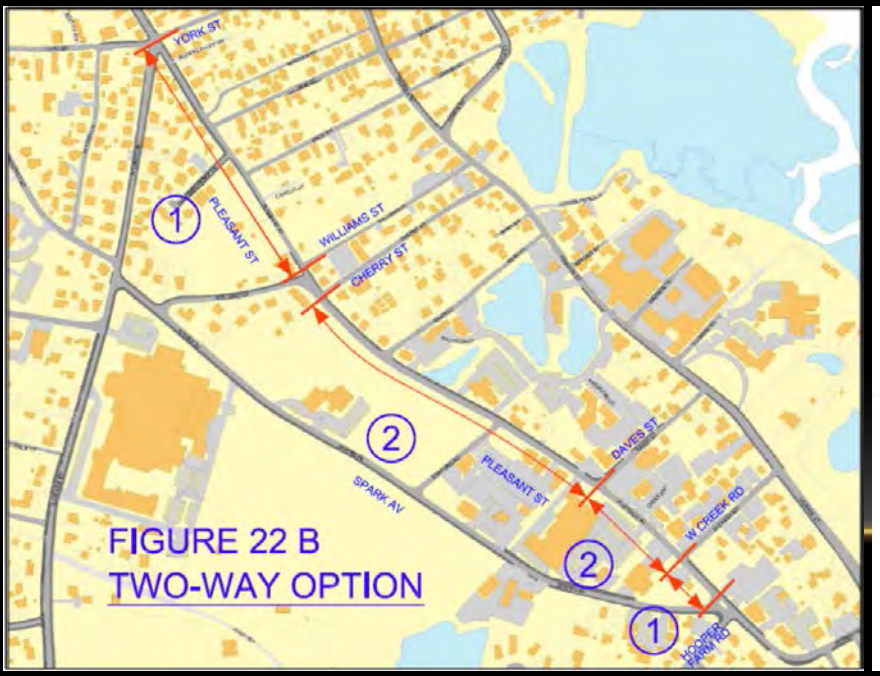
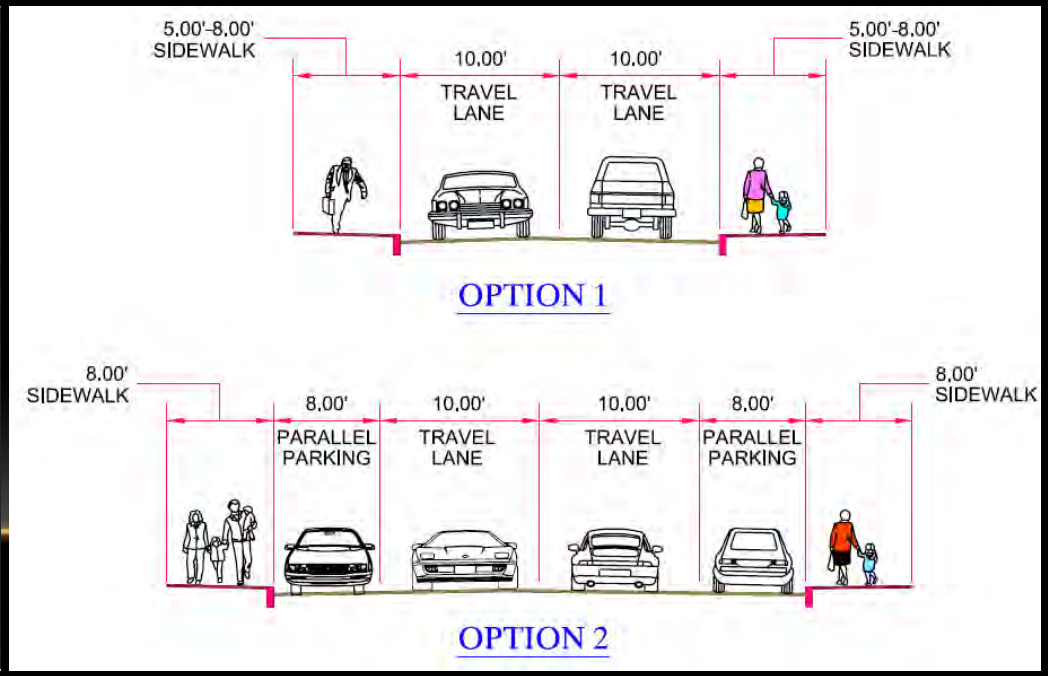


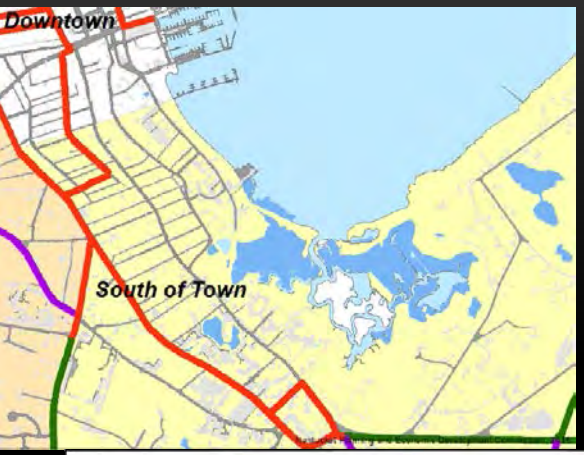
PAST (2005 TO 2015): SOUTH OF TOWN

- Design of Mid-island Streetscape

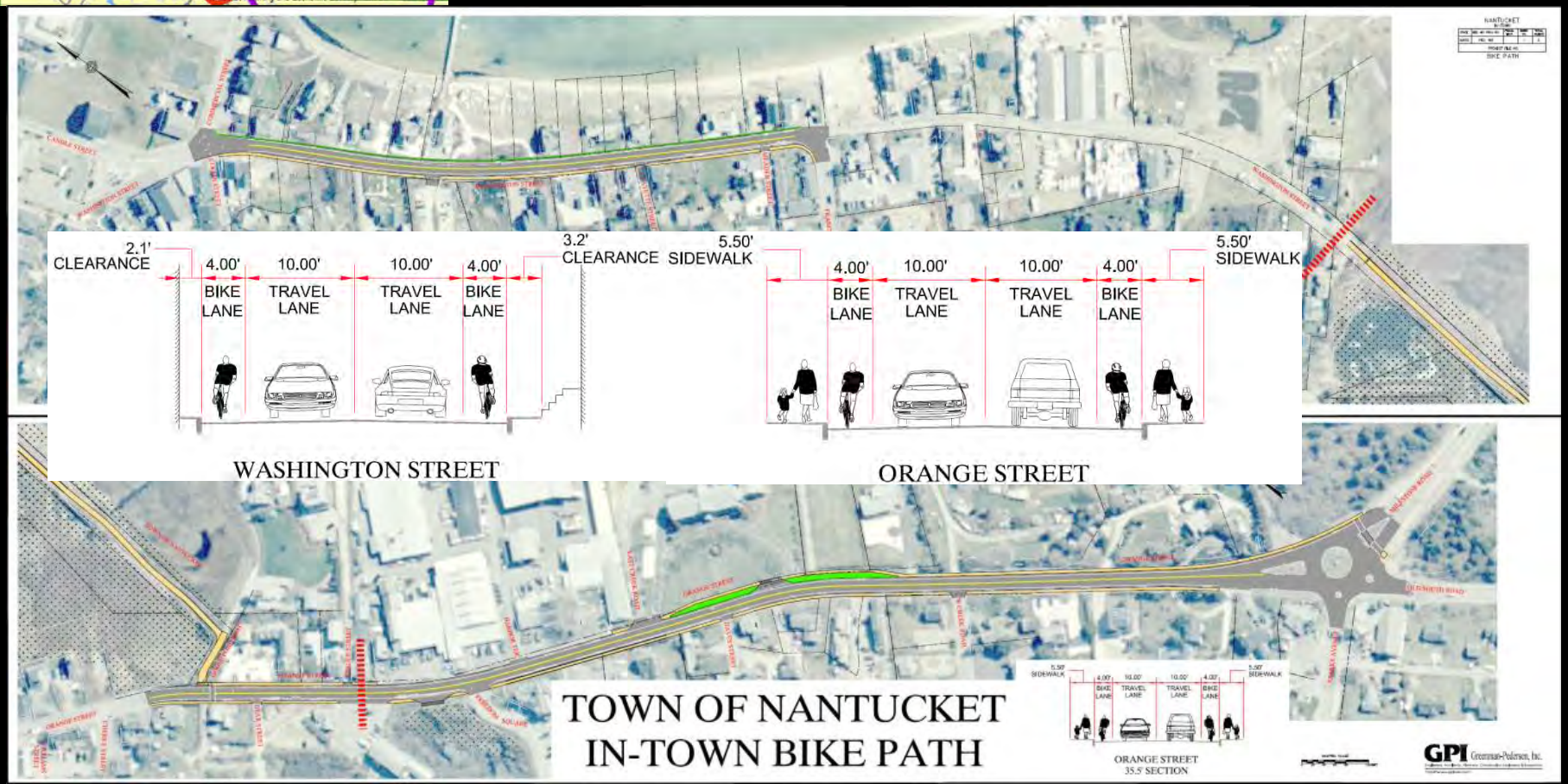




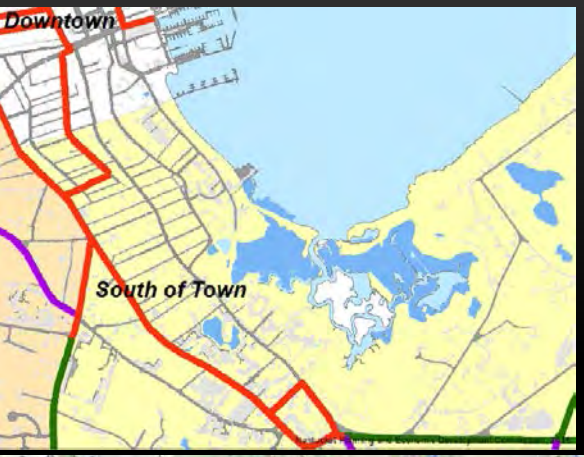
PAST (2005 TO 2015): SOUTH OF TOWN



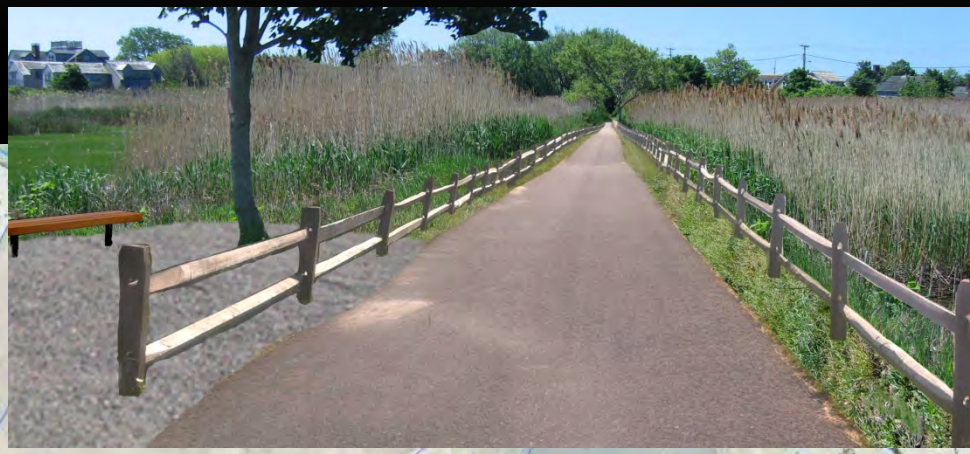
- Design of Mid-island Streetscape
- In-Town Bike Path
  - Conceptual Design



PAST (2005 TO 2015): SOUTH OF TOWN



- Design of Mid-island Streetscape
- In-Town Bike Path
  - Conceptual Design
  - Phase 1 Design



PAST, PRESENT, AND FUTURE: PRESENT

II. Present (on-going projects and FY 2017 Capital Requests) (RTP reference)

A. Downtown
   1) Development of smart phone wayfinding app (ReMain Nantucket) (3.2.7, 3.2.8)
   2) Stencil the existing bike route (3.2.7)
   3) Pending approval for phase 1 of sidewalk improvements (3.2.2)
   4) Complete installation of bike bollards (3.2.2)
   5) WPI Accessibility Study (3.2.2.1)

B. North of Town (Cliff Rd)
   1) Sidewalk improvements in future year of Capital Improvement Plan (3.2.2)

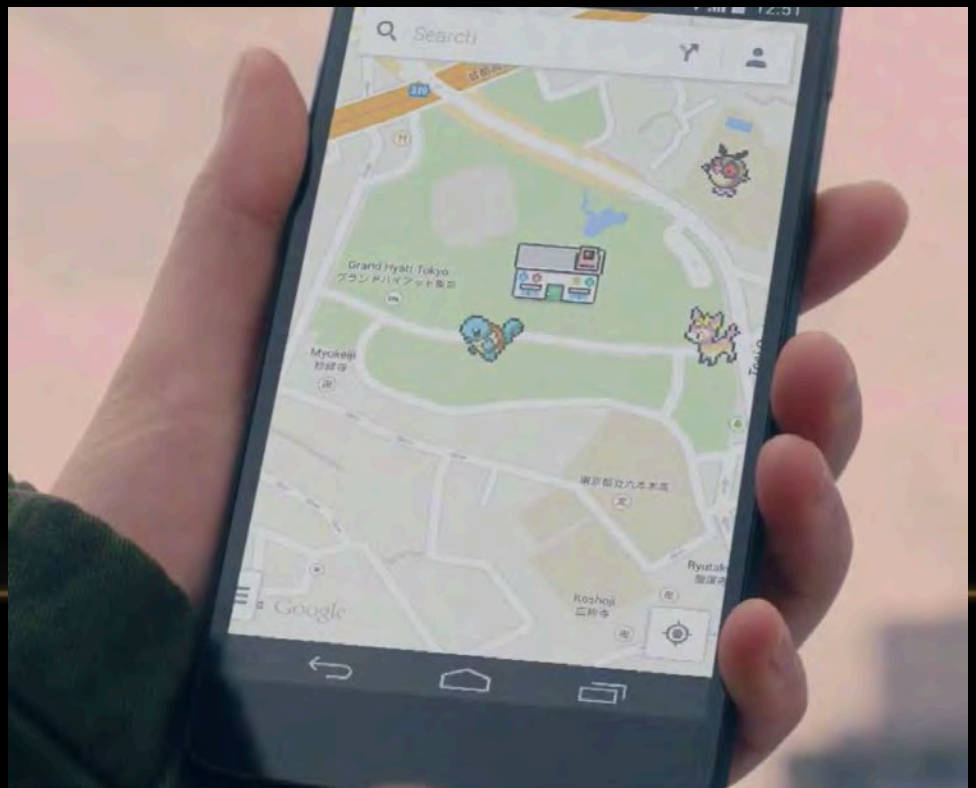
C. West of Town (Milk St / Pleasant St)
   1) Extension of Hummock Pond bike path to be ready for summer 2016 (6.6.2)
   2) Mill Hill Path to be built as part of Woodland Hills subdivision (6.6.1)
   3) Prospect St sidewalk in future year of Capital Improvement Plan (6.7.3)
   4) Proposed “Historic Bike Route” (reviewed, needs BOS approval) (no reference)

D. South of Town (Washington St / Orange St)
   1) Phase 1 of In-town bike path has been bid for construction (6.6.3)
   2) Future phases of In-town bike path are in the Capital Improvement Plan (6.6.4, 6.6.5)
   3) Proposed stenciling of bike route along one-way section of Orange St (Map 30)
   4) Sidewalk Improvements Identified in Transportation Plan (6.7.1, 6.7.2, 6.7.3)

PRESENT (INCLUDING FY 2017 REQUESTS): DOWNTOWN

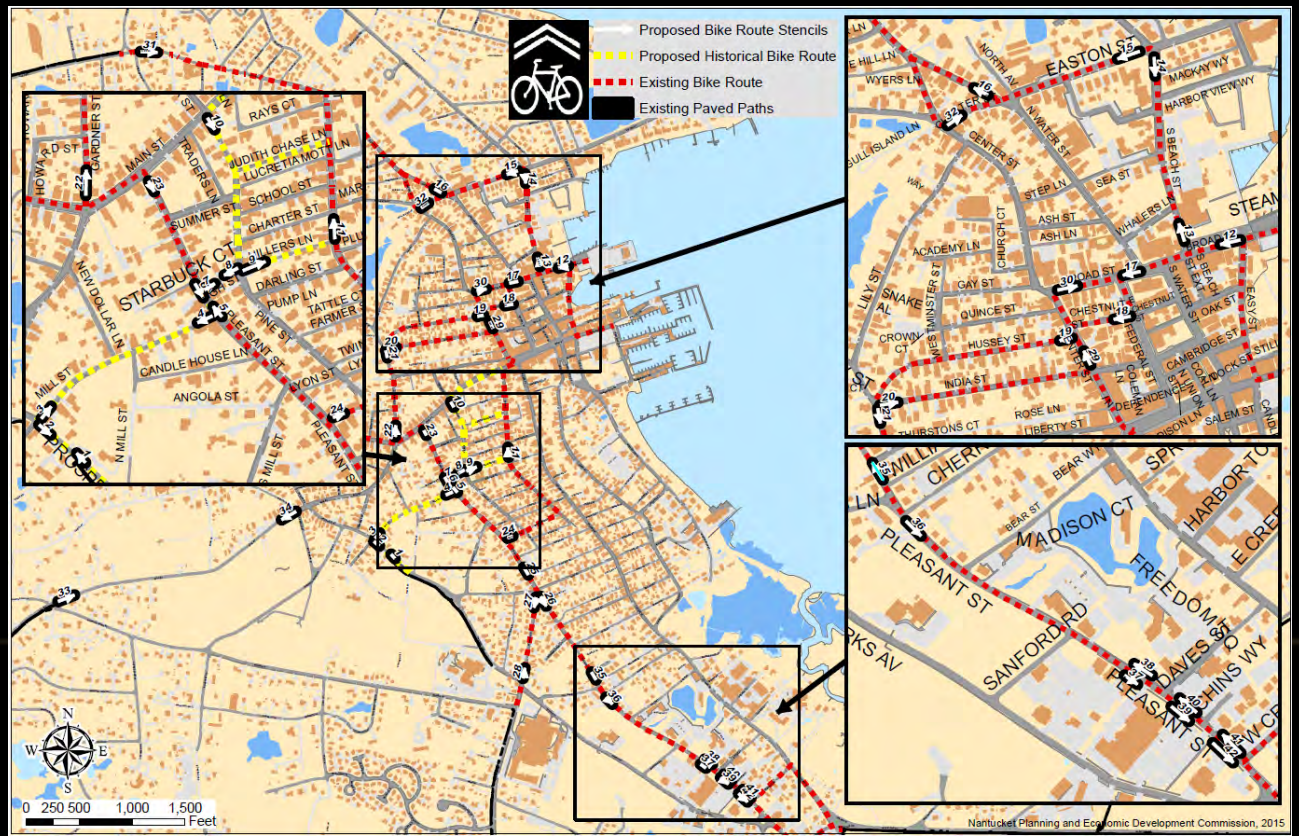
- Development of Smart Phone App (ReMain)

"3.2.7.3. Assist as necessary with the development of additional information systems to inform travelers on ferries, airplanes, taxis, the shuttle, and at the Visitor Center and Chamber of Commerce of details concerning bike routes, shuttle routes, and any changes to those systems."



PRESENT (INCLUDING FY 2017 REQUESTS): DOWNTOWN

- Development of Smart Phone App (ReMain)
- Stencil the Existing Bike Route



PRESENT (INCLUDING FY 2017 REQUESTS): DOWNTOWN

- Development of Smart Phone App (ReMain)
- Stencil the Existing Bike Route
- Phase 1 Sidewalk Improvements (FY 17)

PRESENT (INCLUDING FY 2017 REQUESTS): DOWNTOWN

- Development of Smart Phone App (ReMain)
- Stencil the Existing Bike Route
- Phase 1 Sidewalk Improvements (FY 17)
- Completing Bike Bollard Installations (ReMain / DPW)

PRESENT (INCLUDING FY 2017 REQUESTS): DOWNTOWN

- Development of Smart Phone App (ReMain)
- Stencil the Existing Bike Route
- Phase 1 Sidewalk Improvements (FY 17)
- Completing Bike Bollard Installations (ReMain / DPW)
- WPI Sidewalk Accessibility Survey

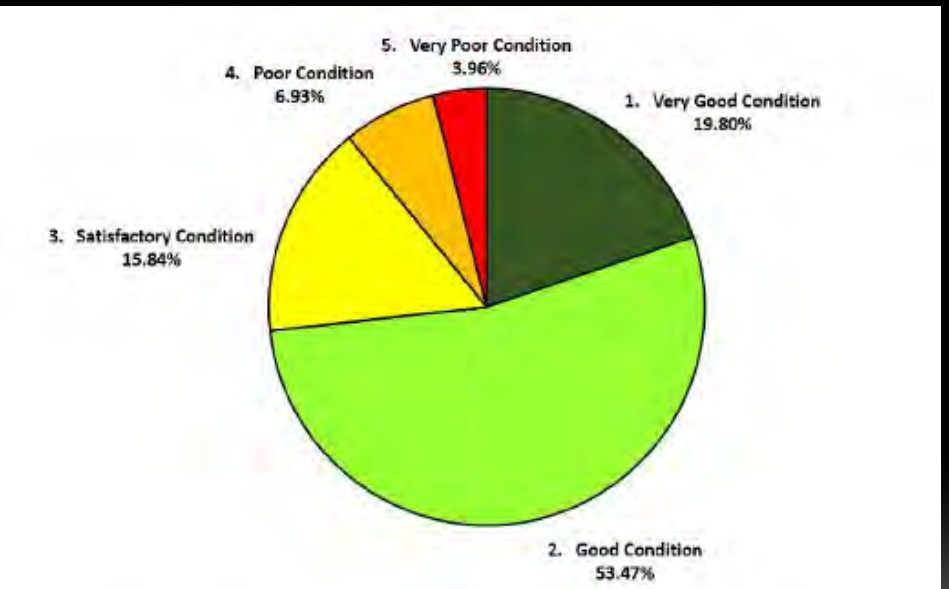


Figure 4.3 Sidewalk Conditions of the Nantucket Core Parking District

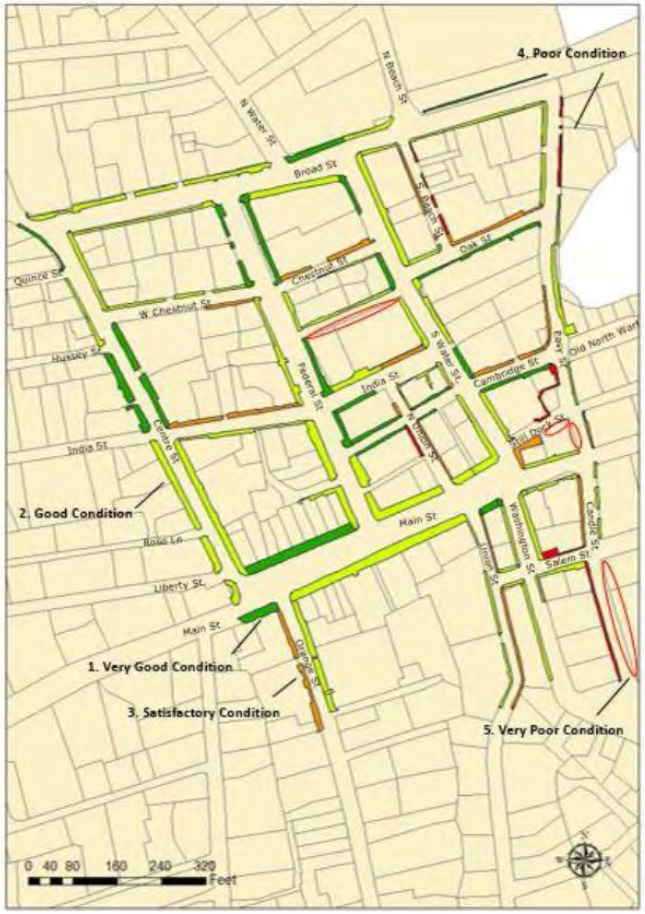
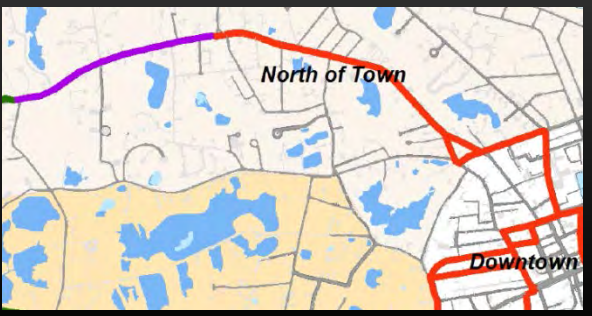


Figure 4.4 Nantucket Historic District Sidewalk Accessibility Map

PRESENT (INCLUDING FY 2017 REQUESTS): NORTH OF TOWN



- Recommended Sidewalk Improvements:
  - Cliff Rd – Sherburne TP to Cabot Ln
  - N Liberty St – Cliff Rd to Derrymore Rd
  - W Chester St – N Liberty St to Sunset Hill Ln

RTP 2016 - Sidewalk Additions
RTP 2016 - Path and Sidewalk Modifications
RTP 2016 - Sidewalk Replacements
Bike Route
Existing Paved Paths

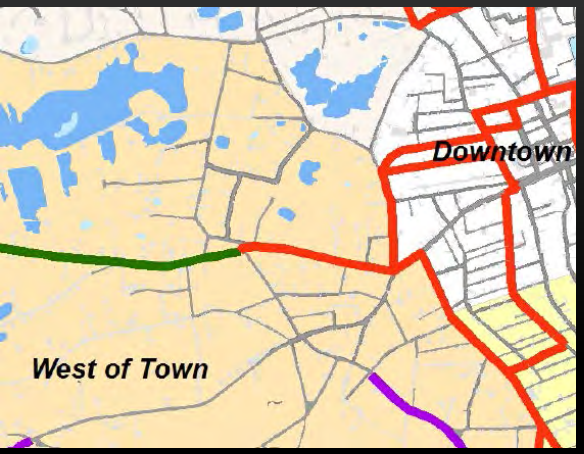
Areas of Town
Downtown
North of Town
West of Town
South of Town

North of Town
Downtown
West of Town

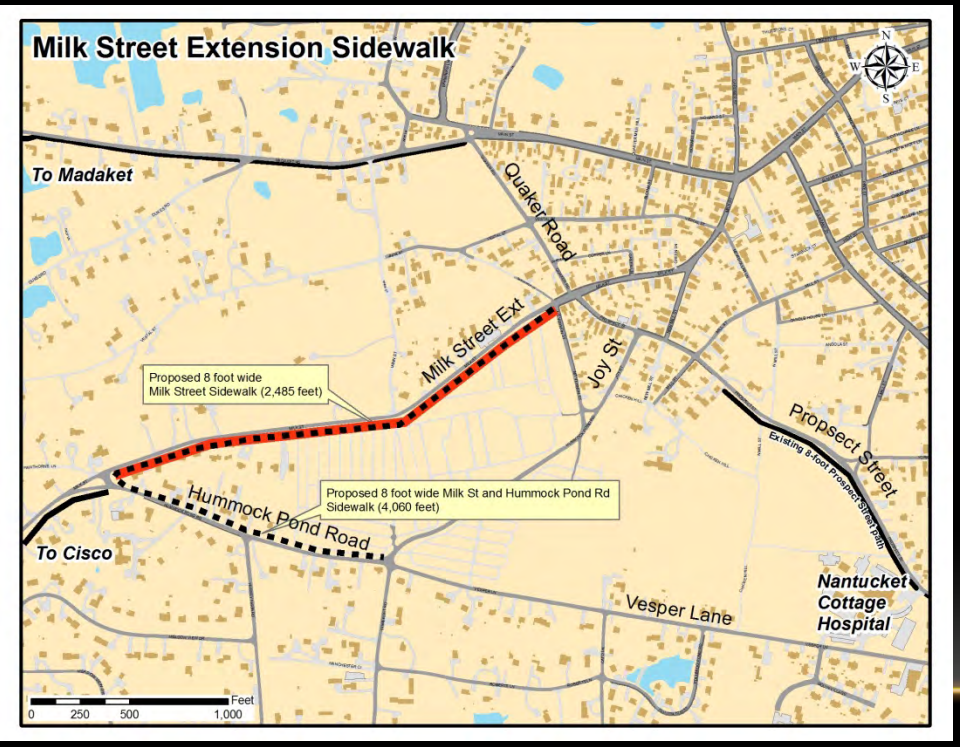
0 500 1,000 Feet

Nantucket Planning and Economic Development Commission, 2016

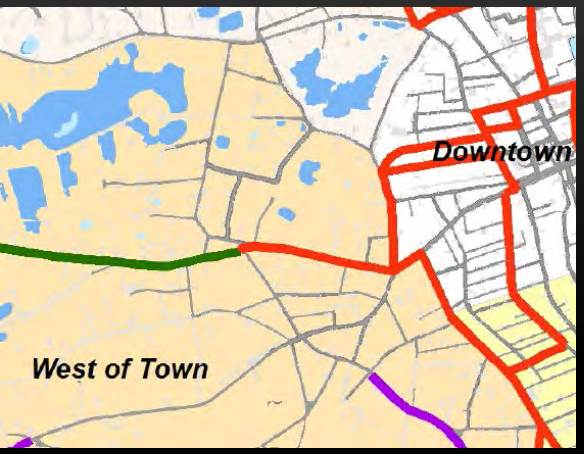
PRESENT: WEST OF TOWN



- Extension of Hummock Pond bike path to be ready for summer 2016

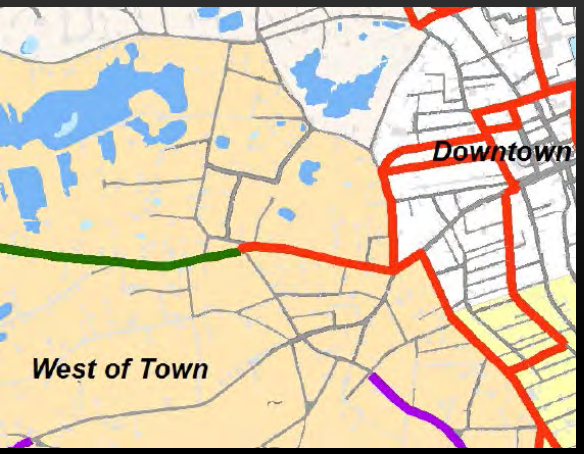


PRESENT: WEST OF TOWN

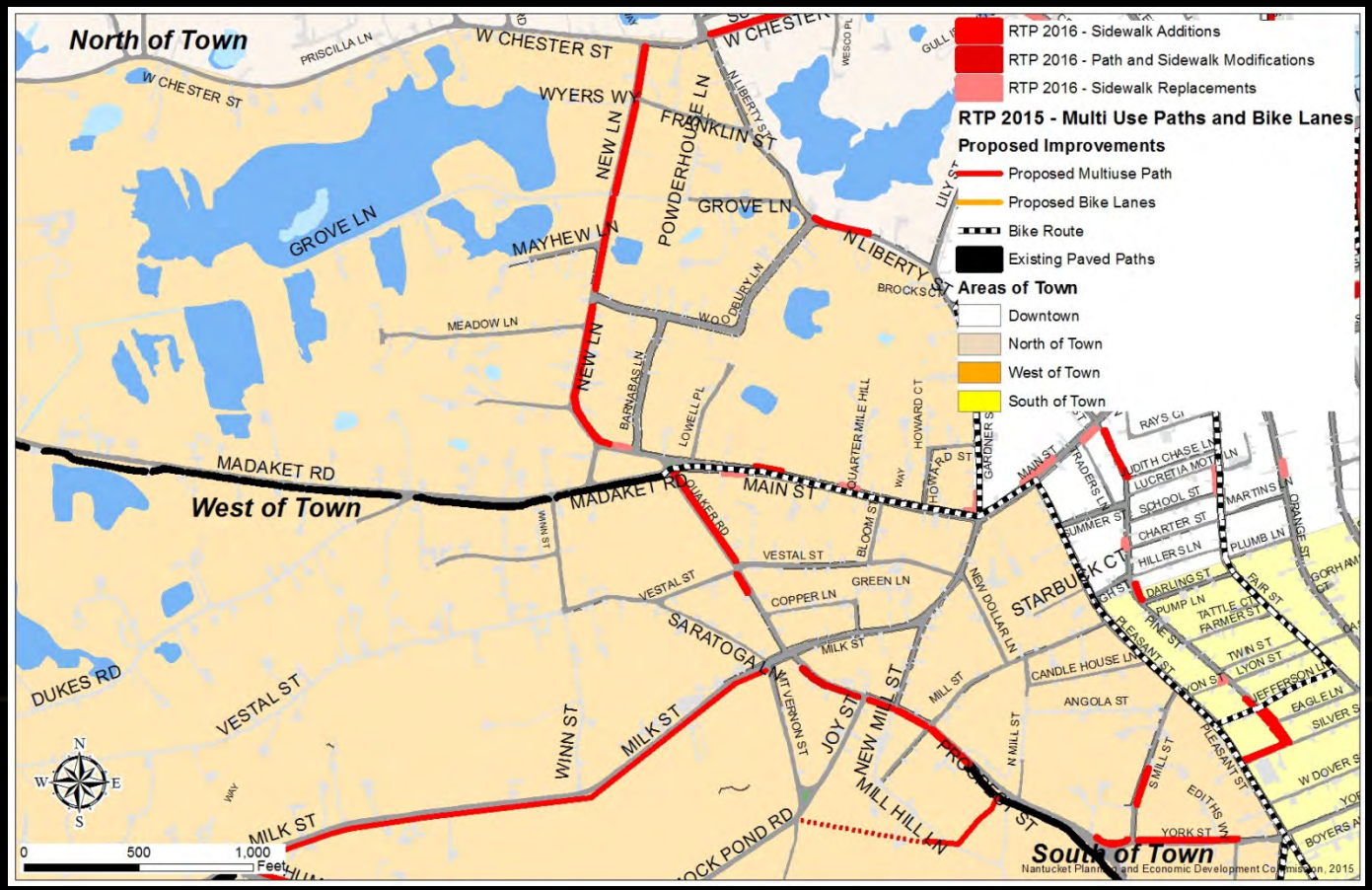


- Extension of Hummock Pond bike path to be ready for summer 2016
- Mill Hill Path to be built as part of Woodland Hills subdivision

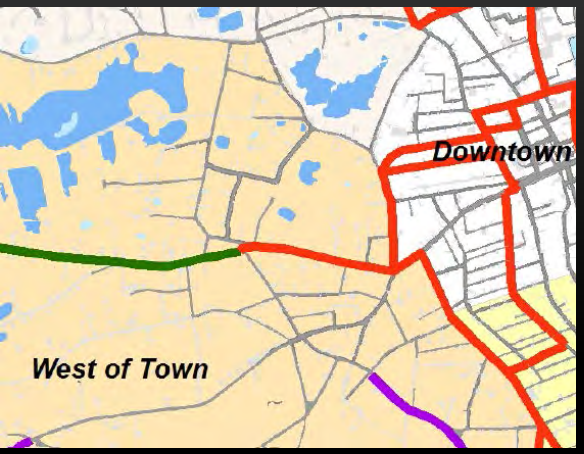
PRESENT: WEST OF TOWN



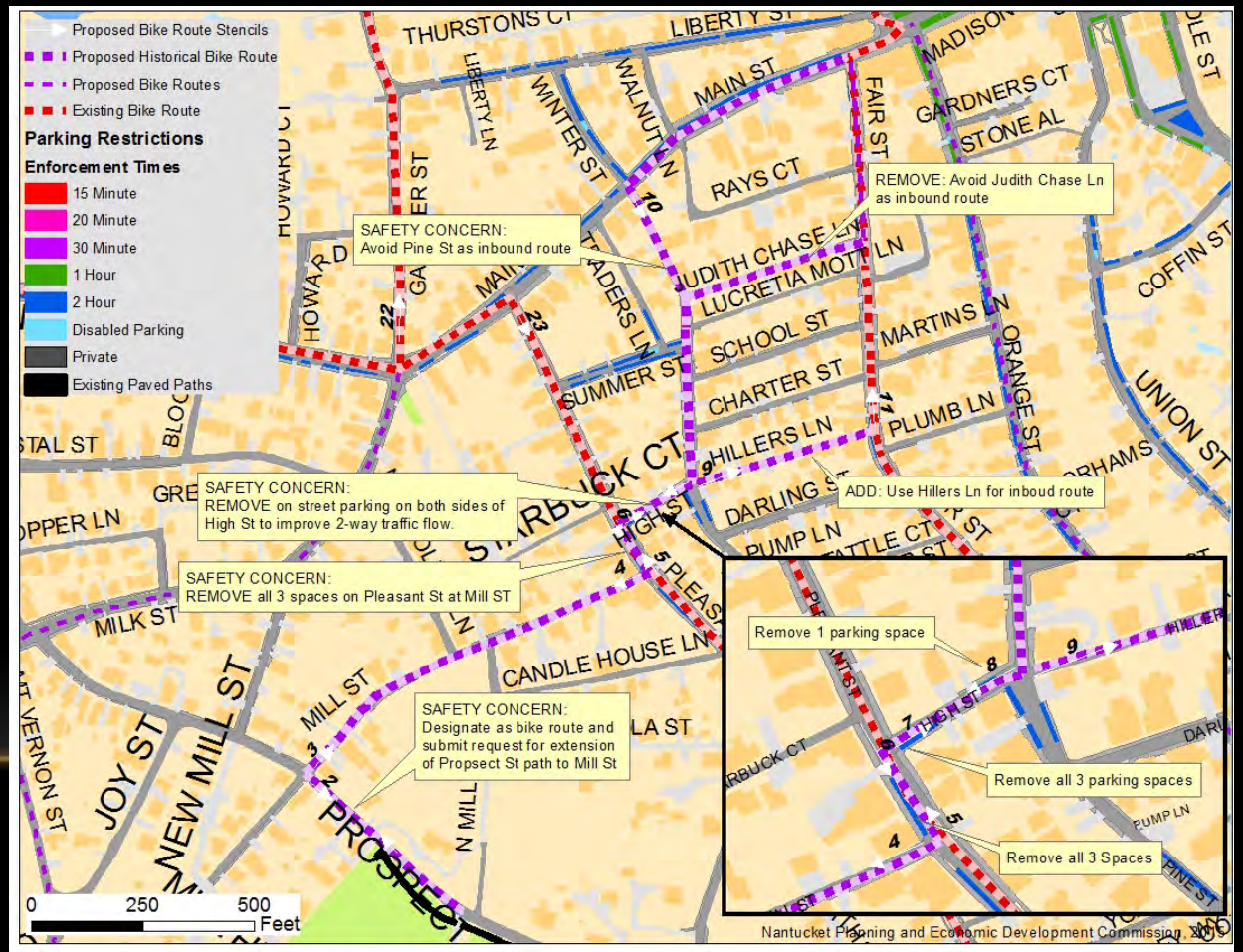
- Extension of Hummock Pond bike path to be ready for summer 2016
- Mill Hill Path to be built as part of Woodland Hills subdivision
- Prospect St sidewalk in future year of Capital Improvement Plan



