Town and County of Nantucket
Board of Selectmen • County Commissioners

Robert R. DeCosta, Chairman
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Matt Fee
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C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE
BOARD OF SELECTMEN
MARCH 9, 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.

2. Voter Registration Deadline for 2016 Annual Town Meeting is Friday, March 11 at 8:00 PM.

3. 2016 Annual Town Meeting Starts Saturday, April 2, 2016 at 9:00 AM at Nantucket High School Auditorium, 10 Surfside Road; Annual Town Election is Tuesday, April 12, 2016 - Polls Open from 7:00 AM to 8:00 PM at Nantucket High School.

IV. WORKSHOP - SEWER

1. Review of Proposed Sewer Project (Article 18) for 2016 Annual Town Meeting:

   a) Overview of Comprehensive Wastewater Management Plan (Woodard & Curran).

   b) Overview of Financing/Funding (Finance Director).

   c) Septic System Utilization (Public Health Director).

   d) Review of Public Outreach (Town Manager).

2. Public Input (Questions, Comments, Concerns).

V. SELECTMEN'S REPORTS/COMMENT

1. Action on Board of Selectmen Comments on 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.*

NANTUCKET WASTEWATER PLAN UPDATE

Board of Selectmen Workshop

4 Fairgrounds Road Community Room
Wednesday, March 9, 2016 6:00 pm

Agenda

- Current Status of Overall Wastewater Planning
  - Comprehensive Wastewater Management Plan (CWMP) Update
  - Surfside WWTF Improvements Project
  - Sewer Extension Implementation Plan
    - Nantucket Harbor Shimmo
    - PLUS
  - Estimated Project Costs and Capital Cost Recovery Plan
    - Betterments
    - Property Taxes
  - April 2016 Annual Town Meeting Actions

Comprehensive Wastewater Management Plan Update

- Incorporates Massachusetts Estuaries Program Results Into Recommended Plan
  - Nitrogen Reduction to Meet Total Maximum Daily Loads (TMDLs)
- Ranks “Areas of Need”
- Septage Management Solutions
  - Board of Health Local Regulations
- Full Use of Surfside WWTF Permit - Flows
  - Madaket WWTF Eliminated
- 20-Year Planning Document

Adaptive Management Plan to Meet Nitrogen Reductions

Structured Nitrogen Reducing Solutions

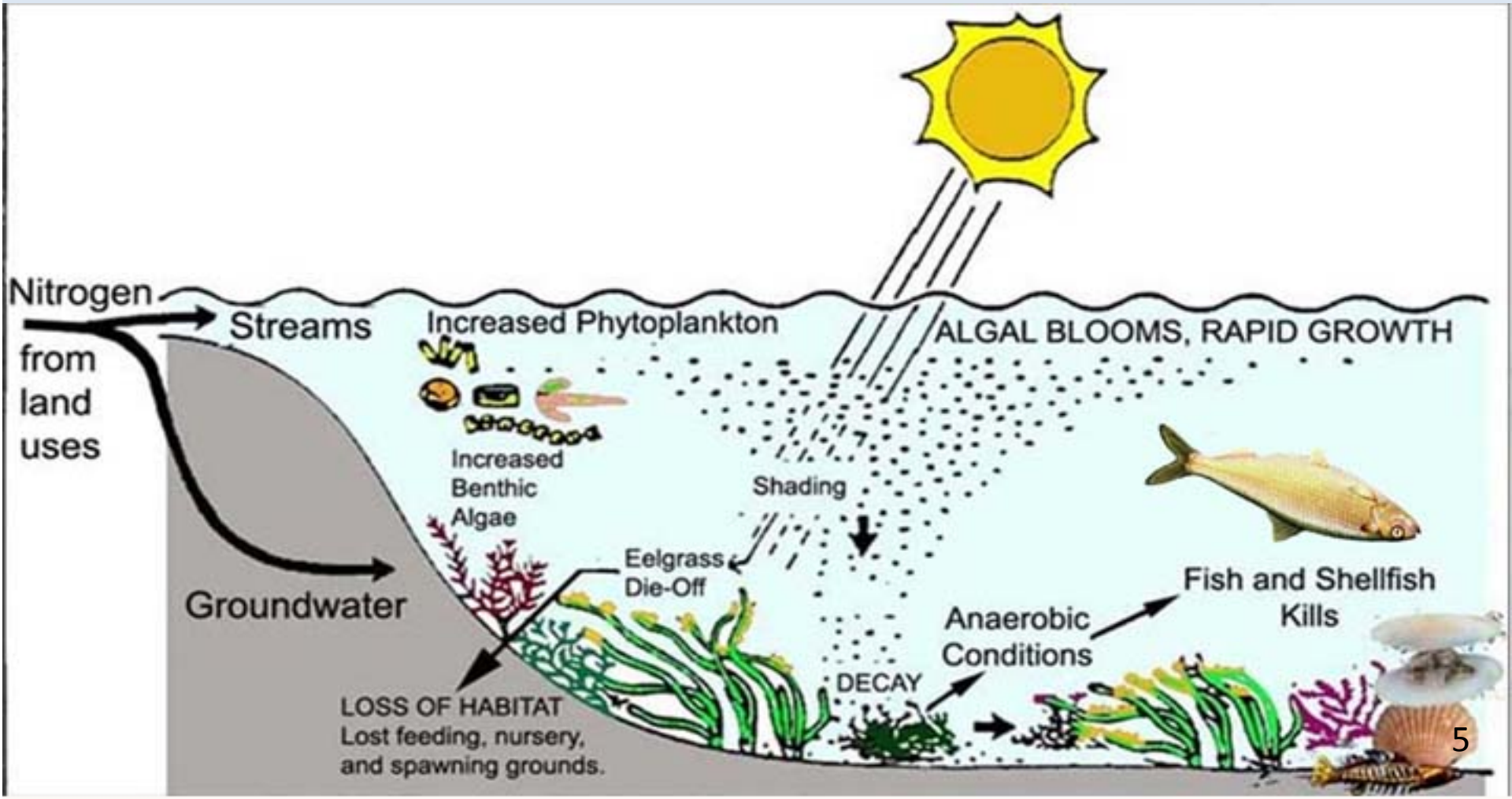
- Address all Needs Areas With a Plan Defined as a Structured, Iterative Process and Adapt As Necessary
  - Sewer Expansion
- Aim to Reduce Nutrient Loading Over Time – Water Quality Monitoring Program
  - Start With Plans That Give the Town the Biggest Bang for its Buck
- Add or Reduce Solutions as Needed to Meet Established Thresholds
  - Hummock Pond Breach – Jetties Reconstruction
  - Sesachacha Pond Breach

Adaptive Management Plan to Meet Nitrogen Reductions

Non-Structured Nitrogen Reducing Solutions

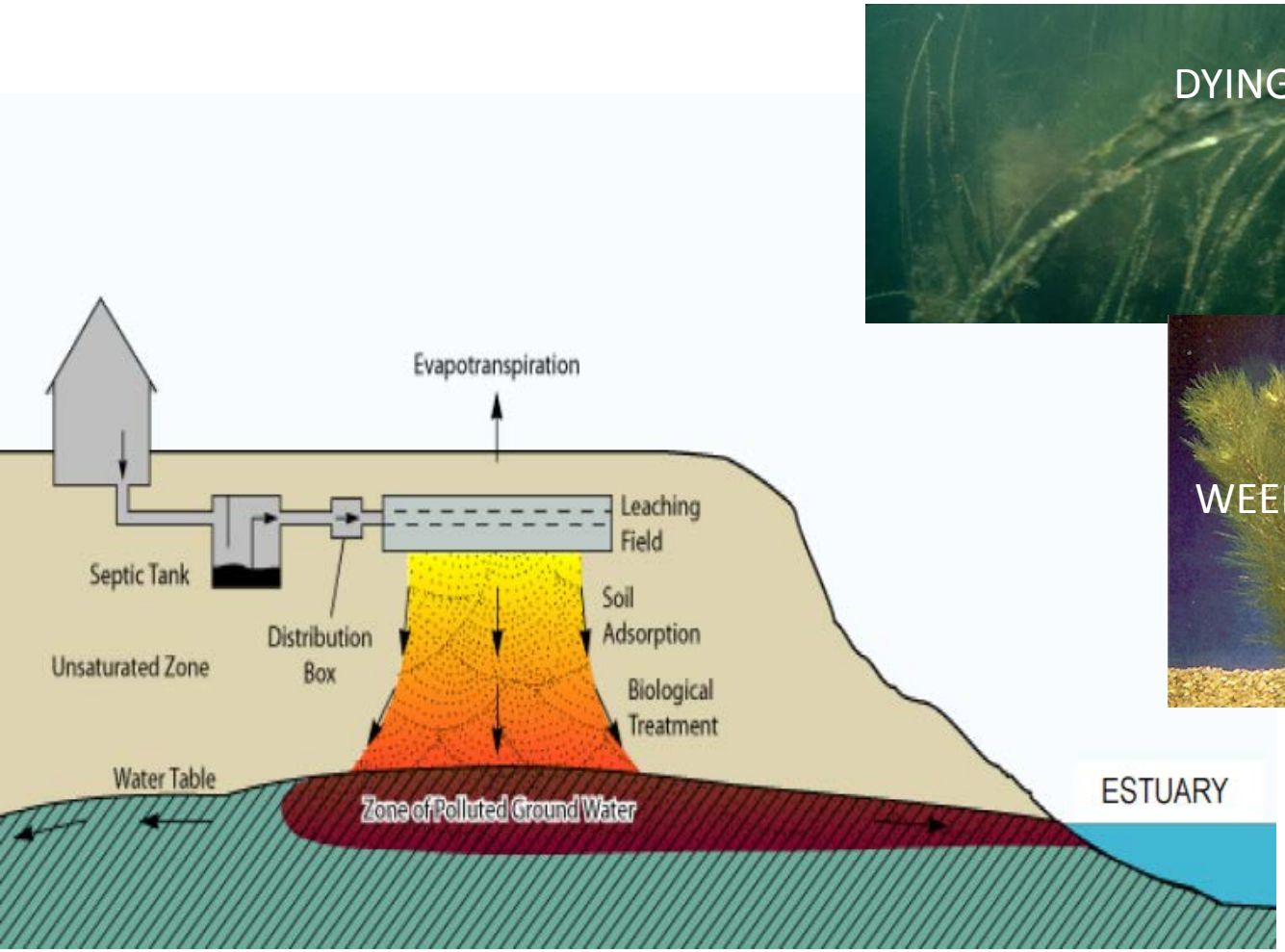
- Septage Management Plan
  - Pumping Incentive
  - Innovative/Alternative Systems
- Fertilizer Management
  - Education and Enforcement of Local Regulations
- Stormwater Management
  - Island-wide
  - Known Direct Discharges