PRESENT: WEST OF TOWN



- Extension of Hummock Pond bike path to be ready for summer 2016
- Mill Hill Path to be built as part of Woodland Hills subdivision
- Prospect St sidewalk in future year of Capital Improvement Plan
- Proposed "Historic Bike Route" (reviewed, needs BOS approval)

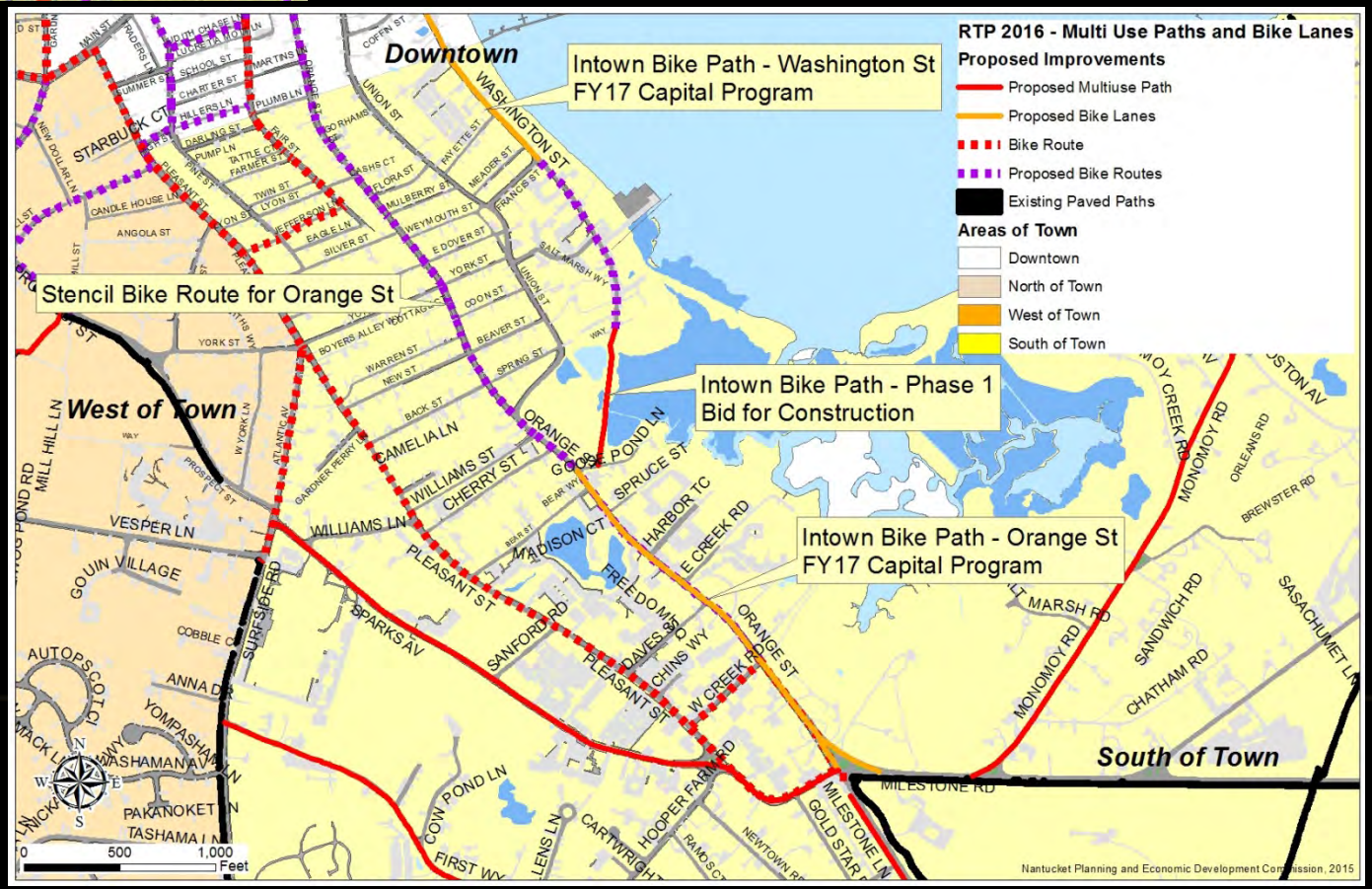


PRESENT: SOUTH OF TOWN

- Portions of Pleasant Street Streetscape Implemented

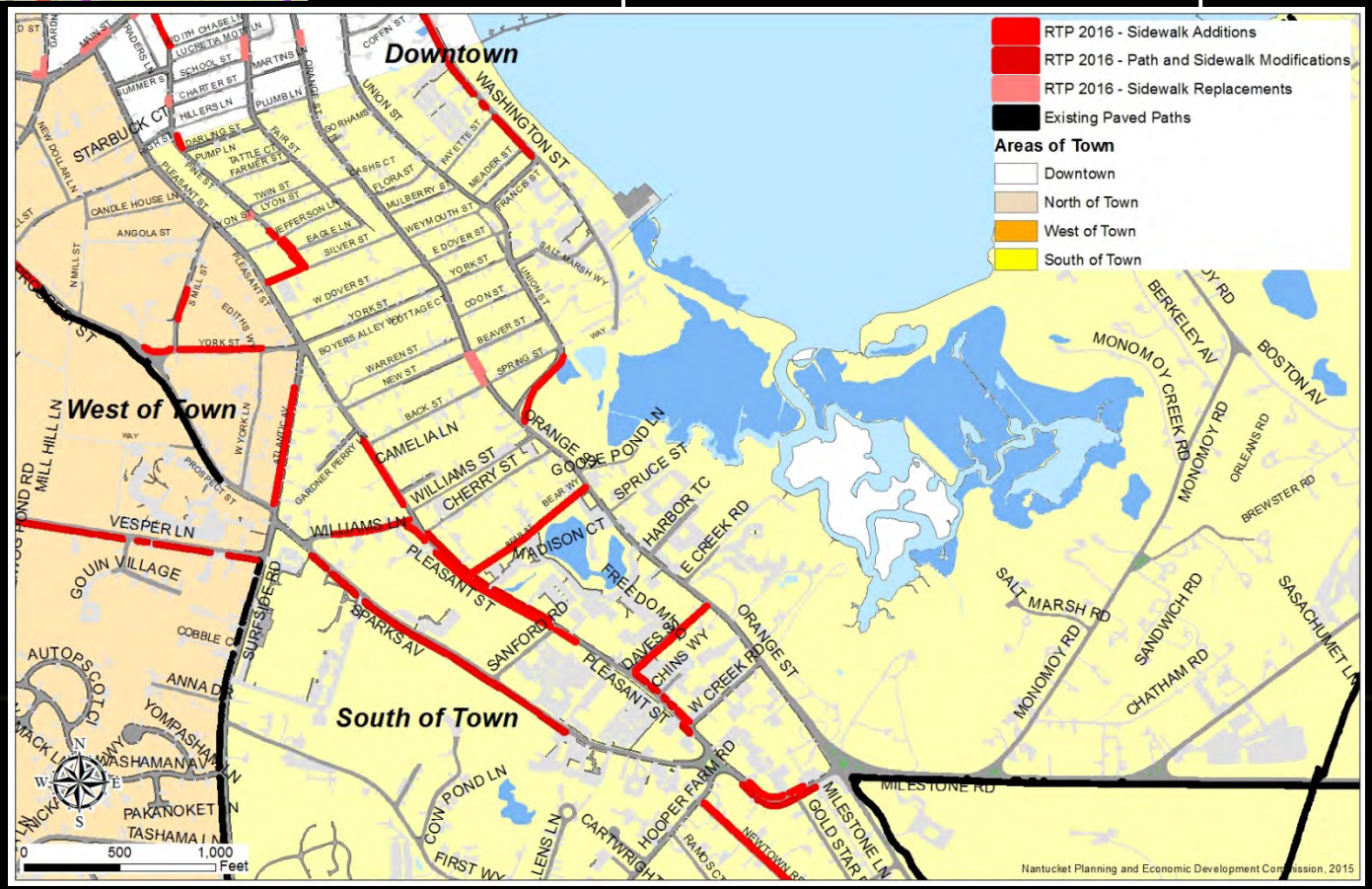
PRESENT: SOUTH OF TOWN

- Portions of Pleasant Street Streetscape Implemented
- Phase 1 of In-town bike path has been bid for construction
- Future phases of In-town bike path are in the Capital Improvement Plan
- Proposed stenciling of bike route along one-way section of Orange St



PRESENT: SOUTH OF TOWN

- Portions of Pleasant Street Streetscape Implemented
- Phase 1 of In-town bike path has been bid for construction
- Future phases of In-town bike path are in the Capital Improvement Plan
- Proposed stenciling of bike route along one-way section of Orange St
- Sidewalk Improvements Identified in Transportation Plan



PAST, PRESENT, AND FUTURE: FUTURE

III. Future (FY 2018 – FY 2040)

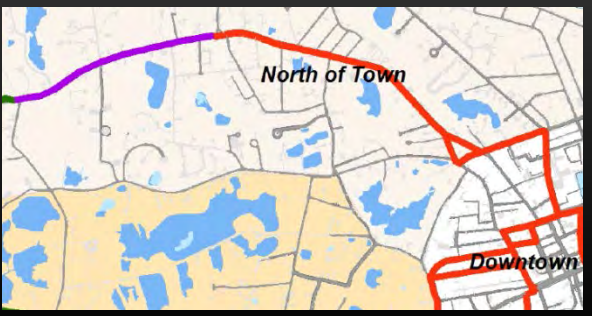
A. Downtown
   1) Maintain system of stenciled bike route corridors
   2) Implement phase 1 of downtown sidewalk improvements
   3) Define priority phases for future year sidewalk improvements
   4) Evaluate need for additional bike parking

B. North of Town (Cliff Rd)
   1) Build sidewalk connections along Cliff Road
   2) Evaluate on street parking conflicts with bike and pedestrian traffic

C. West of Town (Milk St / Pleasant St)
   1) Implement Winn St improvement to connect Prospect Hill to Madaket
   2) Implement Hummock Pond Path Extension to Vesper Ln

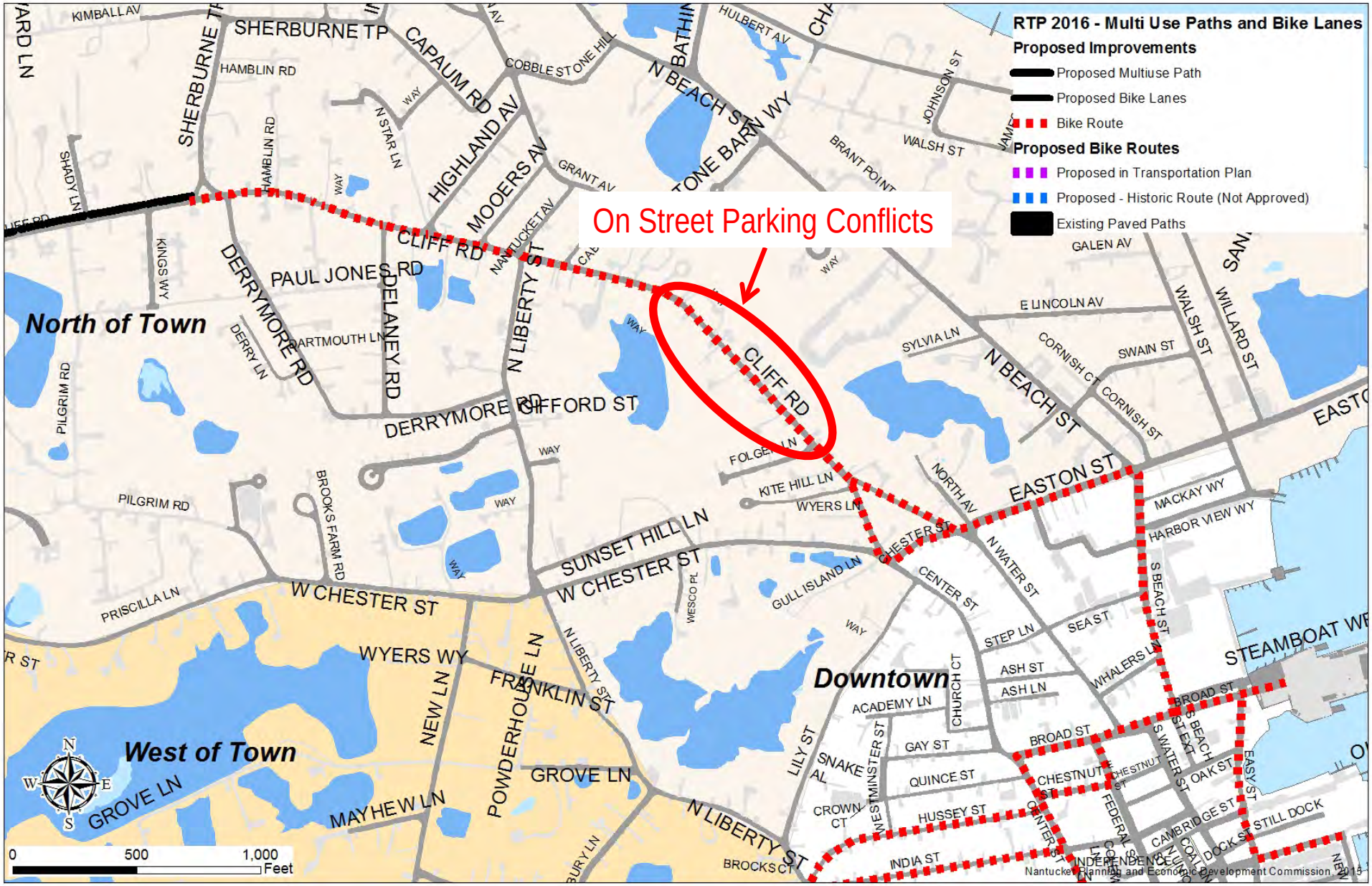
D. South of Town (Washington St / Orange St)
   1) Implement future phases of In-town bike path
   2) Implement Mid-island sidewalk improvements

FUTURE: NORTH OF TOWN



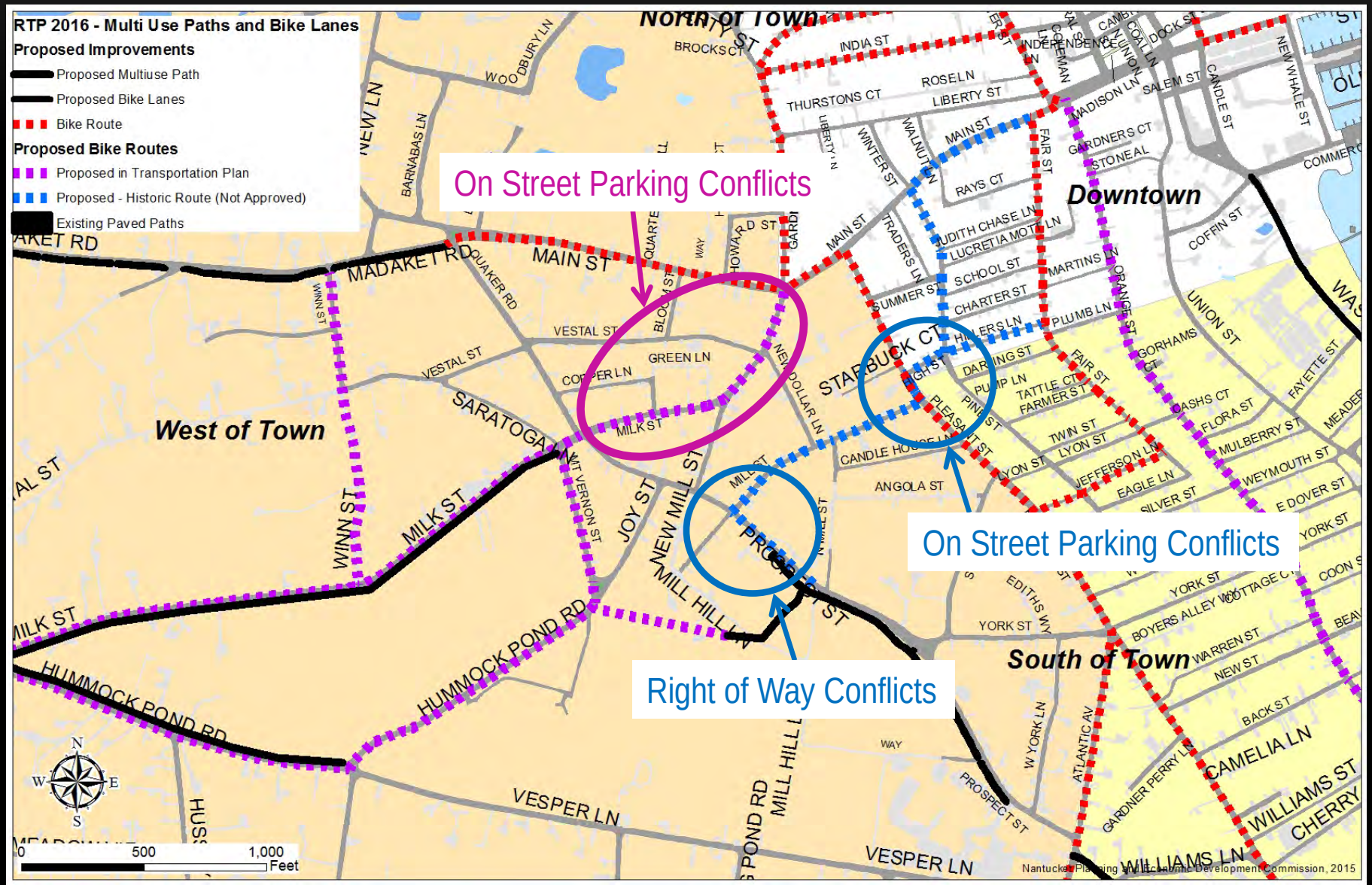
- Build sidewalk connections along Cliff Road
- On street parking conflicts along Cliff Road

FUTURE: NORTH OF TOWN



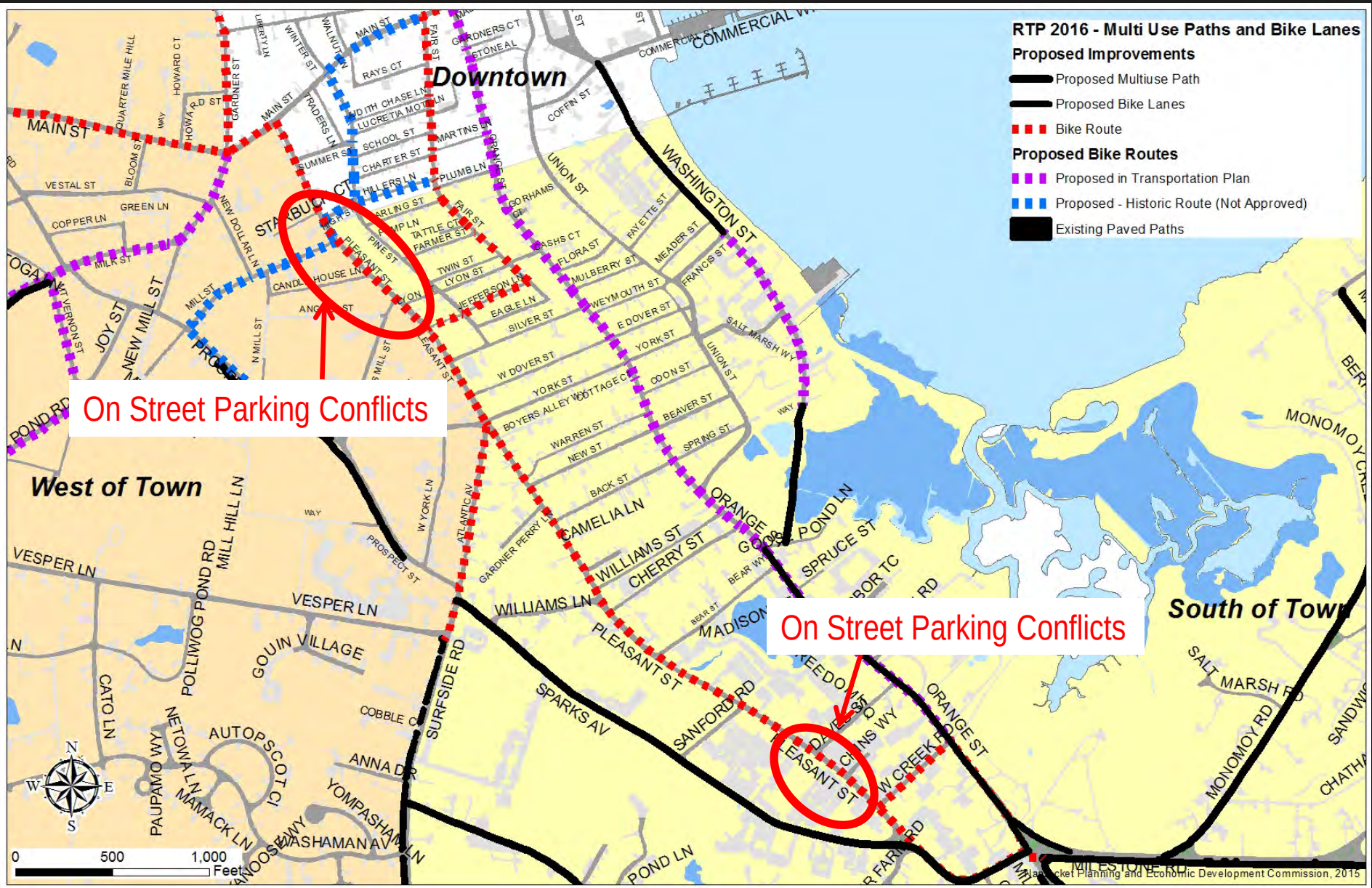
FUTURE: WEST OF TOWN

- Implement Winn St improvement to connect Prospect Hill to Madaket
- Implement Hummock Pond Path Extension to Vesper Ln
- Action needed for “Historic Bike Route” (BLUE ROUTE)



FUTURE: SOUTH OF TOWN

- Implement future phases of In-town bike path
- Implement Mid-island sidewalk improvements



Roads & ROW Committee Report to the BOS/CC Workshop January 13, 2016

Allen Reinhard, Chairman, 2016
D. Anne Atherton, Vice Chairman, 2016
Lee Saperstein, Secretary, 2017
Nat Lowell, 2017
Joe Marcklinger, 2018
Bert Ryder, 2017
John Stackpole, 2018
Leslie Forbes, 2018
Dave Fredericks 2016

Andrew Vorce, Planning Director, ex officio
Kara Buzanoski, DPW Director, ex officio

Brief History and Mission Statement:

The Roads & Right of Way Committee was formed in 1993 with the merger of the Proprietors Roads Committee and the Right of Way Committee. Our purpose is to review any issues concerning the status of access over public and private roads, rights of way, abutters ways, proprietors roads, footpaths and any other ways throughout Nantucket County, and to make recommendations to the Board of Selectmen & County Commissioners to ensure and improve public access over them. Our guiding philosophy is to preserve access to Nantucket's public and private lands, including our harbors, coastline, ponds, moors, conservation lands and historical sites. Public access is one of the greatest gifts the Town of Nantucket can protect for our current and future citizens.

Projects accomplished to date

Public Access: Some of our projects to date include working with the Planning Department to help identify existing and potential public access ways to the islands' beaches, ponds and historic sites in order to establish easements or fee ownership by the town to guarantee public access. For example, the Roads and ROW Committee was instrumental in bringing diverse interests together to solve a complex and long-standing issue regarding access to the Founders Burial Ground. An easement agreement with the Angler's Club and the Land Bank was negotiated. The completed easement and installation of signs on this historic site is an important achievement guaranteeing public access for future generations, and demonstrates how government boards and committees can work together to accomplish a goal. To mark this achievement, the committee arranged for the creation and installation of the Women's Monument in the cemetery to recognize the 350th anniversary of European settlement and the importance of public access to Nantucket's historical sites.

The taking of Indian Avenue including the stairs to Steps Beach is another significant public access project supported by the Committee. The Town never formally took this way used by the public for many years. The Committee worked with the Planning Director to support the

taking of an easement and negotiations between the Town and neighbors to reach a mutually satisfactory license agreement. Working with the Planning Director we have supported the One Big Beach program and the many access points to the water this program has created. Many of our Public Way monuments now mark these public access points. We are continuing to follow up on the takings of the lateral ways from Baxter Road to the Sconset Footpath and the taking of ways to the water along Hulbert Avenue. As these takings are completed, the committee will arrange for and oversee the installation of granite Public Way monuments. We will continue to work with the DPW Director, an *ex officio* Committee member, to review proposed takings and public access to and through Town property.

Bike Path Connector: The Committee has worked with the Transportation Planner, Town Engineer and DPW Director and made several recommendations to the Selectmen regarding bike path routes connecting the Surfside, Hummock Pond and Madaket Bike Paths. We have also met with the Bicycle and Pedestrian Committee regarding bike paths and bike routes connecting downtown with established bike paths. A key route is through Mill Hill Park and connecting through Winn Street and Saratoga Lane/Upper Vestal Street. This project is currently under development and partial funding has been secured.

Road takings: Our committee, in consultation with the DPW Director, maintains a list of private roads for potential taking as public ways. We look at each of these ways and measure them against a set of seven criteria including: 1. The public use of private roads. 2. Whether the road connects two public ways. 3. The condition of the road with regard to access by emergency vehicles. 4. Access to property open to the public. 5. Traffic circulation. 6. Public benefit, and 7. Abutters request. This Potential Takings List can be used to make informed decisions relating to public access and traffic safety. Plans for taking and rebuilding Boulevarde and roadways connecting to the airport, and improvements to First Way are currently in progress.

Public Way Monuments: Ways to the beach in surfside, Warrens Landing, Madequecham and elsewhere around the island have been marked with HDC approved granite Public Way monuments. The first two phases of this project included placement of 36 upright and flush monuments. Since then, the committee has plans for the installation of additional granite Public Way monuments around the island to mark public ways on Hulbert Avenue, Baxter Road, Surfside and the north shore. In addition, we have located and cleared brush from existing concrete public way monuments placed in the 1970's. Locations of these Public Way monuments have been be mapped and placed in the public record with the Town Clerk.

Public Way at Great Harbor Yacht Club: The Committee oversaw the installation of granite "pedestrian walkway" monuments with arrows and signs indicating public access at Great Harbor Yacht Club from Union Street to the harbor beach along Washington Street. Our committee assisted in the creation, placement and installation of these Public footpath markers, part of the Chapter 91 license regulations providing public access to the state's coastal shoreline.

Public Awareness: We commissioned and arranged for publication of *Ways Off Shore: A History of Roads and Ways on Nantucket*, by Dr. Frances Karttunen The book is available in local bookstores and tells the history of the development of Nantucket's ways from Indian trails between settlements through the 1799 roads, Proprietors and later subdivision roads of the island.

Encroachment Policy: At the request of the Town Manager, our committee worked with the DPW to create a new Town policy to deal with encroachments on public ways including streets, sidewalks and other public property. The new Encroachment Policy has been adopted and will be implemented by the DPW including a public awareness and education component. The new policy includes the implementation of recommendations from the Traffic Safety Committee and our own Downtown Sidewalk Survey.

Sconset Footpath: The Committee spent several years working with residents along the Sconset Footpath, and the Planning Office to resolve access over this historic public footpath given to the Town in the late 1800's. Access to the footpath via the lateral abutter's ways from Baxter Road was never formally taken even after legal work by Town Counsel during the 1980's. Our Committee worked for two years with abutters to the path and Town officials to establish public access over several of these ways and collaborated with neighbors to improve signage at entrances to the path. New signs welcoming the public and giving a brief history of the footpath replaced the collection of warning signs that used to mark the entrances in addition to the granite Public Way monuments installed so far.

Bike Route Connection: The Committee reviewed plans for footpaths in Mill Hill Park with the Transportation Planner and the Town Engineer. Our Prospect Street Sidewalk project was brought to the Capital Committee for funding and is moving closer to construction. We are also working with the Transportation Planner and the Town on ways to safely connect the Surfside, Hummock Pond and Madaket bike paths. This would address the safety problem that exists, as pedestrians must walk in the roadway along Quaker Road past the Friends Burial Ground.

Downtown Sidewalk Project: Our Nantucket Downtown Sidewalk Project has the goal of documenting the condition of sidewalks in the Town's historic district, especially where there are gaps or conditions, including encroachments, where pedestrians are forced to walk in the street. The idea is to compile an assessment of existing sidewalks and develop a list of recommendations for possible improvements to enhance public access and improve safety. Members assisted the reactivated Streets and Sidewalks Committee in 2011 by examining the condition and potential improvements to sidewalks resulting from the replacement of sewer and water lines in the core area of town. Work on this project led to discussion and consideration of a Sidewalk Survey Project that would compile a list of sidewalks and their condition with recommendations for improvement of pedestrian access throughout Nantucket town.

The Committee developed this project and surveyed the condition of all the sidewalks in Nantucket town. The survey covered sidewalks on both sides of streets by house number and rated them on a five-point scale from dirt path along the roadway to broad, even brick sidewalk. We also rated handicap accessibility, surface material, and special conditions and noted where parking on sidewalks is allowed. This data was compiled into alphabetical listings by street, and by condition. Map data was created and a plan for reconstructing sidewalks is being developed. Our findings, recommendations and plan for improvement are attached to this report.

We also recommended the town take action to install the sidewalk planned from the end of the multi-use path on Prospect Street to Upper Vestal Street creating a pedestrian route connecting via Winn Street to the Madaket Bike Path. This would address the safety problem that exists, as pedestrians must walk in the roadway along Quaker Road past the Quaker Cemetery.

Open Space Plan Update: Our Committee is working with the Town to update the island Open Space plan. This update, required every seven years, assists the Town with grant requests for funds to support public access and open space proposals. Included in the plan is a detailed map section indicating island trail systems in addition to bike paths and other ways. Joe Marcklinger and Lee Saperstein have been working on a project to identify the route of the Nantucket Railroad from town to Surfside and later Sconset beginning in 1881. The goal is to create a walking trail along sections of the way on property open to the public. Much of the elevated berm still exists and provides an interesting glimpse into the island's transportation history. We anticipate marking sections of the route and developing the trail along the existing berm with cooperation of property owners.

Recommendations: The committee made specific recommendations for consideration by the Selectmen including: 1. Improvement to First Way from Hooper Farm Road to school property including a paved multi-use path for pedestrians and bicycles. 2. Completion of a pedestrian sidewalk from the end of the Prospect Street path to Vestal Street. 3. A bicycle connection linking the end of the Surfside/Prospect Street path to the Madaket and new Hummock Pond Road Bicycle Paths. 4. Development of a bike route along Washington Street through the railroad ROW to Orange Street and on to the rotary. Our Committee feels these are the most dangerous areas for pedestrian and bicycle traffic on the island and need to be addressed in terms of public safety and public access. We have met with Transportation Planner Mike Burns, and Andrew Vorce, Planning Director, several times to assist with these issues and projects.

Joe Marcklinger from our committee worked with Selectman Bruce Miller to identify additional parking spaces on public streets in the downtown area. We also work with the Harbor Plan Implementation Committee to follow up with Chapter 91 Public Access License Enforcement.

A Survey and Plan for the Improvement of Nantucket's Downtown Sidewalks with Recommendations

Presented to the Nantucket Board of Selectmen and Town Manager

By the

Nantucket Roads and Right of Way Committee

January 13, 2016

Allen Reinhard, Chairman
D. Anne Atherton, Vice Chairman
Lee Saperstein, Secretary/Treasurer
Nat Lowell
Joe Marcklinger
Leslie Forbes
Bert Ryder
John Stackpole

Ex Officio:
Andrew Vorce, Planning Director
Kara Buzanoski, Director, Dept. of Public Works

Introduction: As part of our mission, the Nantucket Roads and Right of Way Committee has completed a survey of Nantucket's downtown sidewalks. Our purpose is to identify the condition of sidewalks within the expanded core district of Nantucket town with the intent of identifying serious encroachments, dangerous conditions and offering a plan the Town Manager and Board of Selectmen can implement to improve pedestrian access and safety for residents and visitors as they walk our historic streets.

Our process was to outline the area to be surveyed and generate a list of all the streets within this area that have sidewalks. We then developed a survey form we could use to evaluate the condition of these sidewalks on a 1 to 5 scale, and note significant encroachments and/or obstructions impeding pedestrian access. We also made note of recommendations to improve handicap access, and to mark gaps where no sidewalk exists. After refining the survey form and reviewing the goals of the project, Committee members and volunteers began a street-by-street survey to record sidewalk conditions.

Survey Methods and Results

Selection of Streets

In the course of several meetings, the Roads and Right of Way Committee, henceforth "the Committee," chose to survey the sidewalks of streets essentially in the Residential Old Historic District, ROH, and the Downtown, CDT, which it surrounds. Added into the areas defined by Town Zoning were several key streets that are used frequently by residents and visitor alike to reach beaches or bicycle routes to the beaches. Table 1, "Priority Streets to Be Surveyed," the streets are listed alphabetically along with a strikethrough code that shows that they have been surveyed. In the end, more streets than these were actually surveyed.

TABLE 1. PRIORITY STREETS TO SURVEY
Listed as January 25, 2015

Priority One

~~Broad Street~~
~~Cambridge Street~~
~~Candle Street~~
~~Center Street~~
~~Commercial Street~~
~~Easton Street (from Beach St to end)~~
~~Easy Street~~
~~Federal Street~~
~~Gardner Street~~
~~Harbor View Way~~
~~Hussey Street~~
~~India Street~~
~~Liberty Street~~
Lily Street
~~North Union Street~~
~~New Whale Street~~
~~Oak Street~~
~~Salem Street~~
~~South Beach Street~~
~~South Water Street~~
~~Walnut Street~~
~~Whalers Lane~~
~~Winter Street~~

Priority Two: Links to Mid-Island or the Beaches

Cliff Road
~~North Beach Street~~
~~Pleasant Street~~
~~Union Street~~
~~Washington Street~~

~~Strikethrough~~ was used when the street was surveyed to show that its results are now in the spreadsheet. Lily Street and Cliff Road were not surveyed.

Survey Instrument

The committee deliberated on how best to survey sidewalks and eventually, over several meetings, arrived at a survey form that was easy to use while still guiding survey personnel to a representative rating. The survey form included specific guidance to the surveyor about the correlation between conditions and ratings; these instructions are listed here.

Rating 1: Flat, brick, even, 48 inches or wider, no encroachments; curbs in good condition; ADA compliant; well maintained; No work needed.

Rating 2: Mostly flat, brick, with possible un-even surfaces, curbs in poor condition, some narrow passages due to utility poles, hydrants or other encroachments.

Rating 3: Brick or paved with significant tree roots, uneven or broken pavement or encroachments making passage difficult, poor curbing, not ADA compliant; Repair needed.

Rating 4: Significant encroachments on sidewalk or unpaved path adjacent to road. (North side of Cliff Road opposite Something Natural and areas along Prospect and Pleasant Streets).

Rating 5: No sidewalk. Pedestrians must walk in roadway; Sidewalk or alternate route needed. (Such as: Quaker Road and parts of Pleasant, Prospect Street, and Cliff Road)

A copy of the form itself is included in Figure 1. The form was designed to be easy to use while still guiding the surveyor to a replicable observation. When using the form, typically attached to a clipboard, the surveyor fills in the name of the street and then the house number; an initial identifies the sidewalk surface and then the condition is entered. If the conditions are the same for a run of house numbers, i.e. lots, then the surveyor writes down the numbers involved. Plenty of space is provided for the surveyor to write down observations, particularly, the clearance between the curb and any observed obstruction or encroachment. Before a new surveyor went out, she or he received a short introductory lesson by those with experience.

In total, 682 separate entries were made for 26 streets.

Surveyors

The following people contributed to the survey. They are acknowledged on the spreadsheets but only by initials so the initials follow their names used in the spreadsheet.

Leslie Forbes, LF, Joe Marcklinger, JM or JoeM, Allen Reinhard, AR, Bert Ryder, BertR, Lee Saperstein, LS or LWS, and Charles Walters, CW.

ROADS AND RIGHT OF WAY COMMITTEE: SIDEWALK SURVEY

Surveyed by _____ Date _____

STREET	House Number, Run of Numbers (from-to), or Cross Streets	Surface: A=Asphalt B=Brick C=Concrete Gr=Granite	RATING					COMMENTS Note Encroachments with Clearance less than 48 inches; Note remaining space in inches.
			1	2	3	4	5	

Rating 1: Flat, brick, even, 48 inches or wider, no encroachments; curbs in good condition; ADA compliant; well maintained; No work needed. **Rating 2**: Mostly flat, brick, with possible un-even surfaces, curbs in poor condition, some narrow passages due to utility poles, hydrants or other encroachments. **Rating 3**: Paved, not brick, with significant tree roots, broken pavement or encroachments making passage difficult, poor curbing, not ADA compliant; Repair needed. **Rating 4**: Significant encroachments on sidewalk, poor condition, or only an unpaved path adjacent to road; Wheelchair inaccessible. **Rating 5**: No sidewalk. Pedestrians must walk in roadway; Sidewalk or alternate route needed.
Form Created March 9, 2014

Figure 1. The Sidewalk Survey Form: landscape format on 8.5” by 11” paper.

Results:

Data Entry

Lee Saperstein, Committee Secretary, transferred data from the survey forms onto a master spreadsheet (Excel). All information on the forms went into the spreadsheet. During the transfer, the Town’s GIS was consulted to ensure that house numbers on the spreadsheet were accurate. By using the latest aerial photographs at the largest scale, it was possible to follow the surveyor’s route along the chosen street. The occasional houses without a number or lots where numbers jumped and were not consecutive were quickly corrected. The photographs were often detailed enough that major encroachments and obstructions could be verified.

Data were entered chronologically as they were received from the surveyors. The “sort and filter” capability of Excel was used to re-arrange the data into alphabetical order by street and also by condition order from worst to best.

The Data

The two spreadsheets, alphabetical and conditional, are included in the appendix to this report. Readers will note that the best rating is '1' and the worst is '5'. The spreadsheets are available to all for comment. In particular, the Committee hopes that the Town officials, through the Department of Public Works, can use the survey results to place priorities on streets whose sidewalks need to be repaired or replaced. The Analysis section of this report attempts to aggregate parcels and even streets into larger groupings that can be treated coherently in a single project.

24 streets were found to be severely deficient on one side or the other or both and were rated as a '5'. It should be noted that the range of deficiencies goes from one un-paved driveway to no sidewalk for the entire street. The streets with a '5' are Academy Lane, Broad, Candle, Center, Chester, Cliff Road, Commercial, East Chestnut, Easton, Federal, Gardner, Hussey, Jefferson Avenue, Liberty, New Whale, Oak, Pine, Quaker Road, Quince, Salem, Union, Walnut, Washington, and Whaler Lane. In addition to these streets in the surveyed Town core, we note that there are several key streets, such as Pleasant Street and Prospect Street, that are used by pedestrians to reach shopping precincts on Pleasant Street and Sparks Avenue or the beach bicycle paths alongside of Hummock Pond Road, Madaket Road, and Surfside Avenue that do not have sidewalks and would also be rated with a '5'. The Committee has been in conversation with the Town's Transportation Planner about projects to remedy these significant gaps.

With an understanding that streets have variable conditions, it is seen that there is overlap in ratings for many streets. The following 13 streets have locations that are rated '4'; it is not surprising that many of them are in the list above: Center, Chester, Gardner, Gay, Hussey, India, Liberty, Main, Pine, Pleasant, Quaker Road, Union, and Washington.

Conditions that Reduce Sidewalk Ratings

To earn a rating of '1' a sidewalk should be brick, free from ruts and unevenness, with a firm foundation that prevents undulations and loose bricks, with a well-aligned curb, and with no encroachments. An example of this is the new sidewalk on the north side of Main Street.

The following sections list some of the common conditions that plague our sidewalks and lead to ratings of greater than one.

Parking on Sidewalks:

Parking on town sidewalks has been an issue for many years. We recognize that Nantucket's streets and housing patterns were laid prior to 1850, a much different island than exists today. In our survey, we consider any sidewalk where parking is permitted to be essentially unusable as handicap access and requiring pedestrians to walk in the street. We realize there is no easy solution to the parking problem, especially from May through December. However, our Committee feels the town should continue to look for parking

solutions that would relieve the dangerous conditions and limits to public access parking on sidewalks creates.

Where a street, such as the historic streets in the Wesco Acre Lots: Academy Lane, Gay, Hussey, India, Liberty, and Quince, has legal car parking on one or more sidewalks, we rated that sidewalk as a '4' or '5'. We also noted what rating we would give if the cars were not there. The banning of parking on these streets is an administrative matter that we will discuss further in the section of this report on the analysis of results. Some of these streets have rutted sidewalks on the side opposite the parked cars, indicating that vehicles are driven with one wheel on the sidewalk. This is discussed in the next section.

Rutted Sidewalks. Tripping hazards reduced the rating that we gave to a sidewalk. Severe rutting is an example of such a tripping hazard. Ruts, which are continuous depressions in the sidewalk that parallel the curb, are usually the result of cars or, worse, trucks and trailers, driving with one wheel on the sidewalk to avoid hitting cars parked at or on the other sidewalk. These ruts are often accompanied by curbstones that have moved out of alignment. Typically, the sand or stone-dust foundation under the bricks of these sidewalks is not strong enough to support vehicular weight.

Uneven Sidewalks. Older sidewalks with poor foundations and heavy use, will subside unevenly leading to depressions that can cause tripping. These are often rated with a '3'. Loose and upturned bricks and paving stones also contribute to unevenness.

Tree Roots. Our beautiful shade trees can, unfortunately, dislocate sidewalks as their roots rise up and protrude. In the worse cases, they become impossible to pass over with a wheelchair or stroller; these have been rated with a '3' or '4'.

Trees, Utility Poles, and Street Signs. Frequently, sidewalks are not wide enough to accommodate necessary poles, signs, and shade trees. The clearance available to pedestrians is noted in the survey and if it is insufficient to allow the passage of a wheelchair, the rating is downgraded to a '3' or '4'. The Town's encroachment code suggests that these hindrances should have curb cuts on either side to allow wheelchairs and perambulators to pass them on the road.

Historic Encroachments. Nantucket's delightful friendship steps often encroach onto the sidewalk. Occasionally, a house with zero-clearance frontage will block portions of the sidewalk. If there is insufficient room to pass by and there is no curb cut to allow such passage, we down-rated that sidewalk.

Vegetation. In places, hedges have grown to such a substantial size that passage beside them in a wheelchair or stroller is not possible. These locations are noted and the rating downgraded.

ADA Non-Compliance. The regulations for the Americans with Disability Act contain numerous requirements for accessibility for citizens with disabilities. Our concern, in

addition to wheelchair clearance as already noted, is with curb cuts that allow for wheeled carts and chairs to cross streets unimpeded. While Nantucket normally has been vigilant in ensuring compliance, when we found a curb that was not cut, we also noted it. We did not survey street crossings on cobblestone streets but we are aware that some of them are not ADA compliant.

Appendices

Appendix 1. Survey Data Arranged By Street in Alphabetical Order.

Appendix 2. Survey Data Arranged by Lot or Parcel from Worst to Best.

Appendix 3. Evaluation Criteria: (Survey form attached with photos for each category)

Appendices to include:

Map showing boundaries of survey.
Paragraphs filling in details of each of our recommendations such as how recommendation can be implemented, approximate cost, and oversight.
Survey Description showing photos of various conditions and Results.
Cost of reconstructing sidewalks contractors and square foot cost calculations.
Priority list of missing sidewalks.
Priority list of sidewalks in the core area in need of reconstruction or repair.

The Committee will need to review the data collected with the DPW Director, Planning Director and Transportation Planner, before we make recommendations to the Town Manager and the BOS/CC.

Sections to be developed and written:
Survey Description showing photos of various conditions and Results.

Cost of reconstructing sidewalks contractors and square foot cost calculations.

Priority list of missing sidewalks including Quaker Road, Cliff Road from Liberty St. to the Bike Path, Pleasant Street and others.

Priority list of sidewalks in the core area in need of reconstruction or repair.

Paragraphs filling in details of each of our recommendations such as how recommendation can be implemented, approximate cost, and oversight.

Recommendations:

1. List of Capital Projects to be undertaken over the next five years and develop a capital plan to achieve the listed projects:

A. Downtown Core Sidewalks as first priority (Main Street; Federal; Lower India, Atheneum side; Center).
B. Prospect St./Quaker Rd. to Vestal/Winn St. to Madaket bike path.
C. Develop a plan for sidewalks connecting Main St. core to Mid-island Area via Pleasant, Washington, Union and Orange Streets.

2. Town provides bricks if property owner provides installation.
3. Complete sidewalks where missing and possible to install (Prospect/Quaker Rd.)
4. Enforce new encroachment policy (Town Surveyor can verify. Start with most egregious encroachments, then town area by area).
5. Publicize sidewalk improvements and ask public for suggestions.
6. Encourage property owners to inspect and improve their sidewalks where necessary.

A. Gaps in existing sidewalk sections (i.e. Pleasant St., Prospect St. and Quaker Rd.).
B. Safety recommendations.
C. Approximate cost estimates for sidewalk improvement projects. Square foot estimates of $30-50 and how calculated.
D. Plans for improving pedestrian access via sidewalks throughout Town.
E. Coordination of grant application for possible CPC funding of projects.
F. Working with the Nantucket Town Association to develop and implement sidewalk improvement projects.
G. Discussion of parking on sidewalks.
H. Encroachments on Public Ways and Enforcement of by-laws.
I. Plan to divide Town into cohesive sections and prioritize problem areas.

Roads & ROW Committee Report to the BOS/CC

Workshop January 13, 2016

Committee Purpose

Our purpose is to review any issues concerning the status of access over public and private roads, rights of way, abutters ways, proprietors roads, footpaths and any other ways throughout Nantucket County, and to make recommendations to the Board of Selectmen & County Commissioners to ensure and improve public access over them. Our guiding philosophy is to preserve access to Nantucket's public and private lands, including our harbors, coastline, ponds, moors, conservation lands and historical sites.

Public Access Projects

- Access to Founders Burial Ground
- Steps Beach
- One Big Beach Easements at Surfside, Eel Point, Madequecham and elsewhere
- Potential Road Takings List: Work with DPW Director to provide data based on seven criteria
- Placement and Installation of granite Public Way monuments (36 upright and flush monuments placed so far

Founders Burial Ground

PUBLIC WAY
WELCOME
TO
STEPS BEACH

PUBLIC
WAY

PUBLIC WAY

Great Harbor Yacht Club

Other Projects

- Encroachment Policy
- Sconset Footpath
- Bike Route Connections
- Island Trails System
- Railroad Trail Project
- Open Space Plan Update

Downtown Sidewalk Survey

- Purpose is to document condition of downtown sidewalks
- Looking for gaps, encroachments, handicap access
- Street by Street, both sides by street number
- Data compiled and provided to Town
- Walkable Cultural District

		SPWG* Madaket/Warrens Landing	BOS** Madaket/Warrens Landing	SPWG* Somerset	BOS** Somerset	SPWG* Monomoy	BOS** Monomoy	SPWG* PLUS Parcels	BOS** PLUS Parcels
Estimated Cost of Project		47,186,000.00	47,186,000.00	14,760,000.00	14,760,000.00	23,426,000.00	23,426,000.00	10,116,000.00	10,116,000.00
Estimated number of connections		551.00	551.00	254.00	254.00	212.00	212.00	190.00	190.00
Estimated Number of Potential Connections		60.00	60.00	68.00	68.00	52.00	52.00	44.00	44.00
Total Betterment									
Total to Tax Rate		23,593,000.00	28,311,600.00	7,380,000.00	8,856,000.00	11,713,000.00	14,055,600.00	5,058,000.00	6,069,600.00
Total to Sewer Rate		23,593,000.00	18,874,400.00	7,380,000.00	5,904,000.00	11,713,000.00	9,370,400.00	5,058,000.00	4,046,400.00
Estimated Betterment Cost (Applied Equally)		42,818.51	51,382.21	29,055.12	34,866.14	55,250.00	66,300.00	26,621.05	31,945.26
Estimated Annual Betterment Impact		3,435.87	2,778.35	2,331.46	1,885.29	4,433.40	3,584.99	2,136.14	1,277.81
Total Betterment Cost (average using land value)		44,034.77	52,841.72	32,368.42	38,842.11	64,005.46	76,806.56	31,030.67	37,935.00
Estimated Annual Betterment Impact		3,533.46	2,857.27	2,597.33	2,100.28	5,135.96	4,153.10	2,489.98	2,051.23
State Revolving Fund Eligible									
Interest Rate		y	y	y	y	N	y	N	y
Interest on Non SRF Eligible portion			3.50%		3.50%		3.50%		3.50%
Amortization of debt # of years									
Betterment Years			20.00		20.00		20.00		20.00
Tax Impact per $100,000 of Value		7.85	5.55	2.46	2.06	3.58	2.76	1.54	1.19
Residential		7.51	5.31	2.35	1.97	3.42	2.64	1.48	1.14
Open Space		13.89	9.82	4.34	3.64	6.32	4.88	2.73	2.11
Commercial		13.89	9.82	4.34	3.64	6.32	4.88	2.73	2.11
Industrial		13.89	9.82	4.34	3.64	6.32	4.88	2.73	2.11
Personal		-							
Tax Bill Impact									
Average Residential Value									
	$1,684,585	132.29	93.57	41.38	34.68	60.23	46.45	26.01	20.06
Average Residential Value - Year Round									
	$1,092,299	85.78	60.67	26.83	22.49	39.05	30.12	16.86	13.01

* Sewer Planning Workgroup calculaions are based on a 50/50 split
** Board of Selectmen calculaitons are based on a 60/40 split.

COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET

WARRANT FOR

2016 ANNUAL TOWN MEETING
Nantucket High School
Mary P. Walker Auditorium
Saturday, April 2, 2016 – 9:00 AM

AND

ANNUAL TOWN ELECTION
Nantucket High School
Tuesday, April 12, 2016
7:00 AM – 8:00 PM

DRAFT

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

WARRANT AS OF 1/12/2016

DRAFT

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

SATURDAY, APRIL 2, 2016 AT 9:00 AM,
THEN AND THERE TO ACT ON THE ARTICLES
CONTAINED WITH THE ENCLOSED WARRANT:

APPROPRIATIONS

ARTICLE 1
(Receipt of Reports)

To receive the reports of various departments and committees as printed in the Fiscal Year 2015 Annual Town Report or as may come before this meeting; or to take any other action related thereto.

(Board of Selectmen)

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.

(Board of Selectmen)

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.

(Board of Selectmen)

ARTICLE 4
(Revolving Accounts: Annual Authorization)

To see what revolving accounts the Town may vote to authorize or reauthorize pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws for Fiscal Year 2017; or to take any other action related thereto.

DRAFT

(Board of Selectmen)

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 2017; said sum not to exceed five (5) percent of the Fiscal Year 2016 tax levy; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 6
(Fiscal Year 2016 General Fund Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2016 General Fund operating budget from other line items of said budget and from other available funds; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 7 - IN PROGRESS
(Personnel Compensation Plans for Fiscal Year 2017)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2017:

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	$600.00
Americans with Disabilities Act Facilitator (hourly)	15.00
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to 50.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	19.00
Dietician/Our Island Home (hourly)	39.00
Election Warden (hourly)	20.00
Election Worker (hourly)	15.00
EMT, Call (hourly)	15.00
Fire Captain, Call (yearly)	150.00
Fire Fighter, Call (hourly)	15.00
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)	25.00
Mooring Enforcement Officer (hourly)	30.00
Registered Nurse/Our Island Home (Per Diem - hourly)	35.00
Registrar of Voters (yearly)	600.00
Registrar, Temporary Assistant (hourly)	10.00
Temporary Employee	various rates of pay

Veterans' Agent (hourly)	15.00

Schedule B -- Seasonal Employee Compensation Schedule
(Spring, Summer, Fall, Winter/Effective April 15, 2016- April 14, 2017)

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	$14.00	$15.00	$16.00	$17.00
B-Hourly*	$14.50	$15.50	$16.50	$17.50
C-Hourly*	$15.50	$16.50	$17.50	$18.50
D-Hourly*	$16.00	$17.00	$18.00	$19.00
E-Hourly*	$18.00	$18.50	$19.00	$19.50

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

A: Dock Attendant, Tennis Attendant, Information Aide, Matron
B: Seasonal Health Assistant, Shellfish Warden, Endangered Species Monitor, Parking Control Officer
C: Endangered Species Monitor Supervisor, Dock Worker, Marine Research Technician
D: Seasonal Firefighter/EMT, Community Service Officer, Lifeguard, Seasonal Laborer, Pump-out Boat Operator
E. Lifeguard Supervisor, Seasonal Assistant Harbormaster, Seasonal Maintenance Supervisor (Public Works), Tennis Instructor, Seasonal Recreation Coordinator, Reserve Police Officer
UPDATING

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

Moderator	$175 per year
Selectman, Chair	$5,000/per year
Selectmen	$3,500/per year
Town Clerk	$97,194

**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.

(Board of Selectmen)

ARTICLE 8
(Appropriation: Fiscal Year 2017 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 2017; or to take any other action related thereto.

(Board of Selectmen)

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 Board of Selectmen and the respective private, not-for-profit agency for Fiscal Year 2017, which grant agreements shall stipulate mutually agreed upon terms and conditions; or to take any other action related thereto.

(Board of Selectmen)

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; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 11
(Appropriation: Fiscal Year 2017 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 2017, out of anticipated revenues of the designated funds, for the purposes set forth above; or to take any other action related thereto.

(Board of Selectmen for the Various Departments Indicated)

ARTICLE 12
(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 established under the jurisdiction of the Town of Nantucket; or to take any other action related thereto.

(Board of Selectmen for the Various Departments Indicated)

ARTICLE 13

DRAFT

(Enterprise Funds: Fiscal Year 2016 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2016 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.

(Board of Selectmen)

ARTICLE 14
(Appropriation: Employee Housing/Airport Property)
TOM?

(Board of Selectmen for Airport Commission)

ARTICLE
(Appropriation: Airport Aviation and Administration Building Project)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the close-out and settlement of the project known as the "General Aviation and Administration Building Addition at the Nantucket Memorial Airport," which project was initially authorized by Town Meeting on _____.

Or to take any other action related thereto.

(Board of Selectmen for Airport Commission)

ARTICLE 16
(Appropriation: Airport/ARFF Vehicle Repairs)
TOM? (can this go in the FinCom Motion to the EF capital article?)

(Board of Selectmen for Airport Commission)

ARTICLE
(Appropriation: School)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statue or transfer from available funds, to be spent by the School Superintendent with the approval of the School Committee, to supplement the previous appropriation made under Article 12 of the 2015 Annual Town Meeting to pay costs of professional services for design, permitting, architecture, construction supervision, and other related professional services for the construction, installation and equipping of new, and/or additions to existing, school buildings, and all other costs incidental and related thereto; and to take any other action related thereto.

(Board of Selectmen)
NEEDS LEGAL, BOND COUNSEL, DOR (?) REVIEW

DRAFT

ARTICLE 17
(Appropriation: Sewer Project/Madaket-Warren's Landing-Somerset Needs Area)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statue or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, to pay costs of professional services for design, permitting, architecture, 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 dated insert date and described as insert specific description including all costs incidental and related thereto; provided that said borrowing shall be contingent on the passage of a Proposition 2½ debt exclusion vote; and to take any other action related thereto.

(Board of Selectmen)

ARTICLE 18
(Appropriation: Sewer Project/Monomoy and Additional Parcels)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statue or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, to pay costs of professional services for design, permitting, architecture, 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 dated insert date and described as insert specific description including all costs incidental and related thereto; provided that said borrowing shall be contingent on the passage of a Proposition 2½ debt exclusion vote; and to take any other action related thereto.

(Board of Selectmen)

ARTICLE 19
(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 91section 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.

DRAFT

(Board of Selectmen)

ARTICLE 20
(Authorization: Airport Aviation Fuel Revolving Fund for Fiscal Year 2017)

To see if the Town will vote to authorize a revolving fund for the Airport, to be known as the Airport Aviation Fuel Revolving Fund, to which shall be credited fees and other receipts received in connection with the sale of aviation fuel, which fund may be expended for the purchase of aviation fuel, to be expended by the Airport Commission, and further to establish a spending limit from the fund for Fiscal Year 2017, pursuant to the provisions of Chapter 28 of the Acts of 2004 and Massachusetts General Law Chapter 44, section 53E½, or to take any other action related thereto.

(Board of Selectmen for Airport Commission)
CAN WE COMBINE THIS INTO THE FINCOM MOTION TO ARTICLE 4?

ARTICLE 21
(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 three (3) ambulances, and other such related costs to operate the Town's ambulance services, including up to four (4) full-time firefighter/EMT 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.

(Board of Selectmen)

ARTICLE 22
(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 2017, 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 One Hundred Seventy Thousand Dollars ($170,000); or to take any other action related thereto.

Or to take any other action related thereto.

(Board of Selectmen/County Commissioners)
NUMBER MAY BE CHANGING

ARTICLE 23
(Appropriation: Finalizing Fiscal Year 2017 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 2017 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.

(Board of Selectmen/County Commissioners)

ARTICLE 24
(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.

(Board of Selectmen)
DO WE NEED THIS?

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.

(Board of Selectmen)

ARTICLE 24
(Appropriation: Other Post-Employment Benefits Trust Fund)

To see what sum the Town will vote to appropriate and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to deposit into the Other Post-Employment Benefits Liability Trust Fund established pursuant to Mass. General Law chapter 32B, section 20, for Fiscal Year 2017.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE
(Appropriation: Collective Bargaining Agreement/Laborer's Union)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2017 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and Laborer's union employee (represented by the Massachusetts Laborer's District Council Nantucket Public Employees' Local Union, the Laborer's International Union of North America, Local 1249) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

(*Board of Selectmen)*

ARTICLE
(Community Preservation Committee: Fiscal Year 2017 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.

FROM	TO	AMOUNT
Article 27 ATM 2006 Mitchell House	Fiscal year 2017 Community Preservation Committee Community Historic Preservation reserved fund balance	$2,056.98
Article 27 ATM 2006 St Paul's Episcopal Church	Fiscal year 2017 Community Preservation Committee Community Historic Preservation reserved fund balance	$157.13
Article 24 ATM 2010 Dreamland foundation	Fiscal Year 2017 Community Preservation Committee Community Historic Preservation reserved fund balance	$20,522.11
Article 28 ATM 2012 Dreamland Foundation	Fiscal year 2017 Community Preservation Committee Community Historic Preservation reserved fund balance	$27,264.60
Article 26 ATM 2014 St. Paul's Episcopal Church	Fiscal year 2017 Community Preservation Committee Community Historic Preservation reserved fund balance	$45.33
Article 26 ATM 2014	Fiscal year 2017	$4,880.89

Fireman's Association 1937 Restoration	Community Preservation Committee Community Historic Preservation reserved fund balance	
Article 30 ATM 2015 St Paul's Episcopal Church	Fiscal year 2017 Community Preservation Committee Community Historic Preservation reserved fund balance	$.99
Article 30 ATM 2015 Star of the Sea Youth Hostel	Fiscal year 2017 Community Preservation Committee Community Historic Preservation reserved fund balance	$175.00
Total Transfers to Community Historic Preservation Reserved fund balance		**$55 103.03**
Article 28 ATM 2012 Town of Nantucket, Affordable Housing Trust Fund	Fiscal Year 2017 Community Preservation Committee Community Housing reserved fund balance	$6,553.84
Total transfers to Community Housing Reserved fund balance		**$6,553.84**
Total transfers back to Community Preservation Reserved Fund Balances		**$61,656.87**

(Kenneth Beaugrand, et al)

ARTICLE

(Appropriation: FY 2017 Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2017 Community Preservation Budget and to appropriate 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.

Purpose	Amount
Historic Preservation	
South Church Preservation Fund Restoration of the lighting of the Unitarian Meeting House	$93,068
First Congregational Church of Nantucket Restoration of the front and the tower of the Summer Church	$371,905
Nantucket Historical Association Restoration of Quaker Meeting house	$40,000
Museum of African American History Fourth phase of restoration of foundations and out buildings contingent on access to the archeological data uncovered	$307,246

Hospital Thrift Shop Second phase of restoration of structural frame, central chimney, and drainage systems	$78,700
Preservation Institute Nantucket Envision Nantucket, 3D Laser scanning of heritage resources, Phase 3 contingent on public access through GIS	$107,800
American Legion Post 82 First phase of conservation and restoration of exterior brick walls contingent on review by Preservation expert and plan to complete total project before funding	$64,300
Town of Nantucket Natural Resources Department Second phase of restoration of the Brant Point shellfish hatchery	$200,000
Sub-total	**$1,263,019**
All of the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
Community Housing	
Nantucket Interfaith Council Housing and rental assistance program	$130,000
Habitat for Humanity Nantucket Inc. Construct additional houses at Sachem's Path	$250,000
Housing Nantucket Phase two of four community rental housing units at Surfside Road	$261,000
Housing Nantucket House recycling project to create two units of affordable rental Housing, funding for one half of proposed project	$157,500
Town of Nantucket Funds to pay the interest and principal in the first year of the Bond authorized at the 2015 Nantucket Town Meeting for the balance of the infrastructure at the Sachem's Path affordable housing complex	$112,000
Sub-total	**$910,500**
$150,000 of the funds utilized for this category is from the Reserve for Community Housing with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.	
Open Space Conservation/Recreation	
Town of Nantucket	

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Funds to pay the interest and principal of the Bond authorized at the 2012 Nantucket Town Meeting for the creation of an artificial turf playing field at Nobadeer Farm Road.	$125,000
The Nantucket Pond Coalition Funds to eradicate phragmites on White Goose cove, Long Pond subject to approval of the project by the Nantucket Conservation Commission	$24,900
Designated Reserves for Open Space Allocation to Open Space Reserves for future use	$106,100
Sub-total	**$256,000**
All of the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
Community Preservation Committee Undesignated reserves Balance of funds available for FY 2017 for future use	$10,481
All of the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
Administrative	
Community Preservation Committee Administrative and operating expenses	$120,000
Sub-total	**$120,000**
All of the funds to be used in this category from the Community Preservation surcharge and the State matching funds.	
TOTAL	**$2,560,000**
All amounts to be appropriated from the following sources:	
SOURCES	**AMOUNT**
Raised and appropriated from FY 2017 Community Preservation Surcharge	$1,914,000
From State matching funds for FY 2016, to be received in 2017	$ 486,000
From Interest	$ 10,000
From Designated Reserves for Community Housing	$ 150,000

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Total Revenues	$2,560,000
For fiscal year 2017 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee. Provided however, that the above expenditures may be conditional on the recording of appropriate historic preservation restrictions for historic resources, open space restrictions for open space resources, recreational restrictions for recreational resources and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures; meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.	

(Kenneth Beaugrand, et al)

ARTICLE
(Appropriation: Siasconset Fire Station)

To see if the Town will vote to appropriate the sum of One Hundred Fifty Thousand Dollars ($150,000.00) for repairs to the Siasconset Fire Station to include replacing the front entry doors, front steps and all rotten trim, and repainting all exterior trim.

(Nelson K. Eldridge, et al)

ARTICLE
(Appropriation: Cost Reimbursement)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statue or transfer from available funds, to be spent by the Town manager with the approval of the Board of Selectmen, to pay costs of $ 150,000.00 for the removal, disposal and reimbursement of cost associated with the structure moved from 4 Monomoy Rd to 13 Somerset Rd in 2012.

(Clifford Williams, et al)

ZONING

ARTICLE 42 - BEING REVISED?
(Zoning Bylaw Amendment/Home Rule Petition: Coastal Erosion Liability Waiver)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 139-26, as follows *(NOTE: new language is shown as highlighted text; these methods to denote changes are not meant to become part of the*

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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); and to further authorize the Board of Selectmen to file a Home Rule Petition with the General Court to effectuate the purposes and intent of the zoning amendment should it be deemed necessary and/or prudent to do so by the Board of Selectmen:

Chapter 139 ZONING

Article V. Administration and Enforcement

§ 139-26. Issuance of building and use permits.
A. No building or structure shall be used, erected, constructed, relocated, added to or otherwise subjected to alteration, or demolished without a building or use permit having been issued by the Building Commissioner for any use or structure. No lot shall be changed from its use preexisting the July 27, 1972, effective date of this chapter, except to its natural condition allowed by § 139-7A(5) above, without a use permit or a building permit permitting such use. No such permit shall be issued until such construction, erection, relocation, addition, alteration, demolition or use, as proposed, shall comply in all respects with the provisions of this chapter as determined by the Zoning Enforcement Officer or with a decision rendered by the Board of Appeals, the Planning Board, or the courts in the case of appeals.

(1) Demolition delay.

(e) Issuance of building, use, or occupancy permit.

[1] If it has been determined that a building is subject to review, pursuant to Subsection A(1)(b) above, no building permits shall be issued for the erection of a new building on the site of such building subject to review before issuing a demolition permit for such building subject to review in compliance with this section.

[2] If it has been determined that a building subject to review has been voluntarily demolished in violation of this section, no building permits shall be issued for new construction, or any use or occupancy permit for any use other than a park or recreational open space, with respect to the premises of such building for a period of two years after the date of the determination. As used herein, "premises" includes the parcel of land upon which the demolished building was located and all abutting parcels under common ownership or control.

[3] The applicant (or the owner of record, if different from the applicant) shall be responsible for properly securing the building during the time that it is subject to review under this section. If a building is subject to demolition delay, pursuant to Subsection A(1)(b) above, and the applicant fails to secure the building, the loss of the building to fire or other causes shall be considered voluntary demolition for the purposes of this section.

[4] The issuance of a building permit for construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement ("Release") relative to said permitting and the potential for coastal erosion and impacts on or elimination of public access to the property at issue. Said Release shall be maintained by the Building Commissioner.

(2) Any applicant seeking a building permit pursuant to the terms of this Section for construction on Shorefront Land or property within 300 feet of Shorefront Land shall be required to, in consideration for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement ("Release") acknowledging the potential for coastal erosion in the vicinity of the property at issue and the potential for impacts on or elimination of public access to said property due to coastal erosion. Pursuant to said Release and the issuance of a permit, the applicant shall understand and be advised that the proposed construction/reconstruction site at or within 300 feet of the Shorefront Land may be subject to extraordinary hazards and damage from waves during storms, erosion, retreat, settlement, sinking, or subsidence and said Owner shall assume full and sole risk for such hazards, including any restrictions on public access to said property. As such, the Owner shall unconditionally waive any present, future, and unforeseen causes of action and claims of liability on the part of the Town arising from the aforementioned or other natural hazards and relating to said permit approval and resultant construction, as a condition of approval. Further, the Owner shall agree to indemnify and hold harmless the Town and its departments, boards, officials and employees for any acts or omissions and related cost of defense, including, but not limited to, claims related to impacts on or reductions in public access to said property, arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner, Owner's successor-in-interest and/or third parties.

D. Issuance of permits. Upon receiving the application, the Building Inspector shall examine the same within a reasonable time after filing. The Zoning Enforcement Officer shall provide the Building Commissioner with a certificate of compliance with this chapter. If the application does not conform to the provisions of all pertinent local laws, the Building Commissioner shall reject such application in writing, stating the reasons therefore, within 30 days of the submission of a complete application.

(1) He shall inform the applicant of his right of appeal to the Board of Appeals in the event such application is rejected.

(2) If satisfied that the proposed work and/or use conforms to the provisions of this chapter and all laws and ordinances applicable thereto, he shall issue a building or use permit thereto, within 30 days of the submission of a complete application.

(3) The issuance of a permit for construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of the

building permit required by this Section, execute a release, hold harmless and indemnification agreement ("Release") relative to said permitting and the potential for coastal erosion and impacts on or elimination of public access to the property at issue. Said Release shall be maintained by the Building Commissioner.

H. Temporary permit. A temporary permit may, upon written request of an applicant, be authorized by a favorable vote of at least four members of the Board of Appeals for a nonconforming structure or use which the Board of Appeals finds necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit (unless previously made conforming or validated) without cost to the Town (unless the Town is the applicant). Such permit may be renewed annually for an aggregate period not exceeding three years. Applicants for a temporary permit to engage in construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of a temporary building permit, execute a release, hold harmless and indemnification agreement ("Release") relative to said permitting and the potential for coastal erosion or impacts on or elimination of public access to the property at issue.

I. Payment of fees. No building or use permit shall be issued until the fees prescribed by the Board of Selectmen shall be paid to the Building Inspector.

J. Compliance with permit. All work or uses shall conform to the approved application for which the permit has been issued as well as the approved plot plan.

K. Disclaimer of Liability. This Bylaw shall not create any liability on the part of the Town, its departments, boards, officials and employees for any extraordinary hazards and damage from waves during storms, erosion, retreat, settlement, sinking, or subsidence damage that results from reliance on this Bylaw or any administrative decision made lawfully thereunder.