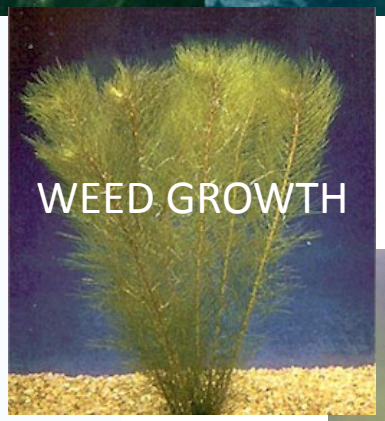
Nitrogen Pollution From Land Uses

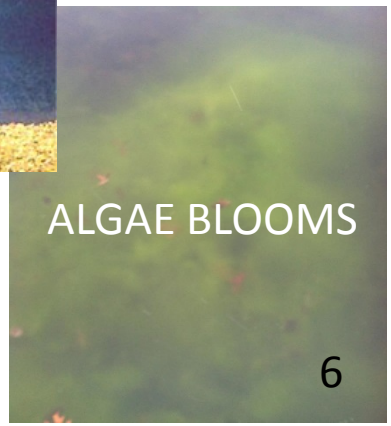


Modified from U.S. Fish and Wildlife Circular, Restore Chesapeake Bay, Feb. 1990

Septic Systems and Nitrogen Pollution Impacts

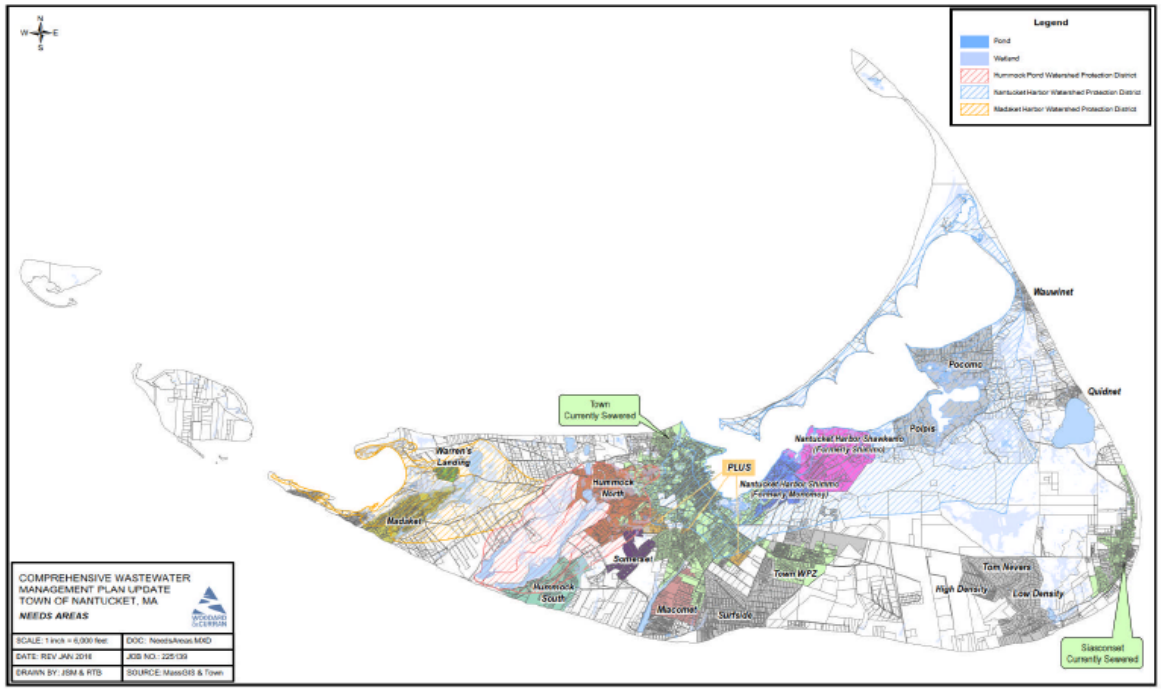






Comprehensive Wastewater Management Plan Update Final Recommended Plan

Town of Nantucket CWMP Update



AREAS RECOMMENDED FOR SEWER SERVICE

MADAKET

Drivers:
- Draft TMDL – Water Quality
- Madaket Harbor Watershed
- Small, Dense Lots
- Severe Soils
- Severe Groundwater
- Inability to Meet Title 5
- Inability to Meet Local BOH Regs
- Private Water Supply

Recommendation:
Municipal Sewer at Surfside WWTF

HUMMOCK POND SOUTH

Drivers:
- Pending TMDL – Water Quality
- Hummock Pond Watershed
- Small, Dense Lots
- Severe Soils
- Inability to Meet Title 5
- Inability to Meet Local BOH Regs
- Private Water Supply

Recommendation:
Municipal Sewer at Surfside WWTF

WARRENS LANDING

Drivers:
- Draft TMDL – Water Quality
- Madaket Harbor Watershed
  - GW Flow Towards Hither Creek Water Quality
- Small, Dense Lots

Recommendation:
Municipal Sewer at Surfside WWTF

MIACOMET

Drivers:
- Water Quality
- Small, Dense Lots
- Severe Soil and Groundwater Conditions

Recommendation:
Municipal Sewer at Surfside WWTF

HUMMOCK POND NORTH

Drivers:
- Pending TMDL – Water Quality
- Hummock Pond Watershed
  - Head of Hummock

Recommendation:
Municipal Sewer at Surfside WWTF

NANTUCKET HARBOR / SHIMMO

Drivers:
- TMDL – Water Quality
- Nantucket Harbor Watershed