(Board of Selectmen)
THIS IS FROM 2015 WARRANT - NEED UPDATE IF APPROVED BY BOS

THESE ARTICLES ARE IN DRAFT FORM SUBJECT TO CHANGE

ARTICLE __
(Zoning Map Change: RC (Residential Commercial) to CMI (Commercial Mid-Island)

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 (RC) district in the Commercial Mid-Island (CMI) district:

Map	Lot	Number	Street
55	240.1	38	Sparks Avenue

55	233.1	36	Sparks Avenue
55	233.2	34	Sparks Avenue
55	234.6	30	Sparks Avenue
155	310	26	Sparks Avenue
55	309	24	Sparks Avenue
55	308	22	Sparks Avenue
55	307	20	Sparks Avenue
55	231.1	18	Sparks Avenue
55	231.2	18A	Sparks Avenue
55	230	16	Sparks Avenue
55	177	15	Sparks Avenue
55	229.1	14B	Sparks Avenue
55	228	1	Hooper Farm Road
55	227.1	3	Hooper Farm Road
55	227	5	Hooper Farm Road
55	269.2	21	Sparks Avenue
55	268	31	Sparks Avenue
55	267.4	41	Sparks Avenue
55	267.3	43	Sparks Avenue
55	267.2	45	Sparks Avenue
55	267.1	47	Sparks Avenue
55	266	51	Sparks Avenue
55	267	2	Sanford Road
55	285	135	Pleasant Street
55	270	131	Pleasant Street
55	267.5	119	Pleasant Street
55	267.6	117	Pleasant Street
55	267.7	115	Pleasant Street
55	267.8	113	Pleasant Street
55	267.9	111	Pleasant Street
55	912	109	Pleasant Street
55	176.2	144	Pleasant Street
55	176.1	140	Pleasant Street
55	164	130	Pleasant Street
55	160	122	Pleasant Street

55	718		Pleasant Street
55	149.2	112	Pleasant Street
55	149	112	Pleasant Street
55	149.1	110	Pleasant Street
55	145	100	Pleasant Street
55	701.1	96	Pleasant Street
55	701.2	96	Pleasant Street
55	701.3	96A	Pleasant Street
55	701.4	96B	Pleasant Street
55	702.1	1A	Freedom Square

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55	702.2	1B	Freedom Square
55	702.3	1C	Freedom Square
55	702.4	1D	Freedom Square
55	702.5	1E	Freedom Square
55	702.6	1F	Freedom Square
55	703.1	3A	Freedom Square
55	703.2	3B	Freedom Square
55	703.3	3C	Freedom Square
55	703.4	3D	Freedom Square
55	704.1	4A	Bayberry Court
55	704.2	4B	Bayberry Court
55	704.3	4C	Bayberry Court
55	705.1	5A	Bayberry Court
55	705.2	5B	Bayberry Court
55	705.3	5C	Bayberry Court
55	705.4	5D	Bayberry Court
55	705.5	5E	Bayberry Court
55	706.1	6A	Bayberry Court
55	706.2	6B	Bayberry Court
55	706.3	6C	Bayberry Court
55	706.4	6D	Bayberry Court
55	706.5	6E	Bayberry Court
55	706.6	6F	Bayberry Court
55	707.1	7A	Bayberry Court
55	707.2	7B	Bayberry Court
55	707.3	7C	Bayberry Court
55	707.4	7D	Bayberry Court
55	707.5	7E	Bayberry Court
55	707.6	7F	Bayberry Court
55	708.1	8A	Bayberry Court
55	708.2	8B	Bayberry Court
55	708.3	8C	Bayberry Court
55	708.4	8D	Bayberry Court
55	708.5	8E	Bayberry Court
55	708.6	8F	Bayberry Court
55	709.1	9A	Bayberry Court
55	709.2	9B	Bayberry Court
55	709.3	9C	Bayberry Court
55	709.4	9D	Bayberry Court
55	709.5	9E	Bayberry Court
55	709.6	9F	Bayberry Court
55	709.7	9G	Bayberry Court
55	172	4	West Creek Road
55	173	6	West Creek Road
55	173.1	8	West Creek Road
55	174	10	West Creek Road

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55	175	12	West Creek Road
55	165	13	West Creek Road
55	166	11	West Creek Road
55	167	7	West Creek Road
55	289	5	West Creek Road
55	168	3	West Creek Road
55	169	1	West Creek Road
55	163	1	Chin's Way
55	162	3	Chin's Way
55	161	4	Chin's Way
55	179	9	Sparks Avenue
55	636	5	Sparks Avenue
55	180.3	3	Sparks Avenue
55	180.1	1	Sparks Avenue
55	180.2	175	Orange Street
55	292	171	Orange Street
55	176.4	167	Orange Street
55	176.3	165	Orange Street
55	176.5	163	Orange Street
55	171	161	Orange Street
55	170	159	Orange Street
55	311	149	Orange Street
55	157	147R	Orange Street
55	312	147	Orange Street
55	155	145	Orange Street
55	154	143	Orange Street
55	153	141	Orange Street
55	286	137	Orange Street
55	665	137A	Orange Street
55	147	129	Orange Street
55	146	127	Orange Street
55	394	125	Orange Street
55	389	121	Orange Street
55	388	119	Orange Street
55	377	117	Orange Street
55	387	4	Cherry Street
55	377.1	1	Cherry Street
55	364	115	Orange Street
55	152	3	Dave Street
55	288	4	Dave Street
55	151	5	Dave Street
55	287.1	6	Dave Street
55	287	8	Dave Street
55	158	12	Dave Street
55	428	17	Dave Street
55	267	2	Sanford Road

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55	806	2A#1	Sanford Road
55	807	2B#2	Sanford Road
55	808	2C#3	Sanford Road
55	809	2D#4	Sanford Road
55	810	2E#5	Sanford Road
55	811	2F#6	Sanford Road

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article __ RC to CMI dated ___ and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

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ARTICLE __
(Zoning Map Change: RC-2(Residential Commercial-2) to CMI (Commercial Mid-Island)

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 (RC) district in the Commercial Mid-Island (CMI) district:

Map	Lot	Number	Street
68	300	133	Old South Road
68	46.6	135A	Old South Road
68	46.5	135B	Old South Road
68	968	118	Old South Road
68	969	124	Old South Road
69	50	137	Old South Road
69	273	126	Old South Road
69	274	128	Old South Road
69	14	130	Old South Road
69	49	8	Daisy Way
69	241	6	Daisy Way
69	100	51	Nobadeer Farm Road
69	101	49	Nobadeer Farm Road
69	102	47	Nobadeer Farm Road
69	258	12	Hannabea Lane
69	257	10	Hannabea Lane
69	256	8	Hannabea Lane
69	255	6	Hannabea Lane
69	15	4	Hannabea Lane
68	319	2	Hannabea Lane
68	966	1	Hannabea Lane
68	967	3	Hannabea Lane
69	271	5	Hannabea Lane
69	272	7	Hannabea Lane
68	318	5	Wampanoag Way
68	317	9	Wampanoag Way
68	316	11	Wampanoag Way
68	315	13	Wampanoag Way
68	314	15	Wampanoag Way
68	313	19	Wampanoag Way
68	312	21	Wampanoag Way
68	311	23	Wampanoag Way

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article __ RC-2 to CMI dated ___ and filed herewith at the Office of the Town Clerk.

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Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE ____
(Zoning Bylaw Amendment: Commercial Mid-Island)

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. To amend section 2 as follows:

   APARTMENT BUILDING
   A structure containing a maximum of up to eight bedrooms in up to six dwelling units on a single lot 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 1,500 square feet of lot area.

   The Planning Board shall be the special permit granting authority.

2. To amend section 7A by amending the Use Chart by deleting "N" in the "CMI" column and "Apartment building" row and replacing it with "SP".

3. To amend section 17A as follows:

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

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

4. To amend the residential parking table contained in section 18B by replacing the column title "Apartment" with "Apartment or Apartment Building"

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE __
(Zoning Map Change: RC-2 to CTEC and R-5 – Bartlett Road)

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

1. Placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

Map	Lot	Number	Street
67	524	48	Bartlett Road
67	100 (a portion of)	54	Bartlett Road

2. Placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

Map	Lot	Number	Street
66	434	40	Bartlett Road
66	530	42	Bartlett Road
66	529	44	Bartlett Road
66	531	46	Bartlett Road
66	100 (a portion of)	54	Bartlett Road
66	100.2	56	Bartlett Road
66	100.1	58	Bartlett Road
66	101	2	Marble Way
66	101.1	2	Marble Way

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article __ RC-2 to CTEC and R-5 dated ___ and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE
(Zoning Map Change: RC-2 and CTEC to R-10 or R-20 – Marble Way)

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

1. Placing the following properties currently located in the Residential Commercial 2 (RC-2) district, in the Residential 10 (R-10) or Residential 20 (R-20) district:

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Map	Lot	Number	Street
66	101 (a portion of)	2	Marble Way
66	101.1 (a portion of)		Marble Way

2. Placing the following properties currently located Commercial Trade Entrepreneurship and Craft (CTEC) district, in the Residential 10 (R-10) or Residential 20 (R-20) district:

Map	Lot	Number	Street
66	101 (a portion of)	2	Marble Way
66	101.1 (a portion of)		Marble Way
66	102.1	4A	Marble Way
66	102	4B	Marble Way
66	103	6 (Lots 202 and 203 on Land Court Plan 28933-6)	Marble Way
66	104	10	Marble Way
66	105	12	Marble Way
66	106	14	Marble Way
66	106.1	16	Marble Way

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article ___ Zoning Map Change: RC-2 and CTEC to R-10 or R-20 – Marble Way" dated October 23rd, 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Samantha Parsons, et al)

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ARTICLE __
(Zoning Map Change: RC-2 to CN and R-5 – Fairgrounds Road and Ticcoma Way)

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

1. 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	40	2	Fairgrounds Road
67	752	4	Fairgrounds Road
67	710 (a portion of)	16	Vincent Circle

2. Placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

Map	Lot	Number	Street
67	700	2	Ticcoma Way
67	701	4	Ticcoma Way
67	702	6	Ticcoma Way
67	703	8	Ticcoma Way
67	704	10	Ticcoma Way
67	705	12	Ticcoma Way
67	706	14	Ticcoma Way
67	707	16	Ticcoma Way

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article __ RC-2 to CN and R-5 dated ___ and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE __
(Zoning Map Change: R-1 to ROH – Various Locations)

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 1 (R-1) district in the Residential Old Historic (ROH) district:

Map	Lot	Number	Street
42.4.4	21	1	Cliff Road
42.4.4	20	3	Cliff Road
42.4.4	60	5	Cliff Road
42.4.4	59.1	7	Cliff Road

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42.4.4	59	9	Cliff Road
42.4.4	19	4	North Avenue
55.4.4	2	1	Prospect Street
55.4.4	37	1	Prospect Street
55.4.4	38	3	Prospect Street
55.4.4	39	5	Prospect Street
55.4.4	40	7	Prospect Street
55.4.4	41	9	Prospect Street
55.4.4	42	11	Prospect Street
55.4.4	88	17	Prospect Street
55.4.4	89.1	19	Prospect Street
55.4.4	89	21	Prospect Street
55.4.4	90	23	Prospect Street
55.4.4	91	25	Prospect Street
55.4.4	93	27	Prospect Street
55.4.4	42.1	1	Joy Street
55.4.4	1	30	Milk Street
56	321	32	Milk Street
55.4.4	10	10	Mt Vernon Street
55.4.4	10.1	10R	Mt Vernon Street
55.4.4	35	12	Mt Vernon Street
55.4.4	34	14	Mt Vernon Street
55.4.4	33	16	Mt Vernon Street
55.4.4	32.1	18	Mt Vernon Street
55.4.4	32.2	7	Joy Street
55.4.4	68	3	Joy Street
41	41	35	Milk Street
41	42	19	Quaker Road
41	179	17	Quaker Road
41	178	15	Quaker Road
41	617	24	Quaker Road
42.3.3	46	131	Main Street
41	455	139	Main Street
41	172	141	Main Street
41	171	145	Main Street
41	170	147	Main Street
41	289	158	Main Street
41	290	160	Main Street
41	291	162	Main Street
41	292	164	Main Street
41	293	3	Madaket Road

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article __ R-1 to ROH dated ___ and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE __
(Zoning Map Change: R-20 to VR - Quidnet)

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 20 (R-20) district in the Village Residential (VR) district:

Map	Lot	Number	Street
21	151	22	Quidnet Road
21	150	26	Quidnet Road
21	149	30	Quidnet Road
21	27.1	31	Quidnet Road
21	27.4	31	Quidnet Road
21	27.2	33	Quidnet Road
21	53	34	Quidnet Road
21	27.3	35	Quidnet Road
21	52	36	Quidnet Road
21	48	2	Squam Road
21	47	6	Squam Road
21	49	6	Squam Road
21	51	8	Squam Road
21	50	40	Quidnet Road
21	26.1	41	Quidnet Road
21	26.5	41	Quidnet Road
21	21 (a portion of)	45	Quidnet Road
21	143	47	Quidnet Road
21	90	50	Quidnet Road
21	91	50R	Quidnet Road
21	59	52	Quidnet Road
21	89	57	Quidnet Road
21	81.2	59	Quidnet Road
21	81.3	61	Quidnet Road
21	96	64	Quidnet Road
21	115	65	Quidnet Road
21	114	67	Quidnet Road
21	113	68	Quidnet Road
21	111	72	Quidnet Road
21	110	74	Quidnet Road
21	63	76	Quidnet Road
21	99	80	Quidnet Road
21	100	84	Quidnet Road
21	101	84	Quidnet Road
21	102	86	Quidnet Road
21	103	86	Quidnet Road
21	104	88	Quidnet Road

DRAFT

21	109	88	Quidnet Road
21	105	90	Quidnet Road
21	108	90	Quidnet Road
21	107 (a portion of)	94	Quidnet Road
21	73 (a portion of)	100	Quidnet Road
21	74 (a portion of)	102	Quidnet Road
21	75.1		Quidnet Road
21	24	1	Sesachacha Road
21	88	2	Sesachacha Road
21	23	3	Sesachacha Road
21	87	6	Sesachacha Road
21	142	7	Sesachacha Road
21	85	8	Sesachacha Road
21	141	9	Sesachacha Road
21	140	11	Sesachacha Road
21	83	12	Sesachacha Road
21	82	14	Sesachacha Road
21	18	17	Sesachacha Road
21	19	17	Sesachacha Road
21	80	24	Sesachacha Road
21	79	28	Sesachacha Road
21	78	30	Sesachacha Road
21	76.4	36A	Sesachacha Road
21	76.1	36B	Sesachacha Road
21	76.2	36C	Sesachacha Road
21	76.3	36D	Sesachacha Road
21	26.2	3	Naauma Lane
21	26.3	4	Naauma Lane
21	26.9 (a portion of)	3	Beacon Lane
21	26.8 (a portion of)	5	Beacon Lane
21	26	4	Sakedan Lane
21	26.4	5	Sakedan Lane
21	26.7 (a portion of)	6	Sakedan Lane
21	26.6	7	Sakedan Lane

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article __ R-20 to VR dated ___ and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE ____
(Zoning Bylaw Amendment: Village Residential/Swimming Pool)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 7A, by deleting "A" in the "VR" column and "Swimming pool -

residential" row and replacing it with "SP" or "N" *(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).*

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE ___

(Zoning Map Change: R-20 to R-40 or LUG-1 - Grove Lane)

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 20 (R-20) district, in the Residential 40 (R-40) district:

Map	Lot	Number	Street
41	330	36	Crooked Lane
41	419	55	Grove Lane
41	415	54	Grove Lane
41	416	58	Grove Lane
41	414 (portion of)	43	Madaket Road
41	413 (portion of)	41	Madaket Road
41	410 (portion of)	35	Madaket Road
41	430	40	Grove Lane
41	431	38	Grove Lane
41	432	36	Grove Lane
41	438	23	Grove Lane
41	505	19	Grove Lane
41	441	18	Grove Lane
41	440	20	Grove Lane
41	439	24	Grove Lane
41	437	26	Grove Lane
41	436	28	Grove Lane
41	435	30	Grove Lane
41	433.1	34A	Grove Lane
41	433	34B	Grove Lane

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article ___ Zoning Map Change: RC-2 and CTEC to R-10 or R-20 – Marble Way" dated , 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

DRAFT

(Board of Selectmen for Planning Board)

ARTICLE

(Zoning Map Change: SR-20 to SR-5/Clifton Street, Comeau Lane, Sconset Avenue)

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

1. Placing the following properties currently located in the Sconset Residential-20 (SR-20) Zoning District in the Sconset Residential-5 (SR-5) Zoning Distrit.

   Please see attached list of parcels and map.

73.4.1	4	11	Clifton
73.4.1	27	7	Clifton
73.4.1	5	3	Comeau Ln
73.4.1	28	2	Sconset Ave
73.4.1	6	4	Sconset Ave
49.3.2	13	7	Comeau Ln
49.3.2	12	6	Sconset Ave
49.3.2	29	9	Comeau Ln
49.3.2	28	8	Sconset Ave
49.3.2	27	10	Sconset Ave
49.3.2	25	12	Sconset Ave
49.3.2	32	16	Sconset Ave
49.3.2	24	14	Sconset Ave
73.4.1	7	3	Sconset Ave
49.3.2	11	5	Sconset Ave
49.3.2	10	7	Sconset Ave
49.3.2	9	9	Sconset Ave
49.3.2	8	11	Sconset Ave
49.3.2	7	13	Sconset Ave
49.3.2	6	15	Sconset Ave

(John B. Brescher, et al)

ARTICLE __

(Zoning Map Change: CDT, ROH, R-1, R-20 and LUG-2 to R-40 - Town Open Space)

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

1. Place the following properties currently located in the Commercial Downtown (CDT) district in the Residential-40 (R-40) district.

Map	Lot	Number	Street
42.4.2	18	27	Easy Street

DRAFT

2. Place the following properties currently located in the Residential Old Historic (ROH) district in the Residential-40 (R-40) district.

Map	Lot	Number	Street
42.3.3	179	106	Main Street

3. Place the following properties currently located in the Residential-1 (R-1) district in the Residential-40 (R-40) district.

Map	Lot	Number	Street
30	608	2	Nantucket Avenue
42.4.4	54.1		North Avenue
42.4.4	54.2		North Avenue

4. Place the following properties currently located in the Residential-20 (R-20) district in the Residential-40 (R-40) district.

Map	Lot	Number	Street
41	480 (portion of)	21	Crooked Lane
56	114	14	Oak Hollow
56	372	12	High Brush Path
56	387	20	High Brush Path
56	452	1	Aurora Way
56	456	2	Aurora Way
68	826	126	Old South Road
68	827	127	Old South Road
68	828	128	Old South Road

5. Place the following properties currently located in the Limited Use General-2 (LUG-2) district in the Residential-40 (R-40) district.

Map	Lot	Number	Street
67	82.1		Surfside Road

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article __ CDT, ROH, R-1, R-20 and LUG-2 to R-40 -Town Open Space" dated January 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE __

DRAFT

(Zoning Map Change: R-20, VR, LUG-1, and LUG-2 to LUG-3 – Country Open Space)

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

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

21	75 (portion of)	Rear	Quidnet Road
21	81.1	18	Sesachacha Road
21	98	78	Quidnet Road
87	81 (portion of)	32	Western Avenue

2. Place the following properties currently located in the Village Residential (VR) district in the Limited Use General-3 (LUG-3) district:

59.3	47		Starbuck Road
59.3	70		Starbuck Road
59.3	71		Arkansas Avenue
59.3	72		Arkansas Avenue
59.3	74		Arkansas Avenue
59.3	75		Arkansas Avenue
59.3	76		Arkansas Avenue
59.3	77		Arkansas Avenue
59.3	92		North Carolina Avenue
59.3	142		Starbuck Road
59.3	188		North Carolina Avenue
59.3	189		North Carolina Avenue
59.3	190		North Carolina Avenue
59.3	248		South Carolina Avenue
59.3	266		North Carolina Avenue
59.3	267		North Carolina Avenue
59.3	269		North Carolina Avenue
59.4	178		Mississippi Avenue
59.4	179		Mississippi Avenue
59.4	238		Madaket
59.4	280		Mississippi Avenue
59.4	281		Mississippi Avenue
59.4	282		Mississippi Avenue
59.4	289	276	Madaket Road
59.4	323		Mississippi Avenue
59.4	324		Mississippi Avenue
59.4	325		Mississippi Avenue
59.4	326		Mississippi Avenue
59.4	327	272	Madaket Road
59.4	328	272	Madaket Road
60	24	9	Starbuck Road
60	110	17R	Starbuck Road

DRAFT

60.1.2	56	21	Tennessee Avenue
60.1.2	57	23	Tennessee Avenue
60.2.4	34	10	Ames Avenue
60.2.4	60		Ames Avenue
60.3.1	24		Rhode Island Avenue
60.3.1	192	43	New Hampshire Avenue

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

43	14	56	Polpis Road
43	168	30	Shimmo Pond Road
43	169	32	Shimmo Pond Road
54	204	21	Monomoy Road
55	61.1	158	Orange Street
59	1.3	225	Madaket Road
59.3	42	48	South Cambridge Street

4. Place the following properties currently located in the Limited Use General-2 (LUG-2) district in the Limited Use General-3 (LUG-3) district:

Map	Lot	Number	Street
31	25.2	10	East Tristram Avenue
38	111	38	Ridge Lane
39	31.1	9	Greenleaf Road
41	480 (portion of)	21	Crooked Lane
41	532		West Chester Street
41	536	3	Wannacomet Road
87	2	7	Hillside Avenue
87	86	1	Hillside Avenue

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article __, Zoning Map Change: R-20, VR, LUG-1, and LUG-2 to LUG-3 – Country Open Space" dated January 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE __
(Zoning Map Change: VTEC to VR , VTEC to LUG-3, and LUG-3 to VTEC – 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:

1. Placing portions of property known as Assessor Map 65, lot 38, 165 Hummock Pond Road, currently located in the Village Trade Entrepreneurship and Craft (VTEC) district in the Village Residential (VR) district and;
2. Placing portions of property known as Assessor Map 65, lot 1.1, 171R Hummock Pond Road, currently located in the Limited Use General-3 (LUG) district in the Village Trade Entrepreneurship and Craft (VTEC) district and;
3. Placing portions of property known as Assessor Map 65, lot 1, 171 Hummock Pond Road, currently located in the Village Trade Entrepreneurship and Craft (VTEC) district in the Limited Use General-3 (LUG) district;

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article __ ZOnign Map Change: VTEC to VR , VTEC to LUG-3, and LUG-3 to VTEC – Hummock Pond Road" dated ___ and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE
(Zoning Map Change: LUG-2 to R-40 – Evergreen Way, Daffodil Lane, and Airport Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Limited Use General 2 (LUG-2) district, in the Residential 40 (R-40) district:

Map	Lot	Number	Street
68	726	3	Evergreen Way
68	727	1	Evergreen Way
68	54	21	Airport Road
68	55	23	Airport Road
68	723	5	Daffodil Lane
68	717.1	15A	Evergreen Way
68	717.2	15B	Evergreen Way
68	716	17	Evergreen Way
68	715	19	Evergreen Way
68	709	20	Evergreen Way
68	710	22	Evergreen Way

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article ___ Zoning Map Change: LUG-2 to R-40 – Evergreen Way, Daffodil Lane, and Airport Road" dated , 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(James Lydon, et al)

ARTICLE

(Zoning Map Change: LUG-2 to LUG-1; 8 Masaquet Avenue)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing 8 Masaquet Avenue (Assessor Map 80 Lot 193), currently located in the Limited Use General 2 (LUG-2) district, in the Limited Use General (LUG-1) district, as shown on a map entitled "2016 Annual Town Meeting Warrant Article ___ Zoning Map Change: LUG-2 to LUG-1; 8 Masaquet Avenue" dated August 6, 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Ronald Santos, et al)

ARTICLE

(Zoning Map Change: LUG-2 to LUG-1 Surfside South – Boulevarde, Okorwaw Avenue, and Lover's Lane)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties identified in the Surfside Area Plan as a portion of "Surfside South", currently located in the Limited Use General 2 (LUG-2) district, in the Limited Use General (LUG-1) district:

Map	Lot	Number	Street
79	3	40	Lover's Lane
79	28	1	Okorwaw Avenue
79	31	44	Lover's Lane
79	80	54	Lover's Lane
79	81	52	Lover's Lane
79	82	50	Lover's Lane
79	83	48	Lover's Lane
79	84	46	Lover's Lane
79	131 (a portion of)	4	Okorwaw Avenue
80	214	44	Boulevarde
80	215	61	Lover's Lane

Or to take any other action related thereto.

Or, to take any other action related thereto.

(Leslie Kennie, et al)

ARTICLE ____

(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, section 2, 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):*

DRAFT

TERTIARY DWELLING

~~(1) No more than 120 building permits for a tertiary dwelling shall be granted in any calendar year.~~

(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~~. The tertiary dwelling shall be in the same ownership as at least one other owner-occupied dwelling unit on the lot, and~~ includ~~es~~ing the following options:

(a) A garage apartment not exceeding ~~550~~ 650 square feet of gross floor area.

(b) A dwelling unit attached to or within a single-family dwelling, duplex, or an outbuilding or a dwelling unit attached to a studio or shed. The ground cover of the existing building shall not increase more than ~~550~~ 650 square feet and the dwelling unit shall not contain more than ~~550~~ 650 square feet of gross floor area.

(c) A detached building containing not more than ~~550~~ 650 square feet of ground cover and not more than ~~550~~ 650 square feet of gross floor area.

…

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE
(Zoning Bylaw Amendment: 'Tiny House Unit' District)

To see if the Town will vote to:

In order to relieve some of the pressure for affordable, available housing for year-round residents and seasonal workers, a new Zoning District shall be established.

1. To amend section 2, definitions, as follows:

TINY HOUSE UNIT OWNER OCCUPIED

The primary residence of a person(s) or the individual beneficiaries of a legal entity that holds title, common title or land lease to the property, where such persons are year-round residents, listed in the Town Clerk's Street List, physically present and living within dwelling units on said property or any direct relative of that individual. Properties owned by corporations and the like, time sharing interval dwelling units, or where all units are made available for rent do not qualify as tiny house owner occupied.

DRAFT

TINY HOUSE UNIT

A detached structure of less than 500 square feet containing a single tiny house unit owner occupied dwelling unit, constructed on a moveable trailer, or a slab foundation. A tiny house may be accessory to an existing dwelling(s) on a lot at a density of one unit for each lot area. No commercial or other non-residential uses shall be permitted on a lot containing a tiny house. The Planning Board shall be the special permit granting authority.

2. To amend section 7A, use chart, by inserting in the "Use" column between "accessory apartment" and "garage apartment" a new use "Tiny House" to be allowed by Special Permit (SP) or as an Accessory Use (A) in all zoning districts.
3. To amend section 7B, prohibited uses in all districts, as follows:
   (2) Use of a trailer or a building-like container for residential purposes or as a principal or accessory building or structure except such structures designated as "Tiny House Units" or as necessary for storage of chemicals and/or equipment by the Nantucket Fire Department.
4. To amend section 18B, table of parking requirements" by inserting a new column "Tiny House" with a parking requirement of 1 space in all districts.

Or to take any other action related thereto,

(Isaiah J. Stover, et al)

ARTICLE
(Zoning Bylaw Amendment: 'Tiny House Village' District)

To see if the Town will vote to:

In order to relieve some of the pressure for affordable, available housing for year-round residents and seasonal workers, a new Zoning District shall be established.

1. To amend section 2, definitions, as follows:

TINY HOUSE UNIT OWNER OCCUPIED

The primary residence of a person(s) or the individual beneficiaries of a legal entity that holds title, common title or land lease to the property, where such persons are year-round residents, listed in the Town Clerk's Street List, physically present and living within dwelling units on said property or any direct relative of that individual. Properties owned by corporations and the like, time sharing interval dwelling units, or where all units are made available for rent do not qualify as tiny house owner occupied.

TINY HOUSE VILLAGE

A detached structure of less than 500 square feet containing a single tiny house unit owner occupied dwelling unit, constructed on a moveable trailer, or a slab foundation. A tiny house may be accessory to an existing dwelling(s) on a lot, or constructed on a lot

with multiple tiny house dwellings at a density of one unit for each 2,500 square feet of lot area. No commercial or other non-residential uses shall be permitted on a lot containing a tiny house. The Planning Board shall be the special permit granting authority.

2. To amend section 7A, use chart, by inserting in the "Use" column between "accessory apartment" and "garage apartment" a new use "Tiny House" to be allowed by Special Permit (SP) or as an Accessory Use (A) in all zoning districts.

3. To amend section 7B, prohibited uses in all districts, as follows:

   (2) Use of a trailer or a building-like container for residential purposes or as a principal or accessory building or structure except such structures designated as "Tiny House Units" or as necessary for storage of chemicals and/or equipment by the Nantucket Fire Department.

4. To amend section 18B, table of parking requirements" by inserting a new column "Tiny House" with a parking requirement of 1 space in all districts.

Or to take any other action related thereto,

(Isaiah J. Stover, et al)

ARTICLE ____
(Zoning Bylaw Amendment: Secondary Lots)

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. To amend section 2, as follows:

ORIGINAL LOT

An existing lot~~, conforming to the dimensional requirements of § 139-8D, and other applicable requirements hereof,~~ dividable into ~~a primary lot and a secondary lot~~ two lots pursuant to § 139-8~~D~~C.

~~PRIMARY LOT~~

~~The larger of the lots created by the division of the original lot pursuant to § 139-8D.~~

SECONDARY LOTS

~~The smaller of the l~~Lots created by the division of the original lot into two lots pursuant to § 139-8~~D~~C. ~~The secondary~~ One of the two lots shall be subject to an NHNC-Ownership Form.

2. To amend section 8C, as follows:

C. Special permit to create secondary residential lots for year-round residents.

(1) Purpose: to create, make available and maintain housing that is affordable to those who earn at or below 150% of the Nantucket County median household income; to help those people or households to continue to reside on Nantucket ~~if they wish to do so~~; to generate and preserve affordable housing in the Town of Nantucket in perpetuity, all in order to maintain Nantucket's diversity and unique sense of community.

(2) Secondary lots may be permitted in the following zoning districts: ROH, R-5, R-10, R-20, R-40, VR, LUG-1, LUG-2, and LUG-3.

(~~2~~3) As authorized by MGL c. 40A, § 9, Paragraph 2, the Planning Board acting as the special permit granting authority~~, in its discretion, pursuant to and subject to this § 139-8C,~~ may issue a special permit~~, with conditions,~~ authorizing the division of ~~the original~~ a lot into two ~~a primary lot and a secondary~~ lots, ~~which special permit may include approval and endorsement of a plan not requiring approval under the Subdivision Control Law as such plan is defined and described in MGL c. 41, § 81P,~~ provided the following requirements and/or conditions shall apply ~~to all applications for relief hereunder and all special permits granted hereunder, as the case may be~~:

(a) The original lot shall not be subject to any covenants, restrictions or similar encumbrances, whether appearing in a deed, easement, land-use permit or any other instrument, pertaining to the ~~placement, use or occupancy of second dwellings on said~~ prohibition of more than one dwelling unit on the original lot.

(b) ~~The secondary lot~~ One of the two lots shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of ~~the secondary~~ that lot~~, and any occupant of any dwelling erected thereon,~~ shall earn at or below 150% of the Nantucket County median household income.

(c) ~~No more than one dwelling shall be permitted on the primary lot~~ A tertiary dwelling may be permitted on one of the two lots.

(d) ~~No more than one dwelling shall be permitted on the secondary lot.~~ A tertiary dwelling may be permitted on the market rate lot, provided that it is the larger of the two lots.

(e) Except for pre-existing nonconforming lots, in which case the Planning Board may issue a special permit defining the lot areas, the minimum lot area for the smaller of the two lots shall be at least 40% of the minimum lot size for the district in which the lot is located, except in the LUG-3 district where the secondary lot may be reduced to 20,000 square feet. ~~the minimum area for the original lot, the primary lot and the secondary lot shall be as follows:~~

~~Zoning District~~	~~Minimum Original Lot Size (§ 139-16A)~~	~~Minimum Secondary Lot Size~~	~~Minimum Primary Lot Size~~

~~Zoning District~~	~~Minimum Original Lot Size (§ 139-16A)~~	~~Minimum Secondary Lot Size~~	~~Minimum Primary Lot Size~~
~~LUG-1~~	~~40,000~~	~~15,000~~	~~25,000~~
~~LUG-2~~	~~80,000~~	~~25,000~~	~~55,000~~
~~LUG-3~~	~~120,000~~	~~35,000~~	~~85,000~~
~~R-40~~	~~40,000~~	~~15,000~~	~~25,000~~
~~R-10~~	~~10,000~~	~~4,000~~	~~6,000~~
~~R-20/SR-20~~	~~20,000~~	~~8,000~~	~~12,000~~
~~VR~~	~~20,000~~	~~8,000~~	~~12,000~~
~~ROH/SOH~~	~~5,000~~	~~2,000~~	~~3,000~~
~~R-5~~	~~5,000~~	~~2,000~~	~~3,000~~

(f) The ~~primary lot and the secondary~~ lots shall comply with the ground cover ratio, front setback, and side setback and rear setback requirements of the underlying zoning district, including any provisions of this chapter for pre-existing nonconforming lots, except as follows: ~~with the exception that the ground cover ratio solely for a secondary lot in the R-1 Zoning District shall be 36%. The Planning Board may waive the setback requirements only as they apply to the lot line(s) between the primary and secondary lot.~~

i. The Planning Board may waive the setback requirements only as they apply to the lot line(s) between the secondary lots;

ii. The Planning Board may waive the ground cover ratio requirement to allow the ground cover ratio to be applied to the secondary lots collectively rather than individually, provided that the total ground cover ratio does not increase beyond the amount that would have been allowed for the original lot;

(g) The ~~primary lot and the secondary~~ lots each must have a minimum of 20 feet of frontage or an easement of sufficient width and grade to provide access.

(h) The ~~primary lot and the secondary~~ lots shall share a single driveway access. The Planning Board must be provided with an instrument, in recordable form, evidencing the common access rights to said access in accordance with this subsection. The Planning Board may grant a special permit to waive the requirement for shared driveway access based upon a finding that separate driveway access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and is not contrary to sound traffic or safety considerations.

(~~3~~4) This § 139-8C shall not apply to major commercial developments (§ 139-11); flex development and open space residential development options (§ 139-8A); and are not permitted in the following zoning districts: Commercial Downtown (CDT); Moorlands Management (MMD).

(~~4~~5) The Planning Board may grant a special permit for the division of a duplex into two attached single-family dwellings, provided that one of the dwellings is subject to a NHNC-Ownership Form ~~covenant~~. Subsection D(2)(e) and (f) above shall not apply and the Planning Board shall establish minimum lot size, ground cover ratio, and setbacks

during the special permit review. Ground cover ratios for the primary and secondary lot combined shall not exceed the maximum allowed in the underlying zoning district.

(~~5~~6) Section 139-16D, Regularity formula, shall not apply to this § 139-8C.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE

(Zoning Bylaw Amendment: Secondary Lots – Qualified Family Member)

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. To amend Section 2, Definitions, as follows:

   SECONDARY LOT
   The smaller of the lots created by the division of the original lot pursuant to § 139-8D. The secondary lot shall be subject to an NHNC-Ownership Form~~.~~ or owner occupied by Qualified Family Member.

2. To amend Section 8B(2), Nantucket Housing Needs Program, by inserting a new definition in alphabetical order:

   QUALIFIED FAMILY MEMBER
   The legal father, mother, grandfather, grandmother, son, daughter, or sibling of the owner of the lot at the time the lot was subdivided into primary and secondary lots.

3. To amend Section 8C(2)b), Secondary Residential Lots, as follows:

   (b) The secondary lot shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of the secondary lot, and any occupant of any dwelling erected thereon, shall earn at or below 150% of the Nantucket County median household income. Secondary lots sold to Qualified Family Members shall not be subject to an NHNC-Ownership Form. Upon resale, transfer, or gift of the secondary lot to a non Qualified Family Member the lot shall be subject to an NHNC-Ownership Form and the requirements set forth therein.

Or, to take any other action related thereto.

(David Fredericks, et al)

DRAFT

ARTICLE

(Zoning Bylaw Amendment: Secondary Lots – Qualified Family Member)

To see if the Town will vote to change the Town of Nantucket Zoning By-law by adding the attached language in red

139-2 Definitions

SECONDARY LOT

The smaller of the lots created by the division of the original lot pursuant to § 139-8D. The secondary lot shall be subject to an NHNC-Ownership Form or owner occupied by a Qualified Family Member.
[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009]

139-8B

B.
Nantucket Housing Needs Program.
(1) Purpose. To create, make available and maintain housing that is affordable to people who earn less than 150% of the Nantucket County median household income; to maintain Nantucket's diversity and unique sense of community; to encourage moderate-income families to continue to reside on Nantucket; and to generate a supply of housing that will remain affordable.

(2) Definitions. The following definitions only apply to this § 139-8C:
HOUSING AUTHORITY

The Nantucket Housing Authority (NHA) or its designee.

MAXIMUM RENTAL PRICE

Shall be no more than the fair market rent established for Nantucket County as published by the U.S. Department of Housing and Urban Development in Federal Register, Vol. 65 No. 185 (September 25, 2000) and as may hereafter be amended from time to time.

MAXIMUM RESALE PRICE

The greater of the maximum sales price or price the current Nantucket Housing Needs Covenant unit owner paid for the Nantucket Housing Needs Covenant unit.

MAXIMUM SALES PRICE

Shall be calculated by assuming a ten-percent down payment and an annual debt service (at prevailing thirty-year fixed interest rates) that is equal to 30% of the gross annual income of a household earning up to 125% of median income.

MEDIAN INCOME

Median family income for Nantucket County as published from time to time by the U.S. Department of Housing and Urban Development.

NANTUCKET HOUSING NEEDS COVENANT

A covenant placed on housing, which property owners choose to execute and which shall be enforceable by the NHA, to be recorded in the Registry of Deeds or the Land Court Registry District.

PRINCIPAL RESIDENCE

DRAFT

The locality where a person resides with the present intent to make it the person's fixed and permanent home. The person's physical presence alone will not establish a principal residence. In ascertaining one's intent, the Housing Authority shall consider, among other things, the person's employment status, voter registration, driver's license, motor vehicle registration, real property ownership, income tax returns, or the filing with the Housing Authority of a written declaration to establish or maintain a principal residence.

QUALIFIED FAMILY MEMBER

The legal child, grandchild, father, mother, brother or sister, of the owner of the lot at the time the lot was subdivided into primary and secondary lots.

QUALIFIED PURCHASER HOUSEHOLD

A household whose gross annual income is less than 150% of median income.

QUALIFIED RENTER HOUSEHOLD

A household whose gross annual income is not more than 100% of median income.

(3) General requirements.

(a) Housing subject to the Nantucket Housing Needs Covenant shall be:

[1] Occupied by a qualified renter or qualified purchaser household

[2] The principal residence of the qualified renter or qualified purchaser household

[3] Enforceable for the greater of 99 years or the maximum time period allowable by law.

[4] The price of the unit shall not exceed the maximum sales price, or, in the case of resale, the maximum resale price.

[5] The unit rent shall not exceed the maximum rental price.

[6] The owner of a unit being rented shall provide the Housing Authority with an annual certification of compliance with the terms of the covenant.

(4) Monitoring and administration.

(a) The Housing Authority shall monitor and administer the Nantucket Housing Needs Program and may promulgate rules and regulations to implement it. Prior to promulgating such rules and regulations and prior to completing a model Nantucket Housing Needs Covenant, the Housing Authority shall hold a public hearing or hearings to solicit advice from the public. The Housing Authority shall publish notice of these hearings prominently in a newspaper of general circulation on Nantucket for two successive weeks.

(b) All legal documentation shall be submitted to the Housing Authority for review and approval.

C.

Special permit to create secondary residential lots for year-round residents.

(1)

Purpose: to create, make available and maintain housing that is affordable to those who earn at or below 150% of the Nantucket County median household income; to help those people or households to continue to reside on Nantucket if they wish to do so; to generate and preserve affordable housing in the Town of Nantucket in perpetuity, all in order to maintain Nantucket's diversity and unique sense of community.

(2)

As authorized by MGL c. 40A, § 9, Paragraph 2, the Planning Board as special permit granting authority, in its discretion, pursuant to and subject to this § 139-8C, may issue a special permit, with conditions, authorizing the division of the original lot into a primary lot and a secondary lot, which special permit may include approval and endorsement of a plan not requiring approval under the Subdivision Control Law as such plan is defined and described in MGL c. 41, § 81P, provided the following requirements and/or conditions shall apply to all applications for relief hereunder and all special permits granted hereunder, as the case may be:
[Amended 4-5-2014 ATM by Art. 63, AG approval 5-7-2014]
(a) The original lot shall not be subject to any covenants, restrictions or similar encumbrances, whether appearing in a deed, easement, land-use permit or any other instrument, pertaining to the placement, use or occupancy of second dwellings on said original lot.
(b) The secondary lot shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of the secondary lot, and any occupant of any dwelling erected thereon, shall earn at or below 150% of the Nantucket County median household income. Secondary lots sold to Qualified Family Members shall not be subject to an NHNC-Ownership Form. Upon resale, transfer, or gift of the secondary lot to a non Qualified Family member the lot shall then be subject to an NHNC-Ownership form and the requirements set forth herein.
(c) No more than one dwelling shall be permitted on the primary lot.
(d) No more than one dwelling shall be permitted on the secondary lot.
(e) Except for pre-existing nonconforming lots, in which case the Planning Board may issue a special permit defining the lot areas, the minimum area for the original lot, the primary lot and the secondary lot shall be as follows:

Zoning District	Minimum Original Lot Size (§ 139-16A)	Minimum Secondary Lot Size	Minimum Primary Lot Size
LUG-1	40,000	15,000	25,000
LUG-2	80,000	25,000	55,000
LUG-3	120,000	35,000	85,000
R-40	40,000	15,000	25,000
R-10	10,000	4,000	6,000
R-20/SR-20	20,000	8,000	12,000
VR	20,000	8,000	12,000
ROH/SOH	5,000	2,000	3,000
R-5	5,000	2,000	3,000

(f) The primary lot and the secondary lot shall comply with the ground cover, front setback, side setback and rear setback requirements of the underlying zoning district, including any provisions of this chapter for pre-existing nonconforming lots, with the exception that the ground cover ratio solely for a secondary lot in the R-1 Zoning District shall be 36%. The Planning Board may waive the setback requirements only as they apply to the lot line(s) between the primary and secondary lot.
(g) The primary lot and the secondary lot each must have a minimum of 20 feet of frontage or an easement of sufficient width and grade to provide access.
(h) The primary lot and the secondary lot shall share a single driveway access. The Planning Board must be provided with an instrument, in recordable form, evidencing the

common access rights to said access in accordance with this subsection. The Planning Board may grant a special permit to waive the requirement for shared driveway access based upon a finding that separate driveway access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and is not contrary to sound traffic or safety considerations.

(3) This § 139-8C shall not apply to major commercial developments (§ 139-11); flex development and open space residential development options (§ 139-8A); and are not permitted in the following zoning districts: Commercial Downtown (CDT); Moorlands Management (MMD).
[Amended 4-5-2014 ATM by Art. 63, AG approval 5-7-2014]
(4) The Planning Board may grant a special permit for the division of a duplex into two attached single-family dwellings, provided that one of the dwellings is subject to a NHNC covenant. Subsection D(2)(e) and (f) above shall not apply and the Planning Board shall establish minimum lot size, ground cover ratio, and setbacks during the special permit review. Ground cover ratios for the primary and secondary lot combined shall not exceed the maximum allowed in the underlying zoning district.
(5) Section 139-16D, Regularity formula, shall not apply to this § 139-8C.
[Amended 4-5-2014 ATM by Art. 63, AG approval 5-7-2014]

(Cormac Collier, et al)

ARTICLE ____
(Zoning Bylaw Amendment: Major Commercial Development)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 11, 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. The Planning Board shall be the special permit granting authority for any "major commercial development" (or "MCD"). ~~Every commercial use which constitutes a major commercial development, as defined in Subsection B below, shall require the grant of a special permit and major site plan review by the Planning Board under this § 139-11:~~
~~(1) Notwithstanding the fact that such use or uses may be listed elsewhere in this chapter as a permitted use or a use by exception requiring a special permit; and~~
~~(2) Whether or not it is located in a commercial zoning district (RC, RC-2, CDT or LC); for example, if it is a preexisting nonconforming commercial use in a residential district and, pursuant to §§ 139-33A and 139-11C below, has or will become a major commercial development.~~

B. A ~~"major commercial development" (or "~~MCD"~~)~~ shall be defined as a single commercial structure or use, or a group of commercial structures or uses, which is proposed to be constructed on a single lot or tract of land or on contiguous tracts of land and held in common ownership or control, meeting, in the aggregate, any one or more of the following criteria:

(1) Five thousand square feet of commercial use, including, but not limited to the total of the following:

(a) Gross floor area of ~~interior~~ commercial use, including roofed-over storage areas;

(b) Outdoor commercial use, including but not limited to sand, gravel or topsoil borrow operations and asphalt plants; land used commercially for recreation; and land used for the exterior storage or display of merchandise, equipment or material.

(2) Four thousand square feet or more of gross floor area of commercial use, including roofed-over storage areas.

(3) Twenty or more off-street parking spaces as required by § 139-18~~, whether or not provided~~.

(4) Auditorium, theater or place of public assembly use with a rated legal occupancy of 100 or more persons.

(5) Restaurant, club and/or bar use ~~which, taken together, have a~~ with a combined rated legal occupancy of 100 or more.

(6) Developments which generate an estimated 10,000 gallons per day of wastewater.

(7) Marinas, wharfs and piers containing 250 lineal feet or more of tie-up space for vessels.

(8) Transient residential facilities with 10 or more guest rooms or units.

C. Preexisting and nonconforming uses ~~under this § 139-11~~ shall be subject to the requirement of a special permit hereunder only ~~on and~~ after the point in time when any extended or altered portion of the commercial uses, added together starting from the effective date (April 4, 1979, or subsequently for amendments) of the applicable provisions of this § 139-11, meets or exceeds the criteria of Subsection B above which define a major commercial development.

~~D. The Planning Board shall be the sole special permit granting authority for major commercial developments.~~

~~(1) In instances where all or a portion of a major commercial development, in addition to requiring a special permit as a major commercial development, also requires a special permit pursuant to any provisions of this chapter other than this § 139-11, the Planning Board shall serve as the special permit granting authority for such relief, which relief may be a matter for consideration concurrent with its review of the major commercial development application.~~

~~(2) Any relief associated with a major commercial development requiring a variance shall remain solely within the power of the Board of Appeals.~~

(3) An application to the Planning Board for a special permit for a major development shall be in accordance with submission requirements adopted by the Planning Board, as amended. The Planning Board shall adopt design guidelines for major commercial developments, a copy of which shall be filed with the office of the Town Clerk.

~~(4) The Planning Board shall require that plans for major commercial developments be consistent with its design guidelines adopted pursuant to Subsection D(3) above; provided, however, waivers from strict compliance with the design guidelines may be granted when a finding is made by the Planning Board that it is in the public interest to do so.~~
~~(5) Prior to submitting an application for a major commercial development and prior to incurring significant design expenses, the applicant is strongly urged to meet with the Planning Board's professional staff at a preapplication conference and site visit to discuss the Planning Board's procedural requirements, to review the Board's design guidelines with respect to the proposed project, and to identify any issues of concern at the staff level prior to formal review by the Board in the public hearing process.~~
~~(6) Depending on the size and complexity of the project, the preapplication conference may also be attended by other staff-level personnel representing other Town boards in order to coordinate and expedite the review and approval process.~~

~~E. Land owned by the Town of Nantucket (including any of its agencies) shall not be exempt from major commercial development requirements for commercial uses or structures which are operated, maintained or managed by others under leases or other right-to-use agreements with the Town.~~

F. Conditions. The Planning Board shall have the right, in granting special permits for major commercial developments, to impose conditions, safeguards and limitations, including but not limited to:

(1) Require the implementation of a landscaping and planting plan, including the location and size of trees and shrubs by species and the location and type of fencing.

(2) Require structures, access streets and interior ways open to the public, parking and loading facilities, outdoor recreational facilities, and utilities to be laid out in a manner which is safe, consistent with sound planning practice and which preserves the integrity of adjacent uses and neighborhoods, including the requirement that open areas be placed as suitable buffers to conflicting adjacent uses and structures.

(3) Control exterior lighting of grounds, parking areas and buildings.

(4) Require the installation of underground utilities.

(5) Require public sewer and water facilities, if necessary, and require appropriate storm drainage facilities.

(6) The preservation of certain natural features, including but not limited to ponds, wetlands, dunes and beaches.

(7) Specify the type of surfacing and curbing for accessways, driveways, parking areas, sidewalks and bicycle paths.

(8) Specify the type, size and location of all exterior signs.

G. Open area for major commercial developments.
(1) Except for lots located within the CDT district, ~~A lot or tract of land containing a commercial building, structure or use shall have~~ a minimum of ~~3~~20% of the land ~~as open area~~ shall be landscaped and free from impervious surfaces.

(2) Impervious surfaces here include, but are not limited to, paved and gravel~~l~~ed areas, walkways and sidewalks, patios, decking, game courts, pools, buildings and other structures, and areas designated for parking or loading; provided however, that in computing the percentage of open area, brick sidewalks may be counted as open area up to a maximum of 10% of the lot or site.

(3) The Planning Board may grant by special permit a reduction of the above stated requirement in § 139-11G(1), provided that it makes the express finding that the applicant has provided sufficient and appropriate landscaping; and further provided that it makes the finding that the benefits to the community and the neighborhood from the reduction of open area requirements, as conditioned by the decision granting the special permit, will outweigh the benefits that would be derived from the provision of the open area requirements as would otherwise be required. The special permit granting authority shall impose appropriate conditions for the granting of such a special permit, including, but not limited to, the substitution for off-site landscaping elements, the contribution of the applicant toward the creation of common public spaces, and requirements for the permanent maintenance of landscaping features within the site by the applicant and its successors.

~~H. Any expansion or reconstruction of, or any changes to, a major commercial development for which a special permit has been granted shall require its modification or issuance of a new special permit by the Planning Board subject to the procedural and substantive requirements of §§ 139-11 and 139-30. However, the Planning Board may, by majority vote, waive the requirements for such modified or new special permit when it finds that the expansion, reconstruction or change proposed does not materially affect the findings and conclusions upon which the Planning Board's previous decision to approve the development was based.~~

I. ~~Setbacks. The Planning Board may specify, as part of its decision to grant a special permit under this § 139-11, that a~~ reduction of up to 100% in the side and rear lot line setback requirement be permitted, provided that the Planning Board finds that such a reduction will preserve the integrity of adjacent uses and the neighborhood and will promote the purposes and intent of this chapter.

J. In order to further the availability of housing for persons and households of all income levels, ~~to encourage the most appropriate use of land throughout the Town of Nantucket, to preserve and increase the amenities in the Town of Nantucket, to avoid undue concentration of population,~~ and mitigate the impacts of major commercial

developments on the supply and cost of housing ~~in a Town with unique and special qualities,~~ the Planning Board may~~, as a condition of granting a permit for a major commercial development (MCD),~~ require applicants to provide inclusionary housing in accordance with the following standards:
(1) ~~The Planning Board may require the provision of up to o~~One inclusionary unit for each 4,000 feet of gross floor area of interior commercial use or one inclusionary unit per major commercial development, whichever is greater.

(2) The inclusionary units ~~shall~~ may be located on the MCD site ~~unless the Planning Board determines that the public benefits to be gained by providing the inclusionary units~~ or at an off-site ~~outweigh those to be gained from providing them on-site~~ location. ~~Inclusionary units located off-site must comply in all respects with the zoning in effect for the off-site area.~~

~~(3) The Planning Board may require or allow employer dormitories to be substituted for all or part of the inclusionary unit requirement set forth in § 139-11J(1) above, provided that a finding is made by the Planning Board that the public benefits to be gained by the substitution outweigh possible detriments and that such substitution occurs at a rate not to exceed one inclusionary unit for each six persons of rated occupancy of employer dormitory use.~~

(4) In lieu of providing inclusionary units or employer dormitories as outlined in Subsection J(1) to (3), above, an applicant may provide a monetary contribution of equivalent value to the Town of Nantucket, to be placed in a fund for the development of affordable housing administered by the ~~Nantucket Housing Authority~~ Affordable Housing Trust Fund ~~or such other housing fund as may be designated by the Planning Board~~. The amount of such contribution shall ~~be agreed upon between the Planning Board and the applicant, and shall~~ be equivalent to the average sale price of ~~nonexempt~~ residential property with 5,000 to 10,000 square foot lot sizes ~~in the RC-2 District~~ as recorded by the Nantucket Islands Land Bank during the one-year period prior to approval of the special permit. This payment may be used only for the planning, development and administration and maintenance of affordable housing ~~outside the limits of the major commercial development~~.

~~(5) Where the inclusionary units are provided on the MCD site, the Planning Board may allow a bonus permitting the approval of multiple inclusionary units to be located on one lot, provided that the total number of inclusionary units located on the lot does not exceed the total number of units otherwise allowed by zoning on the lot and the units comply with the Planning Board's MCD guidelines, as amended from time to time.~~

(6) Where the inclusionary units are provided on the MCD site, the Planning Board may allow ~~a bonus permitting~~ an increase in the number of units that may be permitted within a single structure beyond that which is permitted in the zoning district where the units are located~~, provided that no more than eight units may be permitted within any one structure and the units comply with the Planning Board's MCD design guidelines, as amended from time to time~~.

(7) Inclusionary units shall be subject to a deed restriction, enforceable by the Planning Board or its designee, to be in effect during the thirty-year period which commences from ~~the date of the initial sale or~~ the date of ~~the first~~ issuance of the certificate of occupancy for the building in which the unit(s) is located.~~, whichever is earlier, which shall include a resale restriction requiring that any increase in the selling price of the inclusionary unit not exceed the initial sale price of the unit plus the cost of capital improvements, each adjusted to reflect changes in the CPI, but in no event shall the resale price exceed the owner's purchase price plus 5% per annum compounded annually; shall include an option to purchase the inclusionary units created pursuant to this section; and may include a right of first refusal.~~

~~(8) The inclusionary units shall be subject to use restrictions limiting occupancy of said units to eligible households. The Planning Board or its designee shall establish regulations governing eligible households and inclusionary units as defined in this chapter, including tenant and buyer eligibility and selection, occupancy limitations, lease agreements and such other occupancy requirements as may be permitted by law.~~

~~(9) The requirements contained in this section, and the rules and regulations and design guidelines promulgated pursuant thereto, shall be subject to review by the Planning Board every five years from the effective date of this section. Such review shall take into account the supply of inclusionary housing, the rental vacancy rate, and the overall condition and strength of the housing market.~~

(10) ~~No building permit shall be issued for an MCD unless the Planning Board has certified that the applicant has provided legal assurances that the obligations under this section will be satisfied.~~ No certificate of occupancy will be issued for any building within an MCD unless the required inclusionary unit(s) ~~are~~ is also eligible for such certificate, or unless the Planning Board has approved its issuance. ~~a schedule linking a portion of the required inclusionary units to specified portions of the overall MCD, allowing phases of the MCD to become eligible for certificates of occupancy as the inclusionary units become eligible for such certificates.~~

K. Cap on retail MCDs.

(1) Except in the following approved area plan location: Mid-Island Planned Overlay District (MIPOD), a special permit shall not be granted for:

(a) A new major commercial development which is devoted primarily to retail use and which has 20,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.

(b) Expansion of an existing commercial development whenever the expanded portion of the development, added together starting from the effective date of this § 139-11K, is devoted primarily to retail use and has 10,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE ____
(Zoning Bylaw Amendment: Adult Use)

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. To amend section 2 as follows:

ADULT USES

All uses as described and defined in MGL c. 40A, § 9A, as may be amended from time to time to include: Any establishment which has 10% of its stock-in-trade on hand; whose sales, including rentals from such a portion of stock equals or exceeds 10% of monthly sales; or has 10% or greater floor area open to and observable by customers used for the display or storage of adult-oriented material, or as presentation time of live or recorded performances, shall be defined as an adult use. Adult uses are subject to the following standards:

~~(1) A minimum lot area of 20,000 square feet is required for adult uses.~~

(~~2~~1) Adult uses shall be located in stand-alone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial or other uses.

(~~3~~2) A minimum separation of 300 feet, measured between lot lines, is required between adult uses and ~~the following uses or areas:~~state-certified public or private schools or state-licensed day-care centers.

~~Use/Area~~	~~Minimum Separation (feet)~~
~~State-certified public or private school~~	~~300~~
~~State-licensed day-care center~~	~~300~~
~~Religious institution~~	~~1,000~~
~~Public library~~	~~1,000~~
~~Other adult uses~~	~~500~~

~~(4) A minimum ten-foot-wide vegetative buffer consisting of evergreen shrubs and trees not less than five feet in height at the time of the planting shall provide screening from adjacent lots, with exceptions for minimal driveway and utility access.~~

2. To amend section 30A(1) as follows:

(1) The special permit granting authority ~~may~~ shall issue special permits for structures and uses which are in harmony with the general purpose and intent of this chapter subject to the provisions of such chapter.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE ____
(Zoning Bylaw Amendment: Abandoned Vehicles)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 7B(5), 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 motor vehicle which is and for the immediately preceding thirty-day period has been disabled, dismantled or inoperative shall not be stored on any land or lot unless such vehicle is enclosed within a building ~~or covered by a tarpaulin and screened from surrounding residential properties by a fence or hedge~~.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

NOTE: Originally intended to amend Chapter 104 of the Code.

ARTICLE ____
(Zoning Bylaw Amendment: Height)

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):*

PLACEHOLDER. WAITING ON SURVEYOR INPUT. HOUSEKEEPING.

ARTICLE ____
(Zoning Bylaw Amendment: Miscellaneous Technical Changes)

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), as follows:

AVERAGE MEAN GRADE

(1) Average mean grade shall be the average of the mean grades established along the median grade line. There shall be only one average mean grade for each continuous median grade line.

(2) Where a side does not have continuous existing and/or finish grade lines, caused by retaining walls or horizontal breaks created by setbacks or protrusions, the average mean grade shall be the average of separately calculated average mean grades for each separate continuous median grade line and shall be proportional to the horizontal length of each continuous median grade line.

BUILDING AND STRUCTURE HEIGHT

(1) The height of the building or structure shall be established for each side. ~~There shall only be one highest point for each building or structure.~~

(2) There shall only be one highest point for each building or structure.

(3) No one building and/or structure side shall exceed 32 feet.

~~(2) Where a side does not have continuous existing and/or finish grade lines, the average mean grade shall be the average of separately calculated average mean grades of each separate continuous median grade line.~~

BUILDING COMMISSIONER

The ~~administrative~~ chief ~~of the Building Department~~ official of the Town of Nantucket who is ~~in charge of~~ responsible for the administration and enforcement of Code of Massachusetts Regulations 780, State Board Building Regulations and Standards.

MEAN GRADE

The median grade line established between existing grade and finish grade measured along a line four feet from the perimeter of the building or structure, extended four feet beyond the building or structure at each end.

YARD

The area of a lot to be kept free of buildings and other structures (except fences, fence gates, landscape retaining walls, mail and lamp posts, utility service poles, and pedestals, lot accessways, and docks, bulkheads, groins and other coastal engineering structures). The setback distance from any required front, side, or rear yard shall be measured from the corner board of the structure, if applicable, or the closest point between the structure and the yard, but shall not be measured from eaves.

2. Amend section 17 (Height limitations), as follows:

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

3. Amend 139-17

The height of a structure which is situated within the "Areas of one-hundred-year Flood" and/or the "Areas of 100-Year Coastal Flood with Velocity" as established by the Federal Emergency Management Agency ("FEMA") and depicted upon the Flood Insurance Rate Map promulgated by FEMA, as from time to time revised, shall not exceed ~~28~~ 30 feet above the minimum height at which the first floor of the structure will conform with all applicable building codes and FEMA requirements.

4. Amend sections 29B(2) and 29D (Zoning Board of Appeals), by deleting them in their entirety;

5. Amend section 30J (Alternate Members of the Planning Board) by deleting it in its entirety;

6. Allow Medical Marijuana in CI??

7. Amend section 33A(3) as follows:

… Lots created pursuant to MGL c. 41, § 81P, based upon the exception in the clause of MGL c. 41, § 81L for lots containing two or more structures that predate the adoption of subdivision control in the Town, shall have the same status as preexisting, nonconforming lots, and any structures thereon, which predate the adoption of subdivision control in the Town, shall have the status of preexisting nonconforming structures. The removal of structures to facilitate: an alteration or change to an existing structure, the relocation of the structure upon the lot, or the construction of a new structure, shall not cause the lot to be merged with an abutting lot in common ownership, provided that the lot remains vacant for less than 6 months.

8. Amend section 33E(1)(b) as follows:

In the case of a lot containing at least 5,000 square feet, ~~the greater of~~ 1,500 square feet of ground cover or the amount determined in accordance with the maximum ground cover ratio requirement for the zoning district in which the lot is situated, whichever is greater~~;~~. In the LUG-2 and LUG-3 districts only, a lot containing at least 40,000 square feet shall be permitted 2,000 square feet of ground cover or the amount determined in accordance with the maximum ground cover ratio requirement for the zoning district in which the lot is situated, whichever is greater; and

9. Amend section 16E(1) as follows:

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Except for lots within the CDT district, ~~A~~ a lot containing a commercial building, structure or use shall have a minimum of 20% of the land as open area free from impervious surfaces.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

GENERAL BYLAWS

ARTICLE
(Bylaw to Regulate "Home Sharing Services")

DRAFT – where will this go in Town Code

Transient Guest Rentals in Homes - General Town Bylaw

Purpose: The rental of rooms in residential premises to transient guests, not otherwise expressly licensed for such purpose by the Town of Nantucket or other proper authority, shall be allowed only in properties whose owners have obtained an annual license in accordance with the requirements of this bylaw from the Board of Selectmen. The licensing process is designed to protect the health and welfare of the transient guests and to ensure an orderly and transparent process for operating small-scale room rental services.

Applicability: The rental of rooms in residential premises to transient guests is allowed in owner-occupied residential premises pursuant to a license issued in accordance with this bylaw. Transient guests are those who are staying in a private dwelling charged at a daily room rate. The Board may allow up to a maximum of 4 transient guests at a time, provided suitable accommodations exist as determined by the Board in accordance with this bylaw and further provided that such maximum number shall be reduced by one for each non-transient guest or boarder residing in the same residential premises.

Process: Every owner of residential premises who offers rooms for rent to transient guests must first obtain a license to do so from the Board of Selectmen. Licenses are valid for one calendar year and must be renewed annually. Application for a license can be made at any time but the license shall expire December 31 of the subject year. A completed application will be reviewed and a decision rendered at a public meeting of the Board of Selectmen.

Completed applications shall contain the following:

1) A site plan drawn to scale showing the subject property with the house, driveway and parking spaces. One off-street, on-site parking space per bedroom being rented is required. Such parking shall comply with the requirements of the Zoning Bylaw, and shall be in addition to such off-street parking spaces as are otherwise required for the dwelling. In addition, the licensing authority may require that parking shall be suitably screened from abutting properties. Requests for alternative parking arrangements may be granted on a case by case basis.

2) A floor plan drawn to scale of the dwelling showing each of the bedrooms to be rented and the access/egress from each as well as the location of an adequate bathroom to be used by guests. If meals are to be served, the area(s) where they will be prepared and served shall also be shown.

3) Certification from the Board of Health confirming:
    a. Title 5 approved septic system inspected within the last 5 years, if applicable
    b. Current food manager certification, if serving meals
    c. Current food service permit, if serving meals
    d. Full compliance with the State Sanitary Code (105 CMR 410.00 et seq. & 105 CMR 590.000 et seq.), as confirmed via an annual inspection

4) Fire Department certification confirming
    a. Fire and CO alarms per code
    b. Fire escape routes marked for each room

5) Building Inspector certification as evidenced by a current Certificate of Occupancy

6) Provision of a local authorized agent who can act on behalf of the owner in the absence of the owner in the case of any problems, violations or emergencies should they arise while the owner is not present.

7) Application Fee: The Board of Selectmen shall annually set a fee for applying for a Transient Guest Rental Home License. The fee must be paid prior to the issuance of a license.

8) On-premise signs are not permitted unless authorized in accordance with the Zoning Bylaw.

9) Signed agreement to maintain a guest registry showing the name of each guest and the night(s) of their stay. The registry shall be made available for review at any time at the request of the Enforcement Agent.

The Board of Selectmen may grant licenses to those persons submitting applications in compliance with the requirements of this bylaw. A license issued under this bylaw shall not be deemed to supersede the application of any other lawful requirements applicable

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to the use authorized therein, including the necessity of obtaining other licenses or permits.

Violations, Enforcement and Fines:

1. Enforcement Agent. The Town Manager shall be the Enforcement Agent for this bylaw, and may designate such other Town officials as deemed appropriate to carry out the duties under this bylaw.

2. Enforcement. This Bylaw shall be enforced in accordance with Chapter I, Article 2 of the Code of Nantucket, and by the initiation of a civil action to compel compliance herewith.

3. Violations. Non-compliance with any requirement of this Bylaw shall constitute a violation subject to penalty. Every day in which a violation continues shall be considered to be a separate offence. If more than one violation has occurred, each condition of the Bylaw which has been violated shall be considered a separate offense. Violations may result in loss of the license.

4. Fines. The fine for any violation shall be one hundred dollars ($100.00) for each offense. The Enforcement Agent may impose fines in instances where: 1) compliance has not been achieved after the responsible party or parties have been made aware of the violation and given a reasonable opportunity to come into compliance, or 2) for repeat offenses.

5. Court Relief. If a violator fails to comply with an Enforcement Order, the Enforcement Agent may seek a court order to remedy the violation.

(Board of Selectmen)

ARTICLE
(Bylaw Amendment and/or Charter Change – eliminate requirement to print warrant in newspaper)
Need to write

~~**ARTICLE**~~
~~**Need to id bylaws that conflict with charter and/or are obsolete**~~
~~**Need to write (might not have time for 2016)**~~

ARTICLE
(Bylaw Amendment: Obsolete Building Related Bylaws)

To see if the Town will vote to amend 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. To delete Chapter 21 (Gas Inspector) in its entirety.

2. To amend Chapter 117, sections 1 and 4, as follows:

   § 117-1. Determination of inclusion within Fire Districts.

   All buildings erected ~~within a radius of 1 1/4 miles of the Pacific National Bank shall be deemed to be within the Nantucket Fire District. All buildings within a radius of 1 1/4 miles of the Siasconset Post Office shall be deemed within the Siasconset Fire District.~~ within the following zoning districts contained with Chapter 139 (Zoning), shall be deemed to be within the Fire District: Commercial Downtown, Residential Old Historic, Sconset Old Historic, Residential 1 and Sconset Residential 1, Residential 5 and 5L, Commercial Mid-Island, Residential Commercial, Residential Commercial 2, and Commercial Neighborhood. roberto

   § 117-4. Applicability.

   This chapter shall apply to the property owner ~~of such building~~ and any~~. It also shall apply to the~~ contractor, tenant or agent of the owner ~~or contractor actually~~ engaged in construction or repair~~ing~~ of the roof of any ~~such~~ building within the Fire District ~~or who have actually engaged in constructing or repairing the roof of any such building~~.

3. To delete Chapter 129 (Swimming Pools, Private) in its entirety.

Or to take any other action related thereto.

(Board of Selectmen)
DRAFT Board of Selectmen Comment: The purpose of this article is to continue an effort to update the Town Code to remove or modify sections that are outdated or entirely obsolete. Chapter 21 (adopted in 1971) is addressed by MGL Chapter 143 and the Charter of the Town of Nantucket. Chapter 117 (adopted in 1923 and last amended in 1927) is currently inadequate in that is does not include a more broad area of significant construction. Chapter 129 (adopted in 1981) is entirely addressed within the Zoning Bylaw, Building Code, and Wiring Code.

ARTICLE
(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, Section 125-2.1 (Prohibitions on use and sale of balloons) as follows *(NOTE: new language is shown as highlighted text; 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); and to further authorize the Board of Selectmen to file a Home Rule Petition with the General Court to effectuate the purposes and intent of the zoning amendment should it be deemed necessary and/or prudent to do so by the Board of Selectmen:

Chapter 125 Solid Waste Disposal

Article I. General Provisions

§125-2.1 Prohibitions on sale and use of balloons.

~~A ban on the sale and/or use of~~ No person shall sell, use or distribute any type of balloon (including, and not limited to, plastic, latex or Mylar balloons) ~~to be~~ inflated with any type of lighter than air gas (including, and not limited to, helium gas). No person shall dispose of any balloon ~~People importing such novelties from off-island, but disposing of them on-island~~ in any manner, including by release into the air, other than being contained in a plastic trash bag and transported to the Landfill. Any person violating this Bylaw shall be fined pursuant to the provisions of Chapter 1, Article II by Noncriminal Disposition at $50 per offense. This Bylaw may be enforced by any police officer of the Town of Nantucket.

(Board of Selectmen)

ARTICLE - NEEDS TO BE ONE ARTICLE WITH PLUS ARTICLE?

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding the following parcels located within the "Monomoy South" sewer needs area designated within the Comprehensive Wastewater Management Plan adopted on _____ to the Town Sewer District:

Map	Lot	Number	Street
43	1	1	Pimnys Point
43	8	6	Gardner Road
43	9	4	Gardner Road
43	10	2	Gardner Road
43	12.2	67	Polpis Road
43	13	2	Kelley Road
43	14	56	Polpis Road
43	14.1	66	Polpis Road
43	14.2	64	Polpis Road
43	15	61	Polpis Road
43	16	13	Shimmo Pond Road
43	17	14	Shimmo Pond Road
43	18	16	Shimmo Pond Road

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43	19	4	Harbor View Drive
43	20	6	Harbor View Drive
43	21	12	Cathcart Road
43	69	15	Cathcart Road
43	75	44	Shimmo Pond Road
43	77	46	Shimmo Pond Road
43	79	48	Shimmo Pond Road
43	81	10	North Road
43	82	12	North Road
43	83	14	North Road
43	84	16	North Road
43	85	37	Gardner Road
43	86	31	Gardner Road
43	87	15	Gardner Road
43	88	13	Gardner Road
43	90	8	Shawkemo Road
43	91.1	4	Shawkemo Road
43	91.2	6	Shawkemo Road
43	92	25	Gardner Road
43	93	16	Gardner Road
43	94.2 (as further subdivided)	12	Gardner Road (Pippens Way)
43	95	15	Shimmo Pond Road
43	96	50	Brewster Road
43	97	21	Shimmo Pond Road
43	98	1	Harbor View Drive
43	99	3	Harbor View Drive
43	100	5	Harbor View Drive
43	101	14	Cathcart Road
43	122 and 123	26	Shimmo Pond Road
43	124	34	Shimmo Pond Road
43	125	38	Shimmo Pond Road
43	126	42	Shimmo Pond Road
43	127	35	Shimmo Pond Road
43	128	4	Middle Valley Road
43	131	11	North Road
43	131.1	9	North Road
43	132	28	Gardner Road
43	133	14	South Valley Road
43	134	17	South Valley Road
43	135	18	Gardner Road
43	136	15	South Valley Road
43	137	11	South Valley Road
43	139	12	South Valley Road
43	140	10	South Valley Road

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43	142	7	South Valley Road
43	143	5	South Valley Road
43	144	23	Shimmo Pond Road
43	145	22	Shimmo Pond Road
43	146	11	Cathcart Road
43	156	33	Shimmo Pond Road
43	157	2	Middle Valley Road
43	160	8	Middle Valley Road
43	162	12	Middle Valley Road
43	164	6	South Valley Road
43	164.1	6	South Valley Road
43	165	2	South Valley Road
43	166	3	South Valley Road
43	167	28	Shimmo Pond Road
43	168	30	Shimmo Pond Road
43	169	32	Shimmo Pond Road
43	170	31	Shimmo Pond Road
43	171	21	Gardner Road
43	172	19	Gardner Road
43	173	17	Gardner Road
43	173	21	Gardner Road
43	210	68	Polpis Road
43	211	4	Moors End Lane
43	212	6	Moors End Lane
43	213	8	Moors End Lane
43	214	10	Moors End Lane
43	215	12	Moors End Lane
43	216	14	Moors End Lane
43	217	16	Moors End Lane
43	218	7	Moors End Lane
43	219	5	Moors End Lane
43	220	3	Moors End Lane
43	221	1	Moors End Lane
43	300	3	Juniper Hill
43	302	7	Juniper Hill
43	303	9	Juniper Hill
43	304	8	Juniper Hill
43	305	6	Juniper Hill
43	306	4	Juniper Hill
43	307	2	Juniper Hill
43	308	8	South Valley Road
43	309	19	Shimmo Pond Road
43	310	10	South Valley Road
43	312	5	North Road
54	8	4½	Cathcart Road
54	9	6	Cathcart Road

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54	10.1	8	Cathcart Road
54	10.2	10	Cathcart Road
54	11	9	Cathcart Road
54	11.1	7	Cathcart Road
54	12	36	Brewster Road
54	13	44	Brewster Road
54	14	46	Brewster Road
54	15	12	Shimmo Pond Road
54	16	47	Brewster Road
54	20	47	Polpis Road
54	21	49	Polpis Road
54	22	51	Polpis Road
54	23	53	Polpis Road
54	24	55	Polpis Road
54	24.1	55R	Polpis Road
54	25	57	Polpis Road
54	26	59	Polpis Road
54	27	7	Kelley Road
54	28	4	Kelley Road
54	29	6	Kelley Road
54	30	8	Kelley Road
54	31	10	Kelley Road
54	32	12	Kelley Road
54	81	2	Cathcart Road
54	82 (portion of)	4	Cathcart Road
54	83	5	Cathcart Road
54	84	32	Brewster Road
54	85	33	Brewster Road
54	86	35	Brewster Road
54	87	37	Brewster Road
54	88	39	Brewster Road
54	89	43	Brewster Road
54	90	45	Brewster Road
54	96	13	Kelley Road
54	97	11	Kelley Road
54	98	9	Kelley Road
54	99	14	Kelley Road
54	100	16	Kelley Road
54	101	18	Kelley Road
54	104	28	Kelley Road
54	171	28	Brewster Road
54	172	31	Brewster Road
54	173	27	Brewster Road
54	173.1	29B	Brewster Road
54	174	25	Brewster Road
54	175.1	19	Brewster Road

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54	175.2	23	Brewster Road
54	250	28	Polpis Road
54	251	30	Polpis Road
54	252	32	Polpis Road
54	253	34	Polpis Road
54	254	36	Polpis Road
54	255	2	Shimmo Pond Road
54	256	4	Shimmo Pond Road
54	257	6	Shimmo Pond Road
54	258	8	Shimmo Pond Road
54	259	3	Shimmo Pond Road
54	264	40	Polpis Road
54	265	40	Polpis Road
54	266	42	Polpis Road
54	267	44	Polpis Road
54	288	34	Brewster Road
54	289	5	Shimmo Pond Road
54	293	29	Brewster Road
54	294	29½	Brewster Road
54	296	21	Brewster Road
54	297	30	Kelley Road

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article ___" dated _____ and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen/Sewer Commissioners)

ARTICLE
(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding the following parcels located within the "PLUS: Vicinity of Meadowview Drive/western edge" sewer needs area designated within the Comprehensive Wastewater Management Plan adopted on _____ to the Town Sewer District:

Map	Lot	Number	Street
56	336	30	Friendship Lane
56	351	31	Friendship Lane
56	335	32	Friendship Lane
56	352	33	Friendship Lane
56	334	34	Friendship Lane
56	353	35	Friendship Lane
56	333	36	Friendship Lane

56	354	37	Friendship Lane
56	332	38	Friendship Lane
56	355	39	Friendship Lane
56	331	40	Friendship Lane
56	356	41	Friendship Lane
56	330	42	Friendship Lane
56	75 (portion of)	56	Hummock Pond Road
56	76 (portion of)	54	Hummock Pond Road
56	93	8	Hussey Farm Road
56	151	10	Hussey Farm Road
56	109	3	Marsh Hawk Lane
56	111	5	Marsh Hawk Lane
56	171	7	Marsh Hawk Lane
56	172	9	Marsh Hawk Lane
56	112	11	Marsh Hawk Lane
56	113.6	15	Marsh Hawk Lane
56	150	2	Meadow View Drive
56	92	3	Meadow View Drive
56	149	4	Meadow View Drive
56	91	5	Meadow View Drive
56	148	6	Meadow View Drive
56	90	7	Meadow View Drive
56	147	8	Meadow View Drive
56	89	9	Meadow View Drive
56	146	10	Meadow View Drive
56	88	11	Meadow View Drive
56	145	12	Meadow View Drive
56	87	13	Meadow View Drive
56	144	14	Meadow View Drive
56	86	15	Meadow View Drive
56	143	16	Meadow View Drive
56	280	17	Meadow View Drive
56	142	18	Meadow View Drive
56	281	19	Meadow View Drive
56	141	20	Meadow View Drive
56	282	21	Meadow View Drive
56	140	22	Meadow View Drive
56	283	23	Meadow View Drive
56	139	24	Meadow View Drive
56	284	25	Meadow View Drive
56	78	27	Meadow View Drive
56	129	29	Meadow View Drive
56	138	30	Meadow View Drive
56	137	32	Meadow View Drive

DRAFT

56	130	33	Meadow View Drive
56	136	34	Meadow View Drive
56	131	35	Meadow View Drive
56	135	36	Meadow View Drive
56	132	37	Meadow View Drive
56	133	39	Meadow View Drive
56	296	42	Meadow View Drive
56	297	44	Meadow View Drive
56	298	46	Meadow View Drive
56	299	48	Meadow View Drive
56	390	49	Meadow View Drive
56	177	50	Meadow View Drive
56	389	51	Meadow View Drive
56	176	52	Meadow View Drive
56	173	53	Meadow View Drive
56	175	54	Meadow View Drive
56	170	55	Meadow View Drive
56	174	56	Meadow View Drive
56	169.2	57	Meadow View Drive
56	169.3	59	Meadow View Drive
56	167/(168)	60	Meadow View Drive
56	169.4	61	Meadow View Drive
56	169.5	63	Meadow View Drive
56	169.6	65	Meadow View Drive
56	159	1	Pinkham Circle
56	160	2	Pinkham Circle
56	178	3	Pinkham Circle
56	161	4	Pinkham Circle
56	179	5	Pinkham Circle
56	162	6	Pinkham Circle
56	164	8	Pinkham Circle
56	165	10	Pinkham Circle
56	151.1	3	Pond Road
56	158	4	Pond Road
56	152	5	Pond Road
56	157	6	Pond Road
56	153	7	Pond Road
56	156	8	Pond Road
56	155	11	Pond Road
56	295	12	Pond Road
56	134	15	Pond Road
56	163	21	Somerset Road
56	169.1	31	Somerset Road
56	110	33	Somerset Road
56	107	35	Somerset Road
56	106	36	Somerset Road

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56	108	37	Somerset Road
56	113.1	1	Wamasquid Place
56	113.3	2	Wamasquid Place
56	113.2	3	Wamasquid Place
56	113.8	4	Wamasquid Place
56	113.4	5	Wamasquid Place
56	113.7	6	Wamasquid Place
56	113.5	7	Wamasquid Place

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article ___" dated _____ and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen/Sewer Commissioners)

ARTICLE - DO SOMERSET & MADAKET NEED TO BE ONE ARTICLE?

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding the following parcels located within the "Somerset" sewer needs area designated within the Comprehensive Wastewater Management Plan adopted on _____ to the Town Sewer District:

Map	Parcel	Number	Street
66	272	6	Raceway Drive
66	271	4	Raceway Drive
66	273	8	Raceway Drive
66	278	9	Raceway Drive
66	279	7	Raceway Drive
66	280	5	Raceway Drive
66	281	3	Raceway Drive
66	292	2	Todd Circle
66	293	4	Todd Circle
66	294	6	Todd Circle
66	295	7	Todd Circle
66	296	5	Todd Circle
66	297	3	Todd Circle
66	298	1	Todd Circle
66	150.1	2	West Miacomet Road
81	160	4	West Miacomet Road
81	161	6	West Miacomet Road
81	164	6.5	West Miacomet Road
81	162	8	West Miacomet Road
81	150	12	West Miacomet Road

66	93	52	Somerset Road
66	94	54	Somerset Road
66	92	55	Somerset Road
66	95	56	Somerset Road
66	91	57	Somerset Road
66	96	58	Somerset Road
66	90	59	Somerset Road
66	97	60	Somerset Road
66	89	61	Somerset Road
66	136	62	Somerset Road
66	88	63	Somerset Road
66	87	65	Somerset Road
66	86	67	Somerset Road
66	447.1	68	Somerset Road
66	85	69	Somerset Road
66	442.1	70	Somerset Road
66	444.1	72	Somerset Road
66	450.1	74	Somerset Road
66	451.1	76	Somerset Road
66	452.1	77	Somerset Road
66	453.1	78	Somerset Road
66	83	79	Somerset Road
66	453.1	80	Somerset Road
66	82	81	Somerset Road
66	107.1	82	Somerset Road
66	81	83	Somerset Road
66	80	85	Somerset Road
66	404	86	Somerset Road
66	539	84	Somerset Road
66	79	87	Somerset Road
66	405	88	Somerset Road
66	135.7	89	Somerset Road
66	135	91	Somerset Road
66	135.2	43	Somerset Lane
66	135.3	37	Somerset Lane
66	135.4	39	Somerset Lane
66	147	97	Somerset Road
66	222	98	Somerset Road
66	146	99	Somerset Road
66	138	115	Somerset Road
66	139	113	Somerset Road
66	223	112	Somerset Road
66	140	111	Somerset Road
66	141	109	Somerset Road
66	144	103	Somerset Road
66	145	101	Somerset Road

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66	532	130	Somerset Road
66	150	130 1/2	Somerset Road
66	534	128	Somerset Road
66	533	128 ½	Somerset Road
66	151	126	Somerset Road
66	69	125	Somerset Road
66	149	118	Somerset Road
66	207	108	Somerset Road
66	208	102	Somerset Road
66	6	4	Catherine Lane
66	7	5	Catherine Lane
66	8	3	Catherine Lane
66	123	7	Catherine Lane
66	120	10	Catherine Lane
66	152	1	Swayze's Drive
66	153	3	Swayze's Drive
66	154	5	Swayze's Drive
66	156	9	Swayze's Drive
66	157	11	Swayze's Drive
66	158	13	Swayze's Drive
66	159	14	Swayze's Drive
66	160	12	Swayze's Drive
66	161	10	Swayze's Drive
66	162	8	Swayze's Drive
66	155	7	Swayze's Drive
66	163	6	Swayze's Drive
66	164	4	Swayze's Drive
66	165	2	Swayze's Drive
66	142	2	Golf View Drive
66	143	1	Golf View Drive
66	148	3	Golf View Drive
66	166	5	Golf View Drive
66	167	7	Golf View Drive
66	168	9	Golf View Drive
66	169	11	Golf View Drive
66	170	13	Golf View Drive
66	171	15	Golf View Drive
66	172	17	Golf View Drive
66	173	19	Golf View Drive
66	174	21	Golf View Drive
66	175	23	Golf View Drive
66	184	24	Golf View Drive
66	185	22	Golf View Drive
66	186	20	Golf View Drive
66	187	18	Golf View Drive
66	188	16	Golf View Drive

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66	189	14	Golf View Drive
66	190	12	Golf View Drive
66	191	10	Golf View Drive
66	192	8	Golf View Drive
66	193	4	Golf View Drive
66	194	1	Hendersons Drive
66	195	3	Hendersons Drive
66	196	5	Hendersons Drive
66	197	7	Hendersons Drive
66	198	9	Hendersons Drive
66	199	11	Hendersons Drive
66	200	13	Hendersons Drive
66	201	12	Hendersons Drive
66	202	10	Hendersons Drive
66	203	8	Hendersons Drive
66	204	6	Hendersons Drive
66	205	4	Hendersons Drive
66	206	2	Hendersons Drive
66	209	1	Doc Ryder Drive
66	210	3	Doc Ryder Drive
66	211	5	Doc Ryder Drive
66	212	7	Doc Ryder Drive
66	213	9	Doc Ryder Drive
66	214	11	Doc Ryder Drive
66	215	13	Doc Ryder Drive
66	216	12	Doc Ryder Drive
66	217	10	Doc Ryder Drive
66	218	8	Doc Ryder Drive
66	219	6	Doc Ryder Drive
66	220	4	Doc Ryder Drive
66	221	2	Doc Ryder Drive
56	301	8	Somerset Lane
56	300	10	Somerset Lane
56	55	12	Somerset Lane
66	2	14	Somerset Lane
66	3	16	Somerset Lane
66	4	18	Somerset Lane
66	4.1	20	Somerset Lane
66	9	22	Somerset Lane
66	125	24	Somerset Lane
66	10	26	Somerset Lane
66	134.4	27	Somerset Lane
66	70	28	Somerset Lane
66	134.3	29	Somerset Lane
66	71	30	Somerset Lane
66	134.2	31	Somerset Lane

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66	72	32	Somerset Lane
66	134.1	33	Somerset Lane
66	73	34	Somerset Lane
66	135.6	35	Somerset Lane
66	74	40	Somerset Lane
66	135.5	41	Somerset Lane
66	77	42	Somerset Lane
66	78	44	Somerset Lane
66	523	46	Somerset Lane
66	434	40	Bartlett Road
66	530	42	Bartlett Road
66	529	44	Bartlett Road
66	531	46	Bartlett Road
66	524	48	Bartlett Road
66	100	54	Bartlett Road
66	505	55	Bartlett Road
66	100.2	56	Bartlett Road
66	100.1	58	Bartlett Road
66	99	61	Bartlett Road
66	439	63	Bartlett Road
66	440	65	Bartlett Road
66	435	67	Bartlett Road
66	436	69	Bartlett Road
66	425	71	Bartlett Road
66	426	73	Bartlett Road
66	427	75A	Bartlett Road
66	428	77	Bartlett Road
66	429	79	Bartlett Road
66	430	81	Bartlett Road
66	409	83	Bartlett Road
66	408	85	Bartlett Road
66	407	87	Bartlett Road
66	410	89	Bartlett Road
66	406	91	Bartlett Road
65	76	20	Bartlett Farm Road
65	76.1	22	Bartlett Farm Road
65	91	26	Bartlett Farm Road
65	90	28	Bartlett Farm Road
65	86	24	Bartlett Farm Road
65	89	3	Mioxes Way
65	88	6	Mioxes Way
65	87	4	Mioxes Way
66	101	2	Marble Way
66	101.1		Marble Way
66	102.1	4	Marble Way
66	102	4A	Marble Way

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66	103	6	Marble Way
66	104	10	Marble Way
66	105	12	Marble Way
66	106	14	Marble Way
66	106.1	16	Marble Way
66	446.1	1	Marble Way
66	445.1	3	Marble Way
66	444.1	5	Marble Way
66	443.1	7	Marble Way
66	442.1	9	Marble Way
66	118.1	11	Marble Way
66	119	13	Marble Way
66	442.2	1	Sleepy Hollow
66	118.2	2	Sleepy Hollow
66	443.2	3	Sleepy Hollow
66	107.2	4	Sleepy Hollow
66	444.2	5	Sleepy Hollow
66	453.2	6	Sleepy Hollow
66	445.2	7	Sleepy Hollow
66	452.2	8	Sleepy Hollow
66	446.2	9	Sleepy Hollow
66	451.2	10	Sleepy Hollow
66	450.2	12	Sleepy Hollow
66	449.2	14	Sleepy Hollow
66	448.2	16	Sleepy Hollow
66	447.2	18	Sleepy Hollow
66	75	2	Mikes Drive
66	76	4	Mikes Drive
66	274	4	Hatch Circle
66	275	5	Hatch Circle
66	276	3	Hatch Circle
66	277	1	Hatch Circle
66	299	3	Clara Drive
66	300	1	Clara Drive
66	282	4	Clara Drive
66	283	6	Clara Drive
66	284	8	Clara Drive
66	285	10	Clara Drive
66	286	12	Clara Drive
66	287	14	Clara Drive
66	288	15	Clara Drive
66	289	13	Clara Drive
66	290	11	Clara Drive
66	291	9	Clara Drive
66	176	2	Farm View Drive
66	177	1	Farm View Drive

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66	178	3	Farm View Drive
66	179	5	Farm View Drive
66	180	7	Farm View Drive
66	181	9	Farm View Drive
66	182	11	Farm View Drive
66	183	10	Farm View Drive
66	507	1	Finback Lane
66	521	2	Finback Lane
66	508	3	Finback Lane
66	520	4	Finback Lane
66	509	5	Finback Lane
66	519	6	Finback Lane
66	510	7	Finback Lane
66	518	8	Finback Lane
66	511	9	Finback Lane
66	512	11	Finback Lane
66	513	13	Finback Lane
66	514	15	Finback Lane
66	515	17	Finback Lane
66	516	21	Finback Lane
66	517	23	Finback Lane
56	381	1	Austin Farm Road
56	359	2	Austin Farm Road
56	385	3	Austin Farm Road
56	384	5	Austin Farm Road
56	383	7	Austin Farm Road
56	367	8	Austin Farm Road
66	302	9	Austin Farm Road
56	368	10	Austin Farm Road
56	369	12	Austin Farm Road
66	301	2	High Brush Path
56	388	5	High Brush Path
56	381	8	High Brush Path
56	370	9	High Brush Path
56	374	15	High Brush Path
56	375	17	High Brush Path
56	376	19	High Brush Path
56	387	20	High Brush Path
56	377	21	High Brush Path
56	378	23	High Brush Path
56	379	25	High Brush Path
66	303	27	High Brush Path
56	366	1	New Hummock Circle
56	360	2	New Hummock Circle
56	365	3	New Hummock Circle
56	361	4	New Hummock Circle

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56	364	5	New Hummock Circle
56	362	6	New Hummock Circle
56	363	8	New Hummock Circle
56	114	14	Oak Hollow

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article ___" dated _____ and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen/Sewer Commissioners)

ARTICLE

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding the following parcels located within the "Madaket/Warren's Landing" sewer needs area designated within the Comprehensive Wastewater Management Plan adopted on _____ to the Town Sewer District:

Map	Parcel	Number	Street
60.2.4	79	1	A Street
60.2.4	78	3	A Street
60.2.4	70	4	A Street
60	138	2	Ames Avenue
60	135	4	Ames Avenue
60.2.4	58	6	Ames Avenue
60.2.4	40	7	Ames Avenue
60.2.4	56	8	Ames Avenue
59.4	214	1	Arkansas Avenue
59.4	215	3	Arkansas Avenue
59.4	216	5	Arkansas Avenue
59.4	133.2	6	Arkansas Avenue
59.4	217	7	Arkansas Avenue
59.4	133.1	8	Arkansas Avenue
59.4	218	9	Arkansas Avenue
59.4	134	10	Arkansas Avenue
59.4	219	11	Arkansas Avenue
59.4	135	12	Arkansas Avenue
59.4	158	13	Arkansas Avenue
59.4	136	14	Arkansas Avenue
59.4	159	15	Arkansas Avenue
59.4	137	16	Arkansas Avenue
59.4	220	17	Arkansas Avenue

59.4	138	18	Arkansas Avenue
59.4	46	19	Arkansas Avenue
59.4	139	20	Arkansas Avenue
59.4	51	21	Arkansas Avenue
59.4	140	22	Arkansas Avenue
59.4	62	23	Arkansas Avenue
59.4	141	24	Arkansas Avenue
59.3	11	25	Arkansas Avenue
59.3	12	25	Arkansas Avenue
59.4	142	26	Arkansas Avenue
59.4	6	27	Arkansas Avenue
59.4	143	28	Arkansas Avenue
59.4	144	30	Arkansas Avenue
59.4	145	34	Arkansas Avenue
59.4	146	36	Arkansas Avenue
59.4	147	38	Arkansas Avenue
59.4	148	40	Arkansas Avenue
59.4	149	42	Arkansas Avenue
59.4	150	44	Arkansas Avenue
59.4	151	46	Arkansas Avenue
59.4	152	48	Arkansas Avenue
59.4	153	50	Arkansas Avenue
59.4	154	52	Arkansas Avenue
59.4	155	54	Arkansas Avenue
59.4	156	56	Arkansas Avenue
59.4	157	58	Arkansas Avenue
59.4	33	60	Arkansas Avenue
59.4	34	62	Arkansas Avenue
59.4	35	64	Arkansas Avenue
59.4	36	66	Arkansas Avenue
59.4	38	68	Arkansas Avenue
59.4	39	70	Arkansas Avenue
59.4	40	72	Arkansas Avenue
59.4	41	74	Arkansas Avenue
59.4	42	76	Arkansas Avenue
59.4	43	78	Arkansas Avenue
59.3	17	80	Arkansas Avenue
59.3	78	81	Arkansas Avenue
59.3	79	81	Arkansas Avenue
59.3	13	82	Arkansas Avenue
59.3	145	84	Arkansas Avenue
59.3	73	85	Arkansas Avenue
59.3	143	86	Arkansas Avenue
59.3	144	86	Arkansas Avenue
60.2.1	62	5	Baltimore Street
60	106	6	Baltimore Street

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60.2.4	75	12	Baltimore Street
60.2.4	72	14	Baltimore Street
60.2.4	73	16	Baltimore Street
60.2.4	74	16	Baltimore Street
60.2.4	86	19	Baltimore Street
60.2.1	25	5	C Street
60.2.1	22	6	C Street
60.2.4	93	10	C Street
60.2.4	89	12	C Street
60.2.1	76	13	C Street
60.2.4	94		C Street
60	124	5	Chicago Street
60	147	6	Chicago Street
59.3	174	3	Columbus Avenue
59.3	175	5	Columbus Avenue
59.3	113	7	Columbus Avenue
59.3	112	9	Columbus Avenue
59.3	212	10	Columbus Avenue
59.3	111	11	Columbus Avenue
59.3	173	12	Columbus Avenue
59.3	110	13	Columbus Avenue
59.3	172	14	Columbus Avenue
59.3	109	15	Columbus Avenue
59.3	171	16	Columbus Avenue
59.3	108	17	Columbus Avenue
59.3	107	19	Columbus Avenue
59.3	106	21	Columbus Avenue
38	93	2	Creek Lane
38	94	4	Creek Lane
38	95	6	Creek Lane
38	96	8	Creek Lane
38	97	10	Creek Lane
38	98	12	Creek Lane
38	99	14	Creek Lane
38	100	16	Creek Lane
38	101	18	Creek Lane
38	102	20	Creek Lane
38	103	22	Creek Lane
38	104	24	Creek Lane
38	105	26	Creek Lane
38	106	28	Creek Lane
38	107	30	Creek Lane
60.2.1	28	6	D Street
60.2.1	15	7	D Street
60.2.1	16	9	D Street
60.2.1	17	11	D Street

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60.2.1	1	14	D Street
60.2.1	2	16	D Street
60.2.1	7.1	8	F Street
60.2.1	7.2	10	F Street
38	153	1	Fisher's Landing Road
38	154	2	Fisher's Landing Road
38	152	3	Fisher's Landing Road
38	157	4	Fisher's Landing Road
38	151	5	Fisher's Landing Road
38	150	7	Fisher's Landing Road
38	149	9	Fisher's Landing Road
38	148	11	Fisher's Landing Road
38	147	13	Fisher's Landing Road
59.3	96	1	Goose Cove Avenue
59.3	24	3	Goose Cove Avenue
59.3	23	5	Goose Cove Avenue
60.1.2	65	1	H Street
60.1.2	54	5	H Street
60.1.2	22	11	H Street
59.4	181	4	I Street
59.4	74	7	I Street
60.1.2	32	9	I Street
59.4	261	2	L Street
59	29	1	Long Pond Drive
59	30	3	Long Pond Drive
59	27	4	Long Pond Drive
59	31	5	Long Pond Drive
59	26	6	Long Pond Drive
59	32	7	Long Pond Drive
59	25	8	Long Pond Drive
59	33	9	Long Pond Drive
59	24	10	Long Pond Drive
59	34	11	Long Pond Drive
59	23	12	Long Pond Drive
59	35	13	Long Pond Drive
59	22	14	Long Pond Drive
59	36	15	Long Pond Drive
59	21	16	Long Pond Drive
59	37	17	Long Pond Drive
59	20	18	Long Pond Drive
59	37.1	19	Long Pond Drive
59	19	20	Long Pond Drive
59	15	21	Long Pond Drive
59	18	22	Long Pond Drive
59	3	23	Long Pond Drive
59	17	24	Long Pond Drive

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59.4	17	25	Long Pond Drive
59	16	26	Long Pond Drive
59.4	18	27	Long Pond Drive
59.4	109	28	Long Pond Drive
59.4	19	29	Long Pond Drive
59.4	15	30	Long Pond Drive
59.4	20	31	Long Pond Drive
59.4	108	32	Long Pond Drive
59.4	13	33	Long Pond Drive
59.4	14	34	Long Pond Drive
59.4	12	35	Long Pond Drive
59.4	117	36	Long Pond Drive
59.4	113	37	Long Pond Drive
59.4	116	38	Long Pond Drive
59.4	112	39	Long Pond Drive
59.4	115	40	Long Pond Drive
59.4	109	41	Long Pond Drive
59.4	114	42	Long Pond Drive
59.4	262	6	M Street
59.4	201	8	M Street
60	105	4	Macy Road
60	144	6	Macy Road
60	146	8	Macy Road
60	143		Macy Road
38	8	190	Madaket Road
38	57	198	Madaket Road
59	58.1	199	Madaket Road
59	58.2	201	Madaket Road
59	51	203	Madaket Road
59	50	205	Madaket Road
59	49	207	Madaket Road
59	48	209	Madaket Road
59	47	211	Madaket Road
59	46	213	Madaket Road
59	45	215	Madaket Road
59	44	217	Madaket Road
59	43	219	Madaket Road
59	42	221	Madaket Road
59	41	223	Madaket Road
59	1.2	227	Madaket Road
59	2	229	Madaket Road
59.4	21	230	Madaket Road
38	10	231	Madaket Road
59.4	120.1	232	Madaket Road
59.4	120	234	Madaket Road
59.4	364	235	Madaket Road

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59.4	119.1	238	Madaket Road
59.4	119	240	Madaket Road
59.4	10	241	Madaket Road
59.4	118.1	242	Madaket Road
59.4	118	244	Madaket Road
59.4	110	246	Madaket Road
59.4	16.1	248	Madaket Road
59.4	11	249	Madaket Road
59.4	213	250	Madaket Road
59.4	211	252	Madaket Road
59.4	210	253	Madaket Road
59.4	212	254	Madaket Road
59.4	265	255	Madaket Road
59.4	267	259	Madaket Road
59.4	268	261	Madaket Road
59.4	269	262	Madaket Road
59.4	271	264	Madaket Road
59.4	319	265	Madaket Road
59.4	273	266	Madaket Road
59.4	322	270	Madaket Road
59.4	356	271	Madaket Road
59.4	341	273	Madaket Road
59.4	329	274	Madaket Road
59.4	330	274	Madaket Road
59.4	331	274	Madaket Road
59.4	296	275	Madaket Road
59.4	335	277	Madaket Road
59.4	290	278	Madaket Road
59.4	291	280	Madaket Road
59.4	292	281	Madaket Road
59.4	68	282	Madaket Road
59.3	1	284	Madaket Road
60.2.1	67	291	Madaket Road
60.1.2	64	293	Madaket Road
60.2.1	70	300	Madaket Road
60.2.1	55	301	Madaket Road
60.2.1	54	303	Madaket Road
60.2.1	69	304	Madaket Road
60.2.1	51	305	Madaket Road
60.2.1	68	306	Madaket Road
60.2.1	50	307	Madaket Road
60.2.1	67	308	Madaket Road
60.2.1	66	310	Madaket Road
60.2.1	65	312	Madaket Road
60.2.1	45	313	Madaket Road
60.2.1	64	316	Madaket Road

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60.2.1	38	317	Madaket Road
60.2.1	63	318	Madaket Road
60.2.1	35	321	Madaket Road
60.2.4	82	324	Madaket Road
60	104	326	Madaket Road
60	103	328	Madaket Road
60	101	330	Madaket Road
60	102	332	Madaket Road
60	100	333	Madaket Road
60.2.4	64.3	334	Madaket Road
60.2.4	124	337	Madaket Road
60	125	338	Madaket Road
60.2.4	64	341	Madaket Road
60.2.4	63	343	Madaket Road
60.2.4	63.1	345	Madaket Road
60	137	347	Madaket Road
60	130	353	Madaket Road
59.3	101	1	Midland Avenue
59.3	100	3	Midland Avenue
59.3	170	4	Midland Avenue
59.3	99	5	Midland Avenue
59.3	169	6	Midland Avenue
59.3	98	7	Midland Avenue
59.3	168	8	Midland Avenue
59.3	97	9	Midland Avenue
59.3	167	10	Midland Avenue
59.3	95	11	Midland Avenue
59.3	105	12	Midland Avenue
59.3	94	13	Midland Avenue
59.3	206	14	Midland Avenue
59.3	166	16	Midland Avenue
59.3	165	18	Midland Avenue
59.3	164	20	Midland Avenue
59.4	283	10	Mississippi Avenue
59.4	285	10	Mississippi Avenue
59.4	233	11	Mississippi Avenue
59.4	229/230		Mississippi Avenue
59.4	236/237		Mississippi Avenue
59.4	107	2	N. Cambridge Street
59.4	104	8	N. Cambridge Street
59.4	106	10	N. Cambridge Street
59.4	207	12	N. Cambridge Street
59.4	101	14	N. Cambridge Street
38	14	16	N. Cambridge Street
38	15	20	N. Cambridge Street
38	20	24	N. Cambridge Street

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38	25	25	N. Cambridge Street
38	21	26	N. Cambridge Street
59.4	354	3	Oakland Street
59.4	348	7	Oakland Street
59.4	82	12	Oakland Street
59.4	255	14	Oakland Street
60.2.4	64	3	Pop's Lane
38	91	1	Ridge Lane
38	128	2	Ridge Lane
38	90	3	Ridge Lane
38	127	4	Ridge Lane
38	89	5	Ridge Lane
38	126	6	Ridge Lane
38	88	7	Ridge Lane
38	125	8	Ridge Lane
38	87	9	Ridge Lane
38	124	10	Ridge Lane
38	86	11	Ridge Lane
38	123	12	Ridge Lane
38	85	13	Ridge Lane
38	120	16	Ridge Lane
38	78	17	Ridge Lane
38	119	18	Ridge Lane
38	77	19	Ridge Lane
38	118	20	Ridge Lane
38	76	21	Ridge Lane
38	117	22	Ridge Lane
38	75	23	Ridge Lane
38	116	24	Ridge Lane
38	74	25	Ridge Lane
38	73	27	Ridge Lane
38	72	29	Ridge Lane
38	114	30	Ridge Lane
38	71	31	Ridge Lane
38	70	33	Ridge Lane
38	113	34	Ridge Lane
38	69	35	Ridge Lane
38	112	36	Ridge Lane
38	68	37	Ridge Lane
38	67	39	Ridge Lane
38	65	41	Ridge Lane
38	110	42	Ridge Lane
38	64	43	Ridge Lane
38	63	45	Ridge Lane
38	62	47	Ridge Lane
38	109	48	Ridge Lane

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38	61	49	Ridge Lane
38	108	50	Ridge Lane
38	60	51	Ridge Lane
59.4	132.1	1	S. Cambridge Street
59.4	16	2	S. Cambridge Street
59.4	132.2	3	S. Cambridge Street
59.4	111	4	S. Cambridge Street
59.4	133	5	S. Cambridge Street
59.4	15.1	6	S. Cambridge Street
59.4	132	7	S. Cambridge Street
59.4	131	11	S. Cambridge Street
59.4	126	13	S. Cambridge Street
59.4	29	15	S. Cambridge Street
59.3	25	17	S. Cambridge Street
59.3	26	19	S. Cambridge Street
59.3	27	21	S. Cambridge Street
59.3	28	23	S. Cambridge Street
59.3	29	25	S. Cambridge Street
59.3	30	27	S. Cambridge Street
59.3	31	29	S. Cambridge Street
59.3	32	31	S. Cambridge Street
59.3	270.6	32	S. Cambridge Street
59.3	33	33	S. Cambridge Street
59.3	270.5	34	S. Cambridge Street
59.3	34	35	S. Cambridge Street
59.3	270.4	36	S. Cambridge Street
59.3	35	37	S. Cambridge Street
59.3	270.3	38	S. Cambridge Street
59.3	36	39	S. Cambridge Street
59.3	370.2	40	S. Cambridge Street
59.3	37	41	S. Cambridge Street
59.3	270.1	42	S. Cambridge Street
59.3	38	43	S. Cambridge Street
59.3	270	44	S. Cambridge Street
59.3	39	45	S. Cambridge Street
59.3	41	46	S. Cambridge Street
59.3	103	47	S. Cambridge Street
59.3	42	48	S. Cambridge Street
59.3	102	49	S. Cambridge Street
59.3	67	1	Starbuck Road
60	20	3	Starbuck Road
60	21	3	Starbuck Road
59.3	66.1	4	Starbuck Road
59.3	66	4	Starbuck Road
60	22	5	Starbuck Road
59.3	64	6	Starbuck Road

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60	23	7	Starbuck Road
59.3	63	8	Starbuck Road
60	24	9	Starbuck Road
59.3	62	10	Starbuck Road
60	25	11	Starbuck Road
60	26	12	Starbuck Road
60	113	13	Starbuck Road
60	114	14	Starbuck Road
60	112	15	Starbuck Road
60	115	16	Starbuck Road
60	111	17	Starbuck Road
60	116	18	Starbuck Road
60	109	19	Starbuck Road
60	117	20	Starbuck Road
60	108	21	Starbuck Road
60	118	22	Starbuck Road
60	107	23	Starbuck Road
60	119	24	Starbuck Road
60	121	25	Starbuck Road
60	120	26	Starbuck Road
60	27	30	Starbuck Road
60	39	31	Starbuck Road
60	40	31	Starbuck Road
60	37	37	Starbuck Road
60	34	40	Starbuck Road
59.3	48	41	Starbuck Road
60	33	42	Starbuck Road
59.3	49	43	Starbuck Road
60	32	44	Starbuck Road
59.3	50	45	Starbuck Road
60	31	46	Starbuck Road
59.3	51	47	Starbuck Road
60	30	48	Starbuck Road
59.3	52	49	Starbuck Road
60	29	50	Starbuck Road
59.3	120	51	Starbuck Road
60	28	52	Starbuck Road
59.3	55	54	Starbuck Road
60	149	54R	Starbuck Road
59.3	129	56	Starbuck Road
59.3	135	58	Starbuck Road
59.3	176	59	Starbuck Road
59.3	140	60	Starbuck Road
59.3	179	61	Starbuck Road
59.3	141	62	Starbuck Road
59.3	242	63	Starbuck Road

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59.3	69	64	Starbuck Road
59.3	68	66	Starbuck Road
59.4	67.1	67	Starbuck Road
59.4	67.2	69	Starbuck Road
59.4	69	71	Starbuck Road
59.3	65		Starbuck Road
60.2.4	83	1	Tennessee Avenue
60.2.4	84	2	Tennessee Avenue
60.1.2	21	6	Tennessee Avenue
60.1.2	8	9	Tennessee Avenue
60.1.2	4	10	Tennessee Avenue
60.1.2	5	12	Tennessee Avenue
60.1.2	6	14	Tennessee Avenue
60.1.2	43	15	Tennessee Avenue
60.1.2	18	18	Tennessee Avenue
60.1.2	47	19	Tennessee Avenue
60.1.2	56	21	Tennessee Avenue
60.1.2	25	22	Tennessee Avenue
60.1.2	57	23	Tennessee Avenue
60.1.2	27	24	Tennessee Avenue
60.1.2	60	25	Tennessee Avenue
60.1.2	29	26	Tennessee Avenue
60.1.2	31	28	Tennessee Avenue
60.1.2	41	32	Tennessee Avenue
59.4	75	34	Tennessee Avenue
59.4	247	35	Tennessee Avenue
59.4	79	36	Tennessee Avenue
59.4	245	37	Tennessee Avenue
59.4	253	38	Tennessee Avenue
59.4	365	39	Tennessee Avenue
59.4	84	40	Tennessee Avenue
59.4	259	41	Tennessee Avenue
59.4	310	43	Tennessee Avenue
59.4	88	44	Tennessee Avenue
59.4	89	46	Tennessee Avenue
59.4	202	51	Tennessee Avenue
59.4	95	52	Tennessee Avenue
59.4	94	52R	Tennessee Avenue
59.4	96	54	Tennessee Avenue
59.4	98	54R	Tennessee Avenue
59.4	363	55	Tennessee Avenue
59.4	6	58	Tennessee Avenue
59.4	8	60	Tennessee Avenue
59.4	102	61	Tennessee Avenue
59.4	103	63	Tennessee Avenue
38	155	2	The Grove

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38	140	4	The Grove
38	141	6	The Grove
38	142	8	The Grove
38	143	10	The Grove
38	144	12	The Grove
38	145	14	The Grove
38	146	16	The Grove
59.3	58/59		Utah Avenue
60.2.4		1	Washington Avenue
60.2.1		3	Washington Avenue
60.2.4		4	Washington Avenue
60.2.4		6	Washington Avenue
60.2.1		7	Washington Avenue
60.2.1		9	Washington Avenue
60.2.1		10	Washington Avenue
60.2.1		11	Washington Avenue
60.2.1		12	Washington Avenue
60.2.1		15	Washington Avenue
60.2.1		17	Washington Avenue
60.2.1		18	Washington Avenue
60.2.1		19	Washington Avenue
60.2.1		20	Washington Avenue
60.2.1		22	Washington Avenue
60.2.1		24	Washington Avenue
60.2.1		25	Washington Avenue
60.2.1		27	Washington Avenue
60.1.2		41	Washington Avenue
59.4		51	Washington Avenue
59.4		53	Washington Avenue
59.4	299	54	Washington Avenue
59.4	347	56	Washington Avenue
59.4	315	62	Washington Avenue
59.4	361	68	Washington Avenue
59.4	266	69	Washington Avenue
38	138	1	West Way
38	132	2	West Way
38	137	3	West Way
38	133	4	West Way
38	136	5	West Way
38	134	6	West Way
38	135	7	West Way

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article ___" dated _____ and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

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(Board of Selectmen/Sewer Commissioners)

ARTICLE
(Bylaw Amendment: Board of Sewer Commissioners/
Town Sewer District Map Changes)

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

1. By adding the following parcels to the Town Sewer District:

MAP	LOT	NUMBER	STREET
55	112	46	Cato Lane
55	312	147	Orange Street
56	209	59	Milk Street
56	252	85	Vestal Street
56	253	83	Vestal Street
56	254	81	Vestal Street
56	255	79	Vestal Street

2. By removing the following parcels from the Town Sewer District:

MAP	LOT	NUMBER	STREET
30	48	98	Hulbert Avenue
30	53	11	Jefferson Avenue
30	138.2		Cobblestone Hill
30	608	2	Nantucket Avenue
41	343	32	Grove Lane
42.2.3	4	38	Washington Street
42.2.3	5	40	Washington Street
42.2.3	6	42	Washington Street
42.2.4	7	17	Commercial Wharf
42.3.2	23.1	28	Washington Street
54	204	21	Monomoy Road
55	61.1	158	Orange Street
55	321	47	Prospect Street
55.1.4	2	50	Union Street
55.4.1	56	39	York Street
68	700	2	Evergreen Lane
68	701.1	4	Evergreen Lane
68	701	4A	Evergreen Lane

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68	702	6	Evergreen Lane
68	703	8	Evergreen Lane
68	704	10	Evergreen Lane
68	705	12	Evergreen Lane
68	706	14	Evergreen Lane
68	707	16	Evergreen Lane
68	708	18	Evergreen Lane

Or to take any other action related thereto.

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article ___ Town Sewer District Map Changes" dated January 2016 and filed herewith at the Office of the Town Clerk.

(Board of Selectmen/Sewer Commissioners)

ARTICLE
(Bylaw Amendment: Town Property, Conveyance of)

To see if the Town will vote to repeal Chapter 46 (Town Property, Conveyance of), section 46-4 (Acquisition of land for Town offices); said section reads as follows:

§46-4. Acquisition of land for Town offices.

All acquisitions by the Town of Nantucket, whether by purchase or by lease, of vacant or improved land outside the downtown core district, the acquisition of which is for the construction and/or renovation for use as Town offices, shall require a vote of the Town Meeting; no offices presently within the downtown core district shall be relocated to any site outside the downtown core district without a vote of the Town Meeting.

(Board of Selectmen)

ARTICLE
(Bylaw Amendment: Personal Watercraft/Flyboarding)

To see if the Town will vote to:

Exempt PWCs engaged in a flyboard operation from §137-18.

Define new terms related to flyboarding and specify their exemption.

1. **Definitions**

In this instrument:
Flyboard means an aerial freestyle device that:

a) is a positively buoyant board, with foot holds or strappings, designed to support a person; and

b) is used in a flyboard operation.

Flyboard operation means an operation in which:

a) a flyboard is powered by a PWC through a hose connected from the PWC's outlet venturi; and
b) the PWC is controlled by an instructor and creates thrust to propel the flyboard through and out of the water; and
c) the person on the flyboard can control flight direction, including the direction of the PWC.
d) the PWC can only be controlled by person on flyboard. It does not function in a conventional manner.

Instructor means a person who controls a PWC.

Personal watercraft (or PWC) means a vessel that:

a) uses an inboard motor powering a water jet pump or a propeller as its primary source of motive power; and
b) is designed to be operated by a person sitting, standing or kneeling on the vessel rather than the conventional manner of sitting or standing inside a vessel; and
c) is used in a flyboard operation.

Licensed flyboarding means an individual or corporation that:

a) has proper instructor certifications; and
b) has a minimum of USCG OUPV license; and
c) complies with all manufacturer recommendations; and
d) complies with all relevant regulations; and
e) engages in flyboard operation.

2. Exemptions

Licensed flyboarding is exempt from Town of Nantucket Bylaw section §137-18 subsections B, C and D.

(Max Perkins, et al)

ARTICLE
(Home Rule Petition/Bylaw: Town of Nantucket Right to Farm)

To see if the Town will vote to:

Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A.

We the citizens of Nantucket restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Nantucket by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies.

This By-law shall apply to all jurisdictional areas within the Town of Nantucket.

Section 2 Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto. The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following: • farming in all its branches and the cultivation and tillage of the soil; • dairying; • production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities; • growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations; • raising of livestock including horses; • keeping of horses as a commercial enterprise; and • keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following: • operation and transportation of slow-moving farm equipment over roads within the Town; • control of pests, including, but not limited to, insects , weeds, predators and disease organism of plants and animals; • application of manure, fertilizers and pesticides; • conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm; • processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto; • maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and • on- farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Nantucket. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in

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accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4 Disclosure Notification

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of Nantucket, the landowner shall present the buyer or occupant with a disclosure notification which states the following: "It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances." A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure
notification must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy
of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail. A violation of Section 4 shall be subject to a fine of $300 and shall be enforced by the Board of Selectmen or its designee. The Town is authorized to enforce Section 4 under the non-criminal disposition provision of G.L. c. 40, § 21D.

Section 5 Resolution of Disputes [Applicable only in communities that have Agricultural Commissions.]

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame. The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Nantucket hereby declares the provisions of this By-law to be severable.

(Dylan Wallace, et al)
NEED LEGAL GUIDANCE - IS THIS A BYLAW OR A HRP OR BOTH?

ARTICLE
(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding property located at 17 Milestone Crossing (Assessor Map 68, Parcel 458) to the Town Sewer District.

Or to take any other action related thereto.

(Mark Dawson, et al)

ARTICLE
(Bylaw Amendment: Board of Sewer Commissioners/ Town Sewer District Map Changes)

To see if the Town will vote to: amend the Town Sewer District, as established under the Nantucket Code, Chapter 41, Section 3.A, by adding to it the following parcels:

MAP	PARCEL	ADDRESS
66	100.1	58 Bartlett Road
66	100.2	56 Bartlett Road
66	100	54 Bartlett Road
66	524	48 Bartlett Road
66	531	46 Bartlett Road
66	529	44 Bartlett Road
66	530	42 Bartlett Road
66	434	40 Bartlett Road

(Donald Dimock, et al)

ARTICLE
(Bylaw Amendment: Management of Coastal Properties Owned by the Town)

To see if the Town will vote to amend Chapter 67 - 1, Management of Coastal Properties Owned by the Town

To strike Chapter 67 in its entirety, and adding:

67 - 1
Coastal land, leasing or licensing. Leasing or licensing any Town-owned coastal land for private erosion-control protection purposes shall be subject to approval by vote at an Annual or Special Town Meeting.

Or to take any other action relative thereto.

(Catherine Flanagan Stover, et al)

ARTICLE
(Bylaw Amendment: Nuisance Animals)

To see if the Town of Nantucket will vote to:

PROPOSED REVISION Chapter 55 of the Town Code?)

F Nuisances: No person shall keep within the limits of the Town of Nantucket any dog or pet by which barking, biting, howling, whining or in any manner disturbs the peace and quiet of any person. No person shall own or keep in the Town of Nantucket any bird or fowl, which by screeching or crowing or by any other manner disturbs the peace and quiet of any person(s).

No person shall own or keep any animal that is found to run at large beyond the confines of the property of the owner or keeper, or does commit any nuisance, disturbs the peace and quiet of any neighborhood, or endangers the safety of any person(s).

The owner of any dog or pet which endangers the safety of any person or other animal by biting or causing property damage shall be subject to immediate violations, penalties or quarantine. Subsequent offenses shall result in their removal from the Town of Nantucket, or shall be euthanized if deemed to be dangerous.

Any dog or pet found to run at large beyond the confines of the property of the owner, tenant, lessee or keeper after a third offense of chapter 55 subsection 4D shall also be subject to nuisance violation penalties thereafter.

H Animal neglect: Any person owning, keeping or otherwise responsible for a companion animal, pet or farm animal or livestock who confines said animal in a parked vehicle or trailer where the vehicle confinement endangers the health or safety of the animal and or if medical aid is requested and owner does not seek medical aid for animal shall be subject to a fine of $50.00, second offense fine of $100.00.

I Dogs or Pets released from the Animal Shelter: Any person owning, keeping or otherwise responsible for animal that is brought into the Animal Shelter and that animal is released back the owner or keeper is responsible for making sure Animal Control gets a copy of Rabies Certificate. If Animal Control does not receive certificate from the dog or pet owner within 5 business days after dog or pet is released the owner or keeper

may receive a fine of $50.00 per week until Rabies Certificate is submitted to Animal Control.

J Town Permit of Animal: If Owner or Keeper of Farm Animals does not obtain a Town Permit could be subject to a fine of $25.00per day until permit is purchased.

(Suzanne Gale, et al)

ARTICLE
(Bylaw Amendment: Dog Licenses)

To see if the Town will vote to amend Chapter 55 §5 of the Code of the Town of Nantucket, REGULATIONS, by addition the following section:

A (4) No license fee shall be charged for a dog owned by a person aged 70 years or older who licenses their dog by April 30.

Or to take any other action related thereto.

(Catherine Flanagan Stover, et al)

MGL ACCEPTANCES

ARTICLE
(Acceptance of Massachusetts General Law: Dog Licenses)

To see if the Town will vote to accept the provisions of MGL Ch. 140, Section 139, so that no license fee shall be charged for a dog owned by a person aged 70 years or older who licenses their dog by April 30.

Or to take any other action related thereto.

(Catherine Flanagan Stover, et al)

ARTICLE
(Acceptance of Massachusetts General Law: Abandoned Motor Vehicles- Non-Criminal Proceedings)

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 90, section 22B subsection (b) to (k), inclusive, to allow for the Town to remove motor vehicles which have been abandoned in the Town by using a non-criminal process.

(Board of Selectmen)

ARTICLE

(Acceptance of Massachusetts General Law: Sewer Betterment Assessments

To see if the Town will vote to accept the provisions of. Massachusetts General Law Chapter 83, sections 15C and 15D to authorize the Town to collect interest on unpaid sewer betterment assessments.

(Board of Selectmen)

HOME RULE PETITIONS/CHARTER AMENDMENTS

ARTICLE

(Home Rule Petition: Sewer Betterment Assessments)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation set forth below; provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage; or to take any other action related thereto.

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO REGULATE SEWER BETTERMENT ASSESSMENTS

Section 1. The Town of Nantucket is authorized to assess and collect interest on an unpaid balance of a sewer betterment assessment at a rate up to two percent above the net rate of interest chargeable tto the Town for the project to which the assessment relates.

Section 2. The Town of Nantucket is authorized to apportion all future sewer assessments or unpaid balances of assessments over a period not to exceed thirty years, and may structure the payments so that the amounts payable in several years for principal and interest combined are as nearly equal as practicable. These equal payments may be futher apportioned and collected by the town on quarterly tax bills at the option of the town. An owner of land assessed may pay the total remaining principal amount due without a prepayment penalty.

Section 3. This act shall take effect upon passage.

(Board of Selectmen)

Rep Madden recommends BOTH until the Act is signed by the Gov (been sent to Gov as of 1/11/16

ARTICLE

(Home Rule Petition: Medical Marijuana Local Sales Tax)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation set forth below; provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage; or to take any other action related thereto.

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO IMPOSE A LOCAL SALES TAX ON THE SALE OF MEDICAL MARIJUANA

Section 1. Notwithstanding the provisions of section 6 of chapter 64H of the General Laws, or of any other general or special law to the contrary, the town of Nantucket is hereby authorized to impose a local sales tax upon (1) the retail sale of medical marijuana sold by a medical marijuana treatment center licensed by the commonwealth pursuant to chapter 369 of the acts of 2012 originating within the town, (2) the wholesale sale of medical marijuana by a treatment center located in the town to another treatment center located in another municipality, (3) the wholesale sale of medical marijuana cultivated in the town of Nantucket to a licensed medical marijuana treatment center located in another municipality, and (4) the wholesale value of medical marijuana cultivated in the town of Nantucket and sold by a licensed medical marijuana treatment center located in another municipality. The sales tax imposed under this Act shall be at a rate of 5 per cent of the gross receipts from the retail or wholesale sale of medical marijuana. The sales tax imposed under this section shall be paid to the treasurer of the town on a quarterly basis.

Section 2. Notwithstanding the provisions of section 53 of chapter 44 of the General Laws to the contrary, any funds received by the town treasurer pursuant to this act shall be credited to a special fund known as the Substance Abuse Control Fund, and interest on such amounts shall remain with and become part of such fund. Such fund shall be appropriated by the Nantucket town meeting to support controlled substance abuse programs serving residents of the town of Nantucket.

Section 3. This act shall take effect upon passage.

(Board of Selectmen)
BOS - GIVE IT A TRY? OR?

ARTICLE
(Home Rule Petition: Merger of Nantucket Water Commission and Siasconset Water Commission)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation set forth below; provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage; or to take any other action related thereto.

AN ACT authorizing the Town of Nantucket to supply itself and its inhabitants with water

SECTION 1. The town of Nantucket may supply itself and the inhabitants thereof with water for the extinguishment of fires and for domestic and for other purposes, may establish fountains and hydrants, relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of same.

SECTION 2. The said town, for the purposes aforesaid, is hereby authorized to acquire by purchase or take by eminent domain under chapter 79 of the General Laws the entire water rights, estates, franchises and privileges of any corporation supplying water to its inhabitants and thereby become entitled to all its rights and privileges and subject to all its duties and liabilities; and may lease, or take by eminent domain under said chapter seventy-nine, or acquire by purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, brook, spring, stream or any ground water sources within its limits, not already appropriated for purposes of public water supply, and any water or flowage rights connected therewith; provided, that the amount of water which may be taken shall from time to time be determined by vote of the town; and also may take by eminent domain under said chapter 79, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and treating such water and protecting and preserving the purity thereof and for conveying the same to any part of said town; provided, that no source of water supply and no lands necessary for protecting and preserving the purity and quality of the water shall be taken or used without first obtaining the advice and approval of the department of environmental protection, and that the location and arrangement of all dams, reservoirs, wells or filter galleries, filtration and pumping plants or other works necessary in carrying out the provisions of this act shall be subject to the approval of said department. Said town may construct, erect and maintain on the lands acquired and held under the provisions of this act proper dams, reservoirs, pumping and filtration plants, buildings, standpipes, tanks, fixtures and other structures, including also purification and treatment works, the construction and maintenance of which shall be subject to the approval of the department of environmental protection, and may make excavations, procure and operate machinery, and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs, establish pumping works and lay down and maintain aqueducts, conduits, pipes and other works, under or over any lands, water courses, railroads, railways and public or other ways and along any such way in said town in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all other proper purposes of this act, said town may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel thereon. Said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation or in case of failure so to agree as may be approved by the department of telecommunications and energy. Said town may enter upon any lands for the purpose of making surveys, test pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized by this act.

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SECTION 3. The land, water rights and other property taken or acquired under this act, and all works, buildings and other structures erected or constructed under this act, shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the town.

SECTION 4. Any person or corporation injured in his or its property by any action of said town or board under this act may recover damages from said town under said chapter 79; provided, that the right to damages for the taking of any water, water right, or any injury thereto, shall not vest until the water is actually withdrawn or diverted by said town under authority of this act.

SECTION 5. Said town may, for the purpose of paying the necessary expenses and liabilities incurred or to be incurred under the provisions of this act, issue from time to time bonds or notes in accordance with the provisions of section 8 of chapter 44 of the General Laws.

SECTION 6. Said town shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with the provisions of section 5; and when a vote to that effect has been passed, a sum which, with the income derived from the water rates, will be sufficient to pay the annual expense of operating the water works, and the interest as it accrues on the bonds or notes issued as aforesaid, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed by the assessors of the town annually thereafter in the same manner as other taxes, until the debt incurred by the said loan or loans is extinguished.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefore, to be recovered in an action of tort; and upon conviction of any one of the above wilful or wanton acts shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year, or both.

SECTION 8. All water operations of said town shall be consolidated into a single department of the town, known as the Nantucket water department. All the authority granted to the town by this act, except sections 5 and 6, and not otherwise specially provided for, shall be vested in a three-member board of water commissioners, who shall have exclusive charge and control of the water department and water system of the town, subject however to all lawful by-laws and to such instructions, rules and regulations as said town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose. Any such vacancy may be filled temporarily by a majority vote of the selectmen, and the person so appointed shall hold office until the town fills the vacancy in the manner specified herein. Said commissioners shall serve three-year terms, with one commissioner to be elected at each annual election, as provided for in section 69A of chapter 41 of the General Laws.

SECTION 9. Said board of water commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment of such prices and rates. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued under authority of this act. During any period that the Nantucket water department is not operated under an enterprise fund system of accounting pursuant to section 53F1/2 of chapter 44 of the General Laws, if there should be a net surplus remaining after providing for the aforesaid charges it shall be used for such new construction as the water commissioners may determine upon, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. No money shall be expended in new construction by the water commissioners except from the net surplus aforesaid unless the town appropriates and provides money therefore. All authority vested in said commissioners by the foregoing provisions of this section shall be subject to the provisions of section 8. Said commissioners shall annually, and as often as the town may require, render a report upon the condition of the works under their charge and an account of their doings, including an account of receipts and expenditures.

SECTION 10. The town of Nantucket shall be the lawful successor of the Siasconset water district and the Wannacomet Water Company, so-called, in every respect. All property, both real and personal, including funds, records, furnishings and equipment whatsover in they custody of said department and company shall be transferred by operation of law to the town, and no contracts or liabilities of the Siasconset water district or Wannacomet Water Company in force on the effective date of this act shall be affected by the dissolution and abolition of the said district or company, except as provided in section 16, below.

SECTION 11. The board of water commissioners previously established pursuant to chapter 476 of the acts of 1987, shall serve as the board of water commissioners under this act, with the powers, duties and authorities conferred under this act. Each commissioner shall continue to serve in office until the natural expiration of each commissioner's current term of office.

SECTION 12. The incumbent general manager of the Wannacomet Water Company, so-called, holding office as of the effective date of this act shall serve as the director of the consolidated Nantucket water department until the natural expiration of his current appointment, or his sooner resignation, retirement or removal.

SECTION 13. The so-called Siasconset water district, created pursuant to chapter 404 of the acts of 1903, as amended, is hereby dissolved. The board of water commissioners created pursuant to said chapter 404 is hereby abolished and the tenure of the incumbent members of said board shall terminate on the effective date of this act.

SECTION 14. The enterprise funds currently established pursuant to section 53F1/2 of chapter 44 of the General Laws, known as the Siasconset Water Enterprise Fund and the Wannacomet Water Enterprise Fund, are hereby consolidated into a single enterprise fund known as the Nantucket Water Department Enterprise Fund.

SECTION 15. Any properly-adopted rules and regulations of the boards of water commissioners created pursuant to chapter 404 of the acts of 1903 and chapter 476 of the acts of 1987, in effect at the time of passage of this act, shall remain in full force and effect upon the passage of this act, until such time as they are amended or abolished by the board of water commissioners created under this act.

SECTION 16. Upon the effective date of this act, the Memorandum of Agreement between the Nantucket Water Commission and the Siasconset Water Commission, dated _____, 2011, is rendered void, and the parties are relieved of their obligations under said Memorandum of Agreement, except to the extent that any payments are outstanding for services rendered prior to the effective date of this act.

SECTION 17. All personnel of the Nantucket water department are town employees, and shall be appointed by the board of water commissioners created by this act, in accordance with and subject to the requirements of sections 4.5-4.9 of the town charter, chapter 289 of the acts of 1996. Water department employees are subject to any applicable by-laws, and personnel policies and procedures of the town, unless and only to the extent that such by-laws and personnel policies and procedures have been amended by any valid collective bargaining agreement, where applicable. Nothing herein shall be construed to alter or amend the employment status of any existing water department employees, employed as of the effective date of this act, except as provided in Section 12, above.

SECTION 18. Upon the effective date of this act, the following acts of the Legislature are hereby repealed: chapter 307 of the acts of 1925; chapter 436 of the acts of 1963; and chapter 476 of the acts of 1987.

SECTION 19. This act shall take effect upon passage.

(Board of Selectmen for Nantucket Water Commission, Siasconset Water Commission)
NEEDS FINALIZATION

ARTICLE
(Home Rule Petition: Airport Fuel Revolving Fund)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation set forth below; provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage; or to take any other action related thereto.

An Act Relative to the Nantucket Memorial Airport Fuel Revolving Account

SECTION 1. Chapter 28 of the acts of 2004 is hereby amended by inserting at the end of section 1 the following:- This fund shall not be included in the calculation of the aggregate limit of all revolving funds authorized under section 53E½ of said chapter 44.

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

(Board of Selectmen for Airport Commission)
NOTE: The above home rule petition was approved as Article 20 of the 2012 Annual Town Meeting; Article 52 at the 2013 Annual Town Meeting; Article 82 of the 2014 Annual Town Meeting and Article 84 of the 2015 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2015, will expire unless renewed by a confirmatory town meeting vote.

ARTICLE
(Home Rule Petition: Community Preservation Committee)

To see if the Town will vote to present the Home Rule petition set forth below to the General Court, that the Town's representatives in the General Court be requested to introduce legislation set forth below, and that the General Court be authorized, with the approval of the Nantucket Board of Selectmen, to vary the specific text of the requested legislation within the scope of the public policy objectives of the Home Rule Petition set forth below:

An Act relative to the Community Preservation Committee in the Town of Nantucket

Section 1. Notwithstanding the provisions of section 5(a) of chapter 44B of the general laws, or of any other general or special law to the contrary, where the historical commission of the town of Nantucket created under section 8D of chapter 40 did not exist at the time the Community Preservation Act was adopted by said town, the community preservation committee in the town of Nantucket shall include one member of the historic district commission established under section 4 of chapter 40C of the general laws, as selected by the commission, in place of one member of the historical commission. Provided, however, that the preceding sentence shall not be interpreted to preclude the town of Nantucket from including a member of said historical commission on the community preservation committee either by appointment or election consistent with the then applicable community preservation committee bylaw.

Section 2. This act shall take effect upon passage.

Or to take any other action related thereto.

(Board of Selectmen)
NOTE: The above home rule petition was approved as Article 67 of the 2012 Annual Town Meeting; Article 59 of the 2013 Annual Town Meeting; Article 84 of the 2014 Annual Town Meeting and Article 85 of the 2015 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2015, will expire unless renewed by a confirmatory town meeting vote.

ARTICLE
(Home Rule Petition: Increasing Residential Property Exemption)

To see if the Town will vote to petition the General Court to enact a special act of the Town of Nantucket the text of which is set forth below, and that the General Court be authorized with the approval of the Board of Selectmen, to make constructive changes

in the text thereof as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure its passage, as follows:

An Act Increasing The Exemption For Residential Property To 30 Percent In The Town Of Nantucket

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

SECTION 1. Notwithstanding section 5C of chapter 59 of the General Laws or any other general or special law to the contrary, with respect to each parcel of real property classified as Class One, residential, in the town of Nantucket as certified by the commissioner of revenue to be assessing all local property at its full and fair cash valuation, and at the option of the board of selectmen, there shall be an exemption equal to not more than 30 per cent of the average assessed value of all Class One residential parcels within the town; provided, however, that the exemption shall be applied only to the principal residence of the taxpayer as used by the taxpayer for income tax purposes. This exemption shall be in addition to any exemptions allowable under section 5 of said chapter 59; provided, however, that the taxable valuation of the property, after all applicable exemptions, shall not be reduced to below 10 per cent of its full and fair cash valuation, except through the applicability of section 8A of chapter 58 of the General Laws and clause Eighteenth of said section 5 of said chapter 59. Where, pursuant to said section 5 of said chapter 59, the exemption is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for the purposes of the preceding sentence shall be computed by dividing the amount of tax by the residential class tax rate of the city and multiplying the result by $1,000. For the purposes of this paragraph, “parcel” shall mean a unit of real property as defined by the board of assessors of the town in accordance with the deed for the property and shall include a condominium unit.

SECTION 2. A taxpayer aggrieved by the failure to receive the residential exemption authorized under this act may apply for the residential exemption to the board of assessors of the town of Nantucket in writing on a form approved by the board within 3 months after the date on which the bill or notice of assessment was sent. For the purposes of this act, a timely application filed under this section shall be treated as a timely filed application pursuant to section 59 of chapter 59 of the General Laws.

SECTION 3. This act shall take effect as of July 1, 2015 and shall apply to taxes levied for fiscal years beginning on or after July 1, 2015.

Or take any other action relative thereto.

(Board of Selectmen)
NOTE: The above home rule petition was approved as Article 86 of the 2015 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2015, will expire unless renewed by a confirmatory town meeting vote.

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

To see if the Town will vote to petition the General Court to enact a special act of the Town of Nantucket the text of which is set forth below, and that the General Court be authorized with the approval of the Board of Selectmen, to make constructive changes in the text thereof as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure its passage, as follows:

An Act Approving the Conveyance of Property by the County of Nantucket

Section1. The County of Nantucket is hereby authorized to convey the following parcels of land, owned by the County of Nantucket to the Town of Nantucket for general municipal purposes and access purposes:

- Assessors Map 60 Parcel 3, Massachusetts Ave.
- Assessors Map 36.2.3 Parcel 51, New York Ave.
- Assessors Map 36.2.3 Parcel 54, New York Ave.
- Assessors Map 36.2.3 Parcel 74, Wisconsin Ave.
- Assessors Map 55.1.4 Parcel 9.1, 100 Washington St.
- Assessors Map 55.1.4 Parcel 9.2, 98 Washington St.
- Assessors Map 60.2.4 Parcel 5, 6 Massachusetts Ave.
- Assessors Map 60.3.1 Parcel 84, 25 Massachusetts Ave.
- Assessors Map 60 Parcel 160, 0 Esther Island
- Assessors Map 61 Parcel 1, 0 Esther Island
- Assessors Map 61 Parcel 2, 0 Esther Island
- A portion of Parcel P-2, shown on Plan 49-O filed at the Nantucket County Registry of Deeds, adjacent to 121 Washington Street.

Section 2. The provision 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 passage.

Or to take any other action relative thereto.

(Board of Selectmen)
NOTE: The above home rule petition was approved as Article 87 of the 2015 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2015, will expire unless renewed by a confirmatory town meeting vote.

ARTICLE
(Home Rule Petition: Real Estate Conveyances to Nantucket Islands Land Bank and Madaket Conservation Land Trust (MCLT)

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To see if the Town will vote to authorize the Board of Selectmen to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of certain parcels of land in the Town of Nantucket held for open space, recreational or conservation purposes, as described in more detail below and as shown on a map entitled "2015 Annual Town Meeting Warrant Article 88" dated January, 2015 and filed with the Office of the Town Clerk, to the Town of Nantucket for purposes of conveyance; and further to authorize the Board of Selectmen to convey the respective parcels described below to the Nantucket Islands Land Bank or the MCLT; provided , however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage;

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO SELL, CONVEY OR OTHERWISE DISPOSE OF CERTAIN LAND SITUATED IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE, RECREATIONAL OR CONSERVATION PURPOSES TO THE NANTUCKET ISLANDS LAND BANK AND MADAKET CONSERVATION LAND TRUST FOR THE SAME PURPOSES

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

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of certain parcels of land situated in the Town of Nantucket to the Nantucket Islands Land Bank for open space, recreational or conservation purposes and described as follows:

- Assessors Map 39, Parcel 8, Eel Point Road;
- Assessors Map 32, Parcel 23, 43 Eel Point Road;
- Assessors Map 33, Parcel 10, Eel Point Road;
- Assessors Map 67, Parcel 345, 1 Miacomet Road;
- Assessors Map 67, Parcel 681, 3 Miacomet Road;
- Assessors Ma9 67, Parcel 346, 9 Miacomet Road;
- Assessors Map 59, Parcel 28, 2 Long Pond Drive;
- Assessors Map 41, Parcel 29, 48 Cliff Road;
- Proprietors Road, Parcels 1, 2 and 3, on Plan 2014-64, Off Hummock Pond

Any such disposition shall be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map entitled "2015 Annual Town Meeting Warrant Article 88" dated January, 2015 and filed with the Office of the Town Clerk.

Section 2. Pursuant to Article 97 of the Amendments to the Massachusetts Constitution and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of a certain parcel

of land situated in the Town of Nantucket to the Madaket Land Conservation Trust for open space, recreational and conservation purposes and described as follows:

- Assessors Map 60, Parcel 19, 3 Baltimore Street

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

Or to take any other action related thereto.

(Board of Selectmen)
NOTE: The above home rule petition was approved as Article 88 of the 2015 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2015, will expire unless renewed by a confirmatory town meeting vote.

ARTICLE 6
(Home Rule Petition: Real Estate Conveyances from Nantucket Islands Land Bank to Town of Nantucket)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of certain parcels of land in the Town of Nantucket owned by the Nantucket Islands Land Bank and held for open space, recreational or conservation purposes, as described in more detail below and as shown on a map entitled "2015 Special Town Meeting Warrant Article/Land Bank-School Land Transfer Proposal" dated October, 2015 and filed with the Office of the Town Clerk, to the Town of Nantucket to be administered by the Nantucket School Department for recreational purposes; provided , however, that the General Court may with the approval of the Board of Selectmen, 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 NANTUCKET ISLANDS LAND BANK TO CONVEY CERTAIN LAND HELD FOR OPEN SPACE, RECREATIONAL OR CONSERVATION PURPOSES TO THE TOWN OF NANTUCKET FOR THE SAME PURPOSES

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

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Nantucket Islands Land Bank may transfer, sell, convey or otherwise dispose of certain parcels of land situated in the Town of Nantucket to the Town of Nantucket for open space, recreational or conservation purposes and described as follows:

-- Assessor's Map 67, Parcel 481

-- Assessor's Map 67, Parcel 121
-- Assessor's Map 67, Parcel 400
-- Assessor's Map 67, Parcel 401
-- Assessor's Map 67, Parcel 402
-- Assessor's Map 67, Parcel 398
-- Assessor's Map 67, Parcel 397
-- Assessor's Map 67, Parcel 396
-- Assessor's Map 67, Parcel 395
-- Assessor's Map 67, Parcel 394
-- A portion of Pilot Whale Lane abutting the parcels described above.

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

Or to take any other action related thereto.

(Board of Selectmen for Nantucket Islands Land Bank)
NOTE: The above home rule petition was approved as Article 6 of the November 9, 2015 Special Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2015, will expire unless renewed by a confirmatory town meeting vote.
DOES THIS NEED ANY REVISION?

ARTICLE 82
(Home Rule Petition: Nantucket Community Housing Bank)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act set forth below and to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in perfecting the language of this proposed legislation in order to secure passage, such legislation to read substantially as follows:

THE COMMONWEALTH OF MASSACHUSETTS

CHAPTER 669 Acts and Resolves

In the Year Two Thousand Sixteen

An Act RELATIVE TO THE NANTUCKET COMMUNITY HOUSING BANK

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

"Commission", shall refer to the Nantucket Housing Bank Commission, established by section three.

"Community Housing", shall refer to rental and home ownership housing units, and infrastructure supporting their development, for use by those residents of Nantucket earning 175 per cent or less of the median household income for Nantucket County, as calculated and adjusted for household size annually by the federal Department of Housing and Urban Development (HUD); this percentage of median income, should economic conditions warrant a change, can be adjusted by a majority vote of the Community Housing Bank Commission.

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

"Fund", shall refer to the Nantucket Community Housing Bank Fund, established under the provisions of section eight.

"Housing Bank", shall refer to the Nantucket Community Housing Bank, established by section two.

"Institutional lender", any bank defined in section one of chapter one hundred and sixty-seven of the General Laws, any insurance company defined in section one of chapter one hundred and seventy-five of the General Laws, and any mortgage company or investment company that made more than twenty mortgages in the calendar year preceding the year of the relevant mortgage for the purposes of subsection (m) of section twelve, and any national bank, federal savings and loan association, federal savings bank, bank holding company, or state or federally chartered credit union.

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

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

"Real property interest", shall refer to any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property, the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a buyer or seller under a contract for purchase and sale of real property, and the transferable development rights created under chapter 183A of the General Laws; but shall not include any interest which is limited to any of the following: the dominant estate in any easement or right of way; the right to enforce any restriction; any estate at will or at sufferance; any estate for years having a term of less than 30

years; any reversionary right, condition, or right of entry for condition broken; and the interest of a mortgagee or other secured party in any mortgage or security agreement.

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

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

SECTION 2. There is hereby established a Nantucket Community Housing Bank, to be administered by a Commission established by section three, for the purpose of providing funding for Community Housing and its associated services of the types set forth in section five. The Housing Bank is hereby constituted a body politic and corporate and a public instrumentality and the exercise of powers herein conferred upon the Housing Bank shall be deemed to be the performance of an essential governmental function.

SECTION 3. The Housing Bank shall be administered by a Commission consisting of five persons elected for staggered five-year terms; and provided that the county Commissioners of Nantucket County shall appoint the initial five persons from the current membership of the Town of Nantucket's Affordable Housing Trust Fund forthwith upon acceptance of this act, to serve until the first annual election of the members to be held at the first annual town election following the acceptance of this act. Members shall be legal residents of Nantucket County and shall serve without compensation. The Commission shall elect a chairman and a secretary/treasurer, from among its members, and may adopt reasonable rules and regulations for the conduct of its affairs and the management of its holdings not inconsistent with the provisions of this act. Decisions of the Commission shall be by majority vote of those present and voting and no business shall be transacted without three members present. The Commission shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the annual town report. Any vacancy on the Commission shall be filled until the next annual town election by majority vote of the remaining Commissioners then in office. At the next annual town election a Commissioner shall be elected for the balance of the unexpired term.

SECTION 4. The Housing Bank Commission shall (a) provide funding as has been first approved by an annual or special town meeting of the Town of Nantucket, in the form of grants, loans, loan guarantees, lines of credit, interest subsidies, rental assistance or any other means determined to further the goals of the housing bank for eligible community housing activities under section 5, (b) accept gifts of funds to further the purposes of the housing bank, (c) prepare an annual budget, (d) hire staff and obtain professional services that are necessary in order to perform its duties, (e) adopt regulations and procedures that it considers necessary or appropriate, subject to this act, regarding the use and investment of its funds and the keeping of records and accounts, (f) adopt procedures in the form of rules and regulations that it considers

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necessary or appropriate setting forth its programmatic goals, policies and recommendations to serve as standards for decisions to provide funding for programs under section 5, and (g) enter into and enforce contracts that it considers necessary to achieve the goals of this legislation.

SECTION 4A. The Town of Nantucket is hereby authorized to appropriate money to be deposited in the Nantucket Community Housing Bank Fund as provided in section eight and to provide funds to repay notes of the town issued pursuant to section 4 C and, when authorized by a two-thirds vote as defined in section one of chapter forty-four of the General Laws, to incur debt of the town for such purposes in accordance with the provisions of clause (3) of section seven of said chapter forty-four.

SECTION 4B. The Housing Bank is hereby empowered to issue its bonds and notes, including notes in anticipation of bonds, for the purpose of acquiring land and interests in land as provided in section four. The proceeds of such bonds or notes may be used to fund, in whole or in part, Community Housing projects; to provide reserves for debt service and other expenses; to pay consulting, appraisal, advisory and legal fees and costs incidental to the issuance and sale of such bonds or notes; to purchase, refund or renew bonds or notes previously issued; and to pay any other costs and expenses of the Housing Bank necessary for the accomplishment of its purposes. Bonds or notes issued under this act shall be authorized by the Commission which shall have full power and authority to determine the amount, form, terms, conditions, provisions for the payment of interest and all other details thereof and to provide for their sale and issuance at such price and in such manner as the Commission shall determine, subject only to any limitations set forth in this act. Unless the Town of Nantucket shall have authorized by a two-thirds vote of a town meeting the pledging of the full faith and credit of the Town of Nantucket or of Nantucket County to secure an issue of bonds or notes of the Housing Bank, all bonds or notes issued hereunder shall be payable solely from the fees and other revenues of the Housing Bank pledged to their payment and shall not be deemed a pledge of the full faith and credit of the town or county of Nantucket, the commonwealth or any political subdivision thereof or therein.

The Commission may enter into any agreements, including without limitation a loan agreement and a trust agreement, necessary to effectuate and to secure any bonds or notes issued by the Housing Bank. Such agreements may pledge or assign, in whole or in part, the revenues and other money held or to be received by the Housing Bank. Such agreements may contain such provisions for protecting and enforcing the rights, security and remedies of the holders of such bonds or notes, including, without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event thereof which may include the acceleration of maturities and covenants setting forth the duties of, and limitations on, the Housing Bank in relation to the custody, safeguarding, investment and application of money, the issuance of additional debt obligations, the use of any surplus proceeds of the borrowing, including any investment earnings thereon, and establishment of special funds and reserves.

The pledge of any such agreement shall be valid and binding and shall be deemed continuously perfected for the purposes of the Uniform Commercial Code from the time when the pledge is made; the revenues, money, rights and proceeds so pledged and

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then held or thereafter acquired or received by the Housing Bank shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act; and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the town or county, irrespective of whether such parties have notice thereof. No document by which a pledge is created need be filed or recorded except in the records of the Housing Bank and no filing need be made under the Uniform Commercial Code.

The trustee with respect to any such trust agreement entered into pursuant to this section shall be a trust company or a bank having the powers of a trust company within the commonwealth. Any such trust agreement may provide that any money received thereunder may be held, deposited or invested by the trustee, notwithstanding the provisions of section eight, pending the disbursement thereof, in any deposits or investments which are lawful for the funds of savings banks and shall provide that any officer with whom or any bank or trust company with which such money shall be deposited shall act as trustee of such money and shall hold and apply the same for the purposes hereof and thereof, subject to such regulation or limitation as this act or such trust agreement may provide.

It shall be lawful for any bank or trust company within the commonwealth to act as depository of the proceeds of bonds or notes, revenues or other money hereunder and to furnish such indemnifying bonds or to pledge such security, if any, as may be required by the Commission. Any trust agreement entered into pursuant to this section may set forth the rights and remedies of the holders of any bonds or notes and of the trustee and may restrict the individual rights of action by any such holders. In addition to the foregoing, any such trust agreement may contain such other provisions as the Commission may deem reasonable and proper. All expenses incurred in carrying out the provisions of such trust agreement may be treated as part of the cost of operation of the Housing Bank and paid from the revenues or other funds pledged or assigned to the payment of the principal of and the premium, if any, and interest on the bonds or notes or from any other funds available to the Housing Bank. In addition to other security provided herein or otherwise by law, bonds or notes issued under this section may be secured, in whole or in part, by insurance or by letters or lines of credit or other credit facilities issued to the Housing Bank by any bank, trust company or other financial institution, within or without the commonwealth, and the Housing Bank may pledge or assign any of its revenues as security for the reimbursement by the Housing Bank to the issuers of such letters or lines of credit, insurance or credit facilities of any payments made thereunder.

SECTION 4C. If at any time any principal or interest is due or about to come due on any bonds or notes of the Housing Bank to secure which the full faith and credit of the Town of Nantucket or Nantucket County shall have been pledged and funds to pay the same are not available, the Commission shall certify to the town treasurer and selectmen of the town or to the county treasurer and county Commissioners of the county, as appropriate, the amount required to meet such obligations and the town treasurer or the county treasurer shall thereupon pay over to the Housing Bank the amount so certified from any funds in the treasury. For the purpose of providing or restoring to the treasury the sums so paid over to the Housing Bank, the town treasurer,

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with the approval of the selectmen, is authorized to incur debt outside the town's debt limit and issue notes therefor for a period not exceeding two years and to renew or refund the same from time to time until the town shall have received from the Housing Bank sufficient funds to repay such notes and the interest thereon in full. Whenever the town or the county shall have been required to pay over any sums of money to the Housing Bank under this section, the Housing Bank shall be precluded from acquiring any additional property, or issuing any of its bonds or notes for purposes other than repaying the town, until the Housing Bank shall have repaid the town in full for all sums paid to the Housing Bank hereunder, including interest on any notes issued for such purpose, unless the town shall have appropriated sufficient funds for such purpose at a town meeting.

SECTION 4D. Bonds and notes issued under the provisions of this act are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments, savings banks, cooperative banks, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds and notes are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or obligations of the commonwealth is now or may hereafter be authorized by law.

SECTION 4E. Notwithstanding any of the provisions of this act or any recitals in any bonds or notes issued under this act, all such bonds and notes shall be deemed to be investment securities under the Uniform Commercial Code.

SECTION 4F. Bonds and notes may be issued under this act without obtaining the consent of any department, division, Commission, board, bureau or agency of the town or county of Nantucket, except that the full faith and credit of the town or county of Nantucket shall not be pledged for the payment of such bonds or notes unless such pledge shall have been authorized by a two-thirds vote as provided in section four, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required therefor by this act. The validity of and security for any bonds and notes issued by the Housing Bank shall not be affected by the existence or nonexistence of any such consent or other proceedings, conditions or things.

SECTION 4G. The Housing Bank and all its revenues, income and real and personal property used solely by the Housing Bank in furtherance of its public purposes shall be exempt from taxation and from betterments and special assessments and the Housing Bank shall not be required to pay any tax, excise or assessment to or for the commonwealth or any of its political subdivisions. Bonds and notes issued by the Housing Bank, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be exempt from taxation within the commonwealth.

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SECTION 4H. With authorization of an annual or special town meeting of the town of Nantucket as provided for in section 4C of this Act, bonds and notes may be issued under this act without obtaining the consent of any department, division, commission, board, bureau or agency of the town or county of Nantucket, except that the full faith and credit of the town or county of Nantucket shall not be pledged for the payment of such bonds or notes unless such pledge shall have been authorized by a two-thirds vote as provided in this Act, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required therefore by this act. The validity of and security for any bonds and notes issued by the housing bank shall not be affected by the existence or nonexistence of any such consent or other proceedings, conditions or things.

SECTION 5. The Nantucket Community Housing Bank shall be a funding agency only, but may acquire by purchase, lease or gift offices for its operation, and may enter into leasebacks, mortgages or other loans for this purpose. Upon receiving applications from eligible applicants in a competitive process which will include public notice of funding availability, and in a form prescribed by the Commission, and upon compliance with the provisions of section 4A of this Act, the housing bank will provide funding for eligible community housing activities as defined below, while respecting special Nantucket habitats and rural character. The housing bank shall, wherever possible, give preference to (a) the reuse of existing buildings, and (b) construction of new buildings on previously developed sites.
Eligible community housing activities for receipt of funding shall include, but not be limited to, the following:

(a) Purchase and rehabilitation of existing structures for rental or home ownership;
(b) Construction of rental or home ownership housing and necessary on-site or off site infrastructure, including sewer to support the area;
(c) Purchase of land, and any and all improvements including easements;
(d) Down payment assistance, grants and soft second loans;
(e) Rental assistance programs;
(f) Modernization and capital improvements of existing rental and ownership housing;
(g) Creation of apartments and other ancillary housing;
(h) Housing counseling, predevelopment costs and technical assistance associated with creating community housing projects and programs; and
(i) Mixed-use development projects.

SECTION 6. All housing units created by funding from a housing bank under this act shall be deed restricted in perpetuity for use as community housing as defined in section 1 of this act, except in cases when the housing bank commission determines that a deed restriction is not feasible, and except in cases when the housing bank commission makes a finding that such a deed restriction would delay, prevent or otherwise defeat the purpose of developing and making available to the public Community Housing.

SECTION 7. The Commission shall file annually with the [X] a Community Housing development plan which shall be, as far as possible, consistent with the town master

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plan and with any regional planning relating to the area. The Commission may, from time to time, amend such plan. The plan shall show all real property interests as well as projects having received funding by the Commission including a description of the use thereof, and all acquisitions, improvements or dispositions of real property interests held by the Commission at any time during the year preceding each filing, including the reasons for such acquisition, improvement or disposition; [X] may require any other information he deems important.

SECTION 7A. The Housing Bank Commission is authorized to enter into one or more mutually satisfactory agreements with the Nantucket Land Bank Commission established by chapter 669 as amended of the acts and resolves of 1983 by which agreements the Housing Bank may delegate to the Nantucket Land Bank Commission the administration and management of collection of the fee described in section 9 of this act, including but not limited to the record keeping duties pursuant to section 8 of this act, the receipt of money pursuant to section 9 of this act, the processing of applications for exemptions pursuant to section 11 of this act or processing applications for refunds pursuant to section 10 of this act, the imposition of interest or penalties pursuant to section 12 of this act, and the sending of notices and conduct of hearings pursuant to section 13 of this act, and provide for compensation or reimbursement of costs incurred by such Nantucket Land Bank Commission from funds so collected.

SECTION 8. The Commission shall meet its financial obligations by drawing upon a Nantucket Community Housing Bank Fund, to be set up as a revolving or sinking account within the treasury of Nantucket County. Deposits into the fund shall include (a) funds appropriated to be deposited into the Fund by vote of the county Commissioners of Nantucket County or of a town meeting of the Town of Nantucket; (b) voluntary contributions of money and other liquid assets to the fund; (c) revenues from fees imposed upon the transfer of real property interests as set forth in section ten occurring after the effective date of this act as set forth in section fifteen, together with payments of interest and penalties under section thirteen; (d) proceeds from disposal of real property or interests and; (e) funds received from any federal, state, county, region, district or municipal source. The Commission is further authorized to accept state and federal funds to carry out the purposes of this Act as if the Commission were in fact a district, city, town, region, county, state, or state agency within the meaning of legislation authorizing any grant consistent with the purposes of this Act. All expenses lawfully incurred by the Commission in carrying out the provisions of this act shall be evidenced by proper vouchers and shall be paid by the county treasurer only upon submission of warrants duly approved by the Commission. The county treasurer of said county shall prudently invest available assets of the fund, and all income thereon shall accrue to the fund. Real property held in the name of the Nantucket Community Housing Bank or its designee shall be exempt from property taxes as of the date of the acquisition of title by the Nantucket Community Housing Bank or its designee; and any taxes assessed against such real property interests shall be abated for that portion of any fiscal year during which the real property interests was owned by the Nantucket Community Housing Bank or its designee.

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SECTION 9. (a) The Commission shall keep a full and accurate account of its actions including a record as to when, from or to whom, and on what account money has been paid or received relative to this act, and as to when, from and to whom and for what consideration real property interests have been acquired, improved, or disposed of. Said records and accounts shall be subject to examination by the director of accounts or his agent pursuant to section forty-five of chapter thirty-five of the General Laws.

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

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

SECTION 10. There is hereby imposed a fee equal to one per cent of the purchase price upon the transfer of any real property interest in any real property situated in Nantucket County. Said fee shall be the liability of the seller of such real property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the seller. The fee shall be paid to the Commission, or its designee, and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Commission, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Nantucket County, and the assistant recorder for the registry district of Nantucket County, shall not record or register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate executed by the Commission or its designee. Failure to comply with this requirement shall not affect the validity of any instrument. The Commission shall deposit all fees received hereunder with the county treasurer of Nantucket County, as a part of the fund established by section eight. The fee imposed hereunder shall be due simultaneously with the time of transfer of the transfer upon which it is imposed. Notwithstanding the foregoing, whenever there is a conveyance of real property interests and a conveyance of personalty related thereto at or about the same time, the allocations of payments between real estate and personalty agreed to by the purchaser and seller shall not determine the amount of the fee due pursuant to this section; instead, the Commission may require payment of the fee referred to in real property interests so conveyed as determined by the Commission.

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SECTION 11. At any time within seven days following the issuance of the certificate of payment of the fee imposed by section ten, the purchaser or his legal representative may return said certificate to the Commission or its designee for cancellation, together with an affidavit signed under oath or under the pains and penalties of perjury that the transfer, with respect to which such certificate was issued, has not been consummated, and thereupon the fee paid with respect to such transfer shall be forthwith returned to the purchaser or his legal representative.

SECTION 12. The following transfers of real property interests shall be exempt from the fee established by section 9. Except as otherwise provided, the seller shall have the burden of proof that any transfer is exempt under this section and any otherwise exempt transfer shall not be exempt in the event that such transfer (by itself or as part of a series of transfers) was made for the primary purpose of evading the fee imposed by Section 9.

(a) Transfers to the government of the United States , the commonwealth, and any of their instrumentalities, agencies or subdivisions, including but not limited to transfers to the Town of Nantucket, the County of Nantucket, and/or the Nantucket Land Bank Commission established pursuant to chapter 669 of the Acts of 1983 as amended or the Housing Bank established by this Act.

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

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

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

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

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

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

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

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

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

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

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

(m) The first $2 million of the sale price of any transfer or series of transfers of real property interests in a single parcel. Said exemption may be adjusted for inflation as determined annually by vote of the majority of the Commission. For purposes of this subsection, "inflation" shall mean the increases, if any, in the total of prices paid for real property transfers year to year for real property within the Town of Nantucket.

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

(o) [ADD IN LAND BANK “O” EXEMPTION]

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SECTION 13. A purchaser or seller who fails to pay all or any portion of the fee established by section ten on or before the time when the same is due shall be liable for the following additional payments in addition to said fee:

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

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

SECTION 14. (a) The Commission shall notify a purchaser or a seller by registered or certified mail of any failure to discharge in full the amount of the fee due under this Act and any penalty or interest assessed. The Commission shall grant a hearing on the matter of the imposition of said fee, or of any penalty or interest assessed, if a petition requesting such hearing is received by the Commission within thirty days after the mailing of said notice. The Commission shall notify the purchaser or the seller in writing by registered or certified mail of its determination concerning the deficiency, penalty or interest within fifteen days after said hearing. Any party aggrieved by a determination of the Commission concerning a deficiency, penalty or interest may, after payment of said deficiency, appeal to the district or superior court within three months after the mailing of notification of the determination of the Commission. Upon the failure to timely petition for a hearing, or appeal to said courts, within the time limits hereby established, the purchaser shall be bound by the terms of the notification, assessment or determination, as the case may be, and shall be barred from contesting the fee, and any interest and penalty, as determined by the Commission. All decisions of said courts shall be appealable. Every notice to be given under this section by the Commission shall be effective if mailed by certified or registered mail to the purchaser or the seller at the address stated in a recorded or registered instrument by virtue of which the purchaser holds any interest in land, the transfer of which gives rise to the fee which is the subject of such notice; and if no such address is stated or if such transfer is not evidenced by an instrument recorded or registered in the public records in Nantucket County, such notice shall be effective when so mailed to the purchaser in care of any person appearing of record to have a fee interest in such land, at the address of such person as set forth in an instrument recorded or registered in Nantucket County.

(b) All fees, penalties and interest required to be paid pursuant to this chapter shall constitute a personal debt of the purchaser or the seller and may be recovered in an action of contract or in any other appropriate action, suit or proceeding brought by the

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Commission; said action, suit or proceeding shall be subject to the provisions of chapter two hundred and sixty of the General Laws.

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

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

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

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

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SECTION 15. Any time after five years from the effective date of this act, the town may dissolve the housing bank by vote of the majority of the town members at town meeting, but the fee imposed by section 9 shall continue to be imposed until all funding commitments, including repayment of any bonds or notes, have been paid in full, and the Nantucket housing bank shall continue in existence during this time for the sole purpose of collecting and administering these fees. Upon dissolution of the Nantucket housing bank, title to all funds and other properties held by the housing bank shall vest in the town of Nantucket after provision is made for payment of all bonds, notes and other obligations of the housing bank. The Nantucket housing bank commission shall not submit an amendment of this act to the general court unless the amendment has been approved by the affirmative vote of a majority of the voters at a town meeting.

SECTION 15A. Upon termination or dissolution of the Housing Bank, the title to all funds and other properties owned by it which remain after payment or the making of provision for payment of all bonds, notes and other obligations of the Housing Bank shall vest in the Town of Nantucket.

SECTION 15B. This act, being necessary for the welfare of the town and county of Nantucket and their inhabitants, shall be liberally construed to effect the purposes hereof.

SECTION 15C. The provisions of this act are severable, and if any provision hereof, including without limitation any exemption from the fee imposed hereby, shall be held invalid in any circumstances such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 15D. If the Commission has determined that a fee is due by asserting the application of the evasion of fee doctrine described in section 12, then the transferee shall have the burden of demonstrating by clear and convincing evidence as determined by the Commission that the transfer, or series of transfers, possessed both: (i) a valid, good faith business purpose other than avoidance of the fee set forth in section 10 and (ii) economic substance apart from the asserted fee avoidance benefit. In all such cases, the transferee shall also have the burden of demonstrating by clear and convincing evidence as determined by the Commission that the asserted non-fee-avoidance business purpose is commensurate with the amount of the fee pursuant to section 10 to be thereby avoided.

SECTION 16. This act shall become effective upon its acceptance by vote of a town meeting of the Town of Nantucket on April second, two thousand and sixteen.

(Board of Selectmen)
LEGAL REVIEW; REVISE FORMAT

ARTICLE
(Home Rule Petition: Retired Police Officers to Serve as Special Police Officers)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation in the form set forth below to allow the Town to appoint certain retired police officers as special police officers for the purposes of working outside details; provided, however, that the General Court may make clerical or editorial changes of form only to such bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE APPOINTMENT OF RETIRED POLICE OFFICERS IN THE TOWN OF NANTUCKET TO SERVE AS SPECIAL POLICE OFFICERS.

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

SECTION 1. The chief of police in the Town of Nantucket, as the appointing authority, may appoint as he/she deems necessary, retired police officers as special police officers for the purpose of performing police details or performing any police duties arising from those police details or arising during the course of police detail work, whether or not related to the detail work. The retired police officers must have been regular police officers and retired, based on superannuation. The special police officers shall not be subject to the maximum age restrictions applied to regular police officers under chapter 32 of the General Laws, but shall not be eligible to serve as special police officers if they have reached the age of 70. A special police officer must pass a medical examination by a physician or other certified professional chosen by the Town to determine that he/she is capable of performing the essential duties of a special police officer, the cost of which shall be borne by the special police officer prior to performing police details.

SECTION 2. Special police officers, appointed under this act, shall not be subject to chapter 31 of the General Laws or sections 99, 100 or 111F or of chapter 41 of the General Laws. Or section 85H of chapter 23 of the General Laws. Special police officers appointed under this act shall be subject to chapter 151A of the General Laws.

SECTION 3. Special police officers shall, when performing their duties under section 1, have the same powers to make arrests and perform other functions as do regular police officers in the Town of Nantucket.

SECTION 4. Special police officers shall be appointed for an indefinite term, subject to removal by the Chief of Police of the Town of Nantucket at any time with 14 days' written notice. Upon request, the Police Chief shall provide reasons for removal in writing.

SECTION 5. Special police officers shall be subject to the rules and regulations, policies and procedures and requirements of the police department and chief of police of the Town of Nantucket, including restrictions on the type of detail assignment, requirements regarding medical examinations to determined continued capacity to perform the duties of a special police officer, requirements for training, requirements for firearm licensing and qualification and

requirements regarding uniforms and equipment. Special police officers shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 6. Special police officers shall be sworn in before the Town Clerk of the Town of Nantucket who shall keep a record of all such appointments.

SECTION 7. An individual who is appointed as a special police officer under this act shall be eligible for assignment to any detail.

SECTION 8. Retired police officers in the Town of Nantucket serving as special police officers under this act shall be subject to the limitations on hours worked and on payments to retired Town employees under subjection (b) of section 91of chapter 32 of the General Law.

SECTION 9. This act shall take effect upon its passage.

(Board of Selectmen)

ARTICLE
(Home Rule Petition: Land Bank Act Amendment)

To see if the Town will vote to request its representatives in the General Court to introduce legislation amending the Nantucket Islands Land Bank Act as set forth below and to authorize the Board of Selectmen of the Town to make constructive changes in perfecting the language of this legislation in order to secure passage, it being the intent to authorize the Board of Selectmen and the General Court to vary the specific text of the requested legislation within the scope of the general public objectives of this home rule petition, such legislation to read substantially as follows:

The Nantucket Islands Land Bank Act (being chapter 669 of the Acts of 1983, as amended by chapter 407 of the Acts of 1984, by chapter 202 of the Acts of 1985, by chapter 666 of the Acts of 1987, by chapter 392 of the Acts of 1991, by chapter 309 of the Acts of 1994, by chapter 370 of the Acts of 2002, by chapter 130 of the Acts of 2006 and by chapter 354 of the Acts of 2010, referred to collectively as the "Land Bank Act") is hereby amended as follows:

(a) The definition of "Affordable Housing Restriction" shall be added to Section 1 of the Land Bank Act between the preamble and the definition of “Commission”, as follows:

"Affordable Housing Restriction" is a recorded instrument held by a qualified holder which encumbers and/or restricts a real property interest so that the real property interest is perpetually or for a term of at least thirty (30) years limited to use as a residence occupied by a low or moderate income household which earns less than a specified income level, the upper limit of which may not exceed one hundred seventy-five percent (175%) of the Nantucket median income. A “qualified holder” is a governmental body or charitable corporation or trust which qualifies under the terms of Massachusetts General Laws Chapter 184 (“Chapter 184”) to hold an affordable housing restriction as defined in Chapter 184. Without limiting the generality of the foregoing, “Affordable Housing Restriction” includes any instrument which conforms to the requirements of (i) a Nantucket Housing Needs Covenant as described in

chapter 301 of the Acts of 2002 and defined from time to time in the Town of Nantucket Code, or (ii) an affordable housing restriction complying with the definition and other requirements stated in Massachusetts General Laws Chapter 184."

(b) The following Subsection (-o-) shall be inserted at the end of Section 12 of the Land Bank Act:

"(-o-) Transfer of a real property interest which is subject to and used consistent with an Affordable Housing Restriction; provided that the Affordable Housing Restriction has a term remaining at the time of the Transfer of five (5) or more years; and provided further the purchaser shall make the real property interest which is the subject of the transfer the purchaser's actual domicile within two (2) years of the time of transfer, and shall remain permanently or for an indefinite time and without any certain purpose to return to a former place of abode for a period lasting at least to the fifth (5th) anniversary of the transfer. Notwithstanding the foregoing, if the real property interest is transferred again within five (5) years and the later transfer complies with this Exemption "O", no fee, interest or penalties will be due. In the event that the holder of an Affordable Housing Restriction determines within five (5) years of the transfer that the real property interest to which it pertains is not being used consistent with the requirements of the Affordable Housing Restriction, or in the event of a later transfer within five (5) years which does not comply with this Exemption "O", the fee exempted hereunder shall become due, together with the accumulated interest and penalties calculated from the date of the transfer exempted hereunder. The purchaser shall certify as to the foregoing, and the Commission shall attach to the deed a certificate which shall recite the fact that there is running with the land a lien equal to the amount of the fee exempted plus accumulated interest and penalties until such time as all conditions of this subsection have been met.

(Board of Selectmen for Nantucket Islands Land Bank Commission)

ARTICLE
(Home Rule Petition: Amendment of Historic District Commission Act)

To see if the Town of Nantucket will vote to request its representatives in the General Court to file with the General Court a home rule petition for the enactment of legislation as set forth below amending the Historic District Commission Act of 1970, as amended, (Nantucket Historic District Commissions Enabling Act, (ACTS, 1970. CHAP. 395, AS AMENDED BY ACTS: 1972, CHAP. 708; 1984, CHAP. 300; 1985, CHAP. 291; 1987, CHAP. 735; 1989, CHAP. 333; 1990, CHAP. 314; 1998, CHAP. 193; 2000, CHAP. 57; 2002, CHAP. 90; 2010, CHAP. 8) to provide that the five (5) Historic District Commissioners be elected as so stated in the Act of 1970, with the three associate members to be appointed by the Nantucket Board of Selectmen; further to authorize the General Court, to make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation to secure passage; or to take any other action related thereto, as follows:

SECTION 3 SHALL READ AS FOLLOWS:

SECTION 3. There is hereby established in the Town of Nantucket an Historic District Commission consisting of five (5) ~~un~~paid members who shall be ~~resident taxpayers of the Town of Nantucket, to be~~ originally appointed by the Board of Selectmen. The Historic District Commission shall have the powers and authority and perform all the duties as hereinafter enumerated and provided. The original appointment of the members of the Historic District Commission shall be one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years and one (1) for five (5) years, from March the first following the year of such appointment or until their successor is elected, and thereafter upon the expiration of any term, the members of the Commission shall be elected at the Annual Town Meeting (which, for the purposes of this Act, shall include the annual election for local offices) for a term of three (3) years. Vacancies occurring in the Commission, other than by expiration of term of office, shall be filled by appointment by the Board of Selectmen, but such appointment shall be only for the unexpired portion of the term of the member replaced. The Chairman of the Historic District Commission may designate an associate member to sit on the Commission in case of absence, inability to act or unwillingness to act because of self-interest on the part of a member of the Commission, or in the event of a vacancy on the Commission until said vacancy is filled in the manner provided herein, that member's place shall be taken by an associate member designated by the Chairman~~. conflict of interest on the part of any member thereof~~ Three (3) such associate members shall be ~~elected at the Annual Town Meeting~~ appointed by the Board of Selectmen (which, for the purposes of this Act, shall include the annual election for local offices) for terms of such length and so arranged that the terms of an associate member shall expire each year. An associate vacancy occurring other than by expiration of the term shall be filled for the unexpired term by ~~election at the Annual Town Meeting~~ appointment of the Board of Selectmen. Beginning at the expiration of the associate member's term in 2016, the Board of Selectmen shall appoint an associate member to the position for a three-year term, and as each associate member's term expires subsequent to that, the Board of Selectmen shall make such appointments for three-year terms. ~~During the period between April 1989 and the next town meeting three (3) associate members shall be designated by election at the Annual Town Meeting.~~ The members of the Commission shall be exempt from subsections (a) and (c) of section 17 of chapter 268A of the General Laws. **[Amended by St. 1998, Ch. 193; St. 2002, Ch. 90]**

(Linda F. Williams, et al)
BOS? RESUBMITTING? (FROM 2015 ATM) REMOVE IF APPROVED THIS WEEK?

ARTICLE
(Town Charter Amendment: Town Clerk)

To see if the Town will vote pursuant to the provisions of G.L. c.43B, §10 to amend the Town Charter to change the position of Town Clerk from elected to appointed by revising the provisions of Article III, Section 3.4, Selectmen Powers as to Appointments, Article IV, Section 4.4, Town Administration Departments, Article IV, Section 4.7, Town Clerk, Article IV, Section 6.6, Time of Taking Effect, all as set forth below:

Article III, Board of Selectmen, Section 3.4(a)(2), Board of Selectmen Appointments – To appoint Town Counsel, Town Clerk and registrars of voters and other election officials

(upon the recommendation of the Town Clerk), also other Town officers and employees to the extent so permitted to them by this Charter;

Article IV, Town Administration, Section 4.4(a), Town Administration Departments - The Town Administration shall include the Building, Finance, Fire, Health, Island Home, Marine and Coastal Resources, Police, Public Works, Town Clerk, and Visitors Services departments; provided, however, that nothing in this Charter mandates the continued existence of any such Town Administration department or continuance of a department name or function.`

Article IV, Town Administration, Section 4.7, Town Clerk – Delete said section in its entirety and renumber the remaining sections in Article IV accordingly.

Article VI, General Provisions, Section 6.6, Time of Taking Effect – Delete the text thereof in its entirety and insert the following new text:

> The Charter amendments approved at the 2016 Annual Town Meeting shall take effect upon approval of the voters at the 2017 Annual Town Election; provided, however, that the then-incumbent elected Town Clerk shall serve out the remainder of the elected term, subject to her sooner resignation, recall or retirement. Upon the expiration of said term or sooner vacating of office, the position of elected Town Clerk shall be abolished and the Town Clerk shall thereafter be appointed position in accordance with Section 3.4(a)(2) of this Charter.

Or to take any other action in related thereto.

(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)

(Joseph T. Grause, Jr., et al)

ARTICLE
(Home Rule Petition: Amendment of the Town of Nantucket Charter)

To see if the Town of Nantucket will vote to request its representatives in the General Court to introduce legislation amending the Town of Nantucket Charter, Chapter 289 of the Acts of 1996, as set forth below, and to authorize the General Court, with the approval of the Board of Selectmen of the Town, to make constructive changes in perfecting the language of this legislation in order to secure passage, it being the intent to authorize the Board of Selectmen and General Court to vary the specific text of the requested legislation within the scope of the general public objectives of this home rule petition, such legislation to read substantially as follows:

AN ACT AMENDING THE TOWN OF NANTUCKET CHARTER TO IMPOSE TERM LIMITS

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. Article III of the Town of Nantucket Charter, Chapter 289 of the Acts of 1996, shall be amended by inserting after Section 3.5 the following:

Section 3.6 – Term Limits

An elected or appointed member of any multiple member town board, whether created under the general laws, a special act, this charter or the bylaws of the Town, shall not serve on that town board for more than three consecutive terms. For the purposes of this section, service to complete the term of another member shall constitute service for one term if the balance of said term being completed is more than fifty percent of the original term. A person who has been prohibited from serving on a town board by this section may be reelected or reappointed to that board after one year has elapsed from the ending date of his or her previous service on that board.

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

Or to take any other action related thereto.

(Robert R. DeCosta, et al)

REAL ESTATE

ARTICLE
(Real Estate Acquisition: Airport Property)

To see if the Town will vote to authorize the Board of Selectmen to acquire by eminent domain, gift or purchase the fee interest in the property described in the Order of Taking dated March 11, 1958 recorded with Nantucket County Registry of Deeds in Book 117, Page 551 and Order of Taking dated March 31, 1958 recorded with said Deeds in Book 117, Page 547 for airport purposes and to confirm the original Orders of Taking; and the property described on Certificate of Title No._____; and further to authorize the Board of Selectmen to convey or otherwise dispose of the fee or lesser interests of all or any portion of the above described land to the Airport Commission, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which shall include the reservation of easements and restrictions on said land;

As shown on a map entitled "2016 Annual Town Meeting Warrant Article __" dated _____, 2016 and filed herewith at the office of the Town Clerk.

Or to take any other action relative thereto.

(Board of Selectmen)
NEED BLANKS FILLED IN

ARTICLE
(Real Estate Acquisition/Conveyance: 40 Sparks Avenue)

To see if the Town will vote to vote to acquire by eminent domain, purchase or gift, the fee interest in the following property for general municipal purposes or for purposes of conveyance; and further if the property is acquired for purposes of conveyance, to further authorize the Board of Selectmen to sell, lease or otherwise dispose of the fee or any lesser interests in all or any portion thereof for funeral home purposes subject to MGL Chapter 30B, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate:

·Assessor's Map 55 as Parcel 602 known as 40 Sparks Avenue;

As shown on a plan entitled "Plan of Land in Nantucket, Mass.," dated December 19, 1997 on file at the Nantucket Planning Board at Plan File 6235.

Or to take any other action relative thereto.

(Board of Selectmen)
?? ARE WE DOING THIS OR ARE WE LETTING THE CITIZEN ARTICLE DO THIS

ARTICLE
(Real Estate Acquisition/Conveyance of Parcels: Tom Nevers Head)

To see if the Town will vote to authorize the Board of Selectmen to acquire by eminent domain, gift or purchase, the fee interest in the following property together with all appurtenant easements, for recreational and conservation purposes; and further to authorize the Board of Selectmen to convey sell or dispose of the fee or any lesser interests in all or any portion of the land identified below to the Nantucket Islands Land Bank subject to MGL Chapter 30B, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate which may include the reservation of easements and restrictions;

Lots 6A and 6C shown on a plan of land entitled "Property at Tom Nevers Head, Nantucket Island, Massachusetts," dated January 9, 1980, prepared by Schofield Brothers, Inc. recorded with Nantucket County Registry of Deeds as Plan File 8E; and Lot 6B as shown on said Plan, which is also shown as Lot 17 on Land Court Plan No. 9595J, together with the Southerly portion of Tom Nevers Pond as is Included with the land described herein and as may be permissible by law;

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE
(Real Estate Acquisition: 42 Nobadeer Avenue)
Need to insert

(Board of Selectmen)

ARTICLE
(Lease of Airport Land for Renewable Energy Projects)

To see if the Town will vote to:

1. Transfer the care, custody, and control of the parcels of land located at the Nantucket Memorial Airport and shown on Assessor's Map 78 as Parcel Nos. 3, 16, and 108-112, from the Airport Commission for the purposes for which such land is currently held to the Airport Commission for such purposes and for the purpose of leasing and granting easements on, over or under such parcels for the installation of renewable energy facilities; and

2. Authorize the Airport Commission to (i) lease in one or more agreements all or a portion of said parcels of land for the installation of renewable energy facilities for a term of up to 30 years; (ii) grant easements on, over and/or under such parcels of land as necessary or convenient to serve the facilities; and (iii) take any actions and execute any other documents and agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer any such agreements and easements, all of which agreements, easements and documents shall be on such terms and conditions and for such consideration as the Airport Commission deems in the best interests of the Town.

Or to take any other action related thereto.

(Board of Selectmen for Airport Commission)

ARTICLE
(Net Metering Credit Purchase Agreements for Renewable Energy Projects To Be Located on Airport Land)

To see if the Town will vote to authorize the Airport Commission to (i) enter into one or more net metering credit purchase agreements with one or more owners of renewable energy facilities to be located on Airport land for terms of up to 30 years, and (ii) take any actions and execute any other documents and ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer the net metering credit purchase agreements, all of which agreements and documents shall be on such terms and conditions and for such consideration as the Airport Commission deems in the best interests of the Town.

Or to take any other action related thereto.

(Board of Selectmen for Airport Commission)

ARTICLE
(Lease of Town Land for Renewable Energy Projects)

To see if the Town will vote to:

1. Transfer the care, custody, and control of the parcels of land located at South Shore Road and shown on Assessor's Map 87 as Parcel Nos. 2, 85-90 and 135 from the Board of Selectmen for municipal sewage treatment purposes to the Board of Selectmen for such purposes and for the purpose of leasing and granting easements on, over or under such parcels for the installation of renewable energy facilities; and

2. Authorize the Board of Selectmen to (i) lease in one or more agreements all or a portion of said parcels of land for the installation of renewable energy facilities for a term of up to 30 years; (ii) grant easements on, over and/or under such parcels of land as necessary or convenient to serve the facilities; and (iii) take any actions and execute any other documents and agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer any such agreements and easements, all of which agreements, easements and documents shall be on such terms and conditions and for such consideration as the Board of Selectmen deems in the best interests of the Town.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE
(PILOT Agreements for Renewable Energy Facilities)

To see if the Town will vote to authorize the Board of Selectmen to (i) enter into one or more agreements for "payments in lieu of taxes" (or "PILOT") pursuant to G.L. c. 59, § 38H(b), or any other enabling authority, with the owner(s) of renewable energy facilities to be located in Nantucket for terms of up to 30 years, and (ii) take any actions and execute any other documents or ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer the PILOT agreements, all of which agreements and documents shall be on such terms and conditions and for such consideration as the Board of Selectmen deems in the best interests of the Town.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE
(Net Metering Credit Purchase Agreements)

To see if the Town will vote to authorize the Board of Selectmen to (i) enter into one or more net metering credit purchase agreements with one or more owners of renewable energy facilities for terms of up to 30 years, and (ii) take any actions and execute any other documents and ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer the net metering credit purchase agreements, all of which agreements and documents shall be on such terms and conditions and for such consideration as the Board of Selectmen deems in the best interests of the Town.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE
(Long-term Lease Authorization: Airport Property for Employee Housing)
TOM?

(Board of Selectmen for Airport Commission)

ARTICLE
(Long-term Lease Authorization: Airport Property Leases)
TOM? Sun Island Rd parcels?

(Board of Selectmen for Airport Commission)

ARTICLE
(Grant of Easement: Airport)
TOM? Needs to be written (NGrid transformer for 30 Madequecham Valley Rd)

(Board of Selectmen for Airport Commission)

ARTICLE
(Real Estate Acquisition: Woodbine Street)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests together with any public and private rights of passage for public ways and/or general municipal purposes in all or any portion of the unconstructed right of way in the Surfside Area on Woodbine Street consisting of approximately 10,000 square feet as shown on the plan attached hereto.

(John B. Brescher, et al)

ARTICLE
(Real Estate Disposition: Woodbine)

To see if the Town will vote to authorize the Board of Selectmen to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of land known as Woodbine as shown on the plan attached hereto, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions.

(John B. Brescher, et al)

ARTICLE
(Real Estate Acquisition: Poplar Street)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests together with any public and private rights of passage for public ways and/or general municipal purposes in all or any portion of the unconstructed right of way in the Surfside Area on Poplar Street between the Southerly boundary of Weweeder Avenue and the Northerly boundary of Nobadeer Avenue.

(John B. Brescher, et al)

ARTICLE
(Real Estate Disposition: Poplar Street)

To see if the Town will vote to authorize the Board of Selectmen to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of land known as Poplar Street between the Southerly boundary of Weweeder Avenue and the Northerly boundary of Nobadeer Avenue, subject to Chapter 30B of the Massachusetts General Laws, and to take any other action as may be related or appropriate thereto.

(John B. Brescher, et al)

ARTICLE
(Real Estate Acquisition: 40 & 42R Sparks Avenue, 42 & 44 Sparks Avenue)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portion of the following unconstructed rights of way and two (2) parcels identified below, together with any public and private rights of passage, for non-profit funeral home purposes:

- Assessors Map 55 Parcel 602 known as 40 Sparks Avenue, and
- Assessors Map 55 Parcel 603 knows as 42R Sparks Avenue;

As well as two (2) parcels identified below together with any public and private rights of passage, for municipal cemetery purposes:

- Assessors Map 55 Parcel 601 known as 42 Sparks Avenue;
- Assessors Map 55 Parcel 600 known as 44 Sparks Avenue;

And to see if the Town will vote to appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes.

Or to take any other action related thereto.

(Catherine Flanagan Stover, et al)

ARTICLE
(Real Estate Acquisition: Wanoma Way)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for general municipal purposes and for the purpose of conveyance of the fee title or lesser interests, together with any public or private rights of passage, in the portion of Wanoma Way (Tom Nevers) lying between the extended sidelines of the land shown upon Assessor's Map 92.4 as Parcel 141, approximately 240 feet in length; or to take any other action related thereto.

(Arthur I. Reade, et al)

ARTICLE
(Real Estate Disposition: Wanoma Way)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land pursuant to M.G.L., c. 30B, and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in the portion of Wanoma Way (Tom Nevers) lying between the extended sidelines of the land shown upon Assessor's Map 92.4 as Parcel 141, approximately 240 feet in length; or to take any other action related thereto.

(Arthur I. Reade, et al)

ARTICLE
(Real Estate Acquisition: Saccacha Ave)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for general municipal purposes and for the purpose of conveyance of the fee title or lesser interests, together with any public or private rights of passage, in the portion of Saccacha Avenue (Cisco) lying adjacent to the land shown upon Assessor's Map 82 as Parcel 108, 9 feet in width and 160 feet in length; or to take any other action related thereto.

(Arthur I. Reade, et al)

ARTICLE
(Real Estate Disposition: Saccacha Avenue)

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

upon Assessor's Map 82 as Parcel 108, 9 feet in width and 160 feet in length; or to take any other action related thereto.

(Arthur I. Reade, et al)

OTHER

ARTICLE
(Resolution to Seek Lower Electric Rates in a Competitive Market)
Lauren? Re: Northbridge initiative (Municipal aggregation)

(Board of Selectmen)

ARTICLE
(Appropriation: Capital Projects 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 Capital Projects Stabilization Fund in accordance with Chapter 40 section 5B of the Massachusetts General Laws.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE
(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 2016 tax levy.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 111
(Appropriation: Free Cash)

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

DRAFT

(Board of Selectmen)

DRAFT

****

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 TWELFTH DAY OF APRIL, 2016
BETWEEN THE HOURS OF 7:00 AM and 8:00 PM

for the following purpose:

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

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

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

1. *Debt exclusion override question pursuant to G. L. Chapter 59, s. 21C(k): NEEDS REVIEW!*

Shall the Town of Nantucket be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to 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 the municipal sewer system to the areas known as "Madaket and Somerset" as identified (HOW), including the payment of all costs incidental and related thereto?

_____YES

_____NO

2. *Debt exclusion override question pursuant to G. L. Chapter 59, s. 21C(k): NEEDS REVIEW!*

Shall the Town of Nantucket be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to 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 the municipal sewer system to the areas known as "Monomoy & PLUS" as identified (HOW), including the payment of all costs incidental and related thereto?

_____YES

_____NO

DRAFT

****

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 day of January in the year Two Thousand Sixteen.

_____
Robert DeCosta, Chairman

_____
Matthew G. Fee, Vice Chairman

_____
Rick Atherton

_____
Tobias Glidden

_____
Dawn Hill Holdgate

SELECTMEN OF NANTUCKET, MA

Pursuant to Chapter 39, section 10 of the General Laws of the Commonwealth and the Warrant of January 21, 2015 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,

_____
Catherine Flanagan Stover, Constable

DRAFT