  - Polpis Harbor TMDL
- Severe Soil and Groundwater Conditions

Recommendation:
Municipal Sewer at Surfside WWTF

NANTUCKET HARBOR / SHAWKEMO

Drivers:
- TMDL – Water Quality
- Nantucket Harbor Watershed
  - Polpis Harbor TMDL
- Severe Soil and Groundwater Conditions

Recommendation:
Municipal Sewer at Surfside WWTF

SOMERSET

Drivers:
- Small, Dense Lots
- Severe Soil and Groundwater Conditions
- Inability to Meet Title 5
- Private Water Supply

Recommendation:
Municipal Sewer at Surfside WWTF

AREAS RECOMMENDED FOR SEPTAGE MANAGEMENT PLAN

Polpis, Pocomo, Wauwinet, Quidnet, Surfside, Tom Nevers High Density, Tom Nevers Low Density

SPECIAL AREAS RECOMMENDED FOR SEWER

TOWN WPZ

Drivers:
- Town's Wellhead Protection

Recommendation:
Municipal Sewer at Surfside WWTF IF IMPACTED

TOWN SEWER DISTRICT UNSEWERED & PLUS - Drivers:
- TMDL – Water Quality
- Nantucket Harbor Watershed
  - Polpis Harbor TMDL

Recommendation:
Municipal Sewer at Surfside WWTF

Surfside WWTF Improvements Project Update

- MassDEP Approved Expansion Up to 4.0 MGD
  - Supports All Needs Areas From CWMP Update
  - No Additional Discharge Beds Needed
  - Groundwater Discharge Permit – Monitors Water Quality Testing at TMDL Locations
- MassDEP Approved State Revolving Fund (SRF) Loan at Zero Percent Interest – 20 Years
- Highest and Best Use of Surfside WWTF
  - Madaket WWTF Eliminated
- Final Improvements Project Out to Bid Summer 2016
  - $8.8M 2015 ATM Approved Project - Currently Under Design

Aerial View of Surfside WWTF

Google earth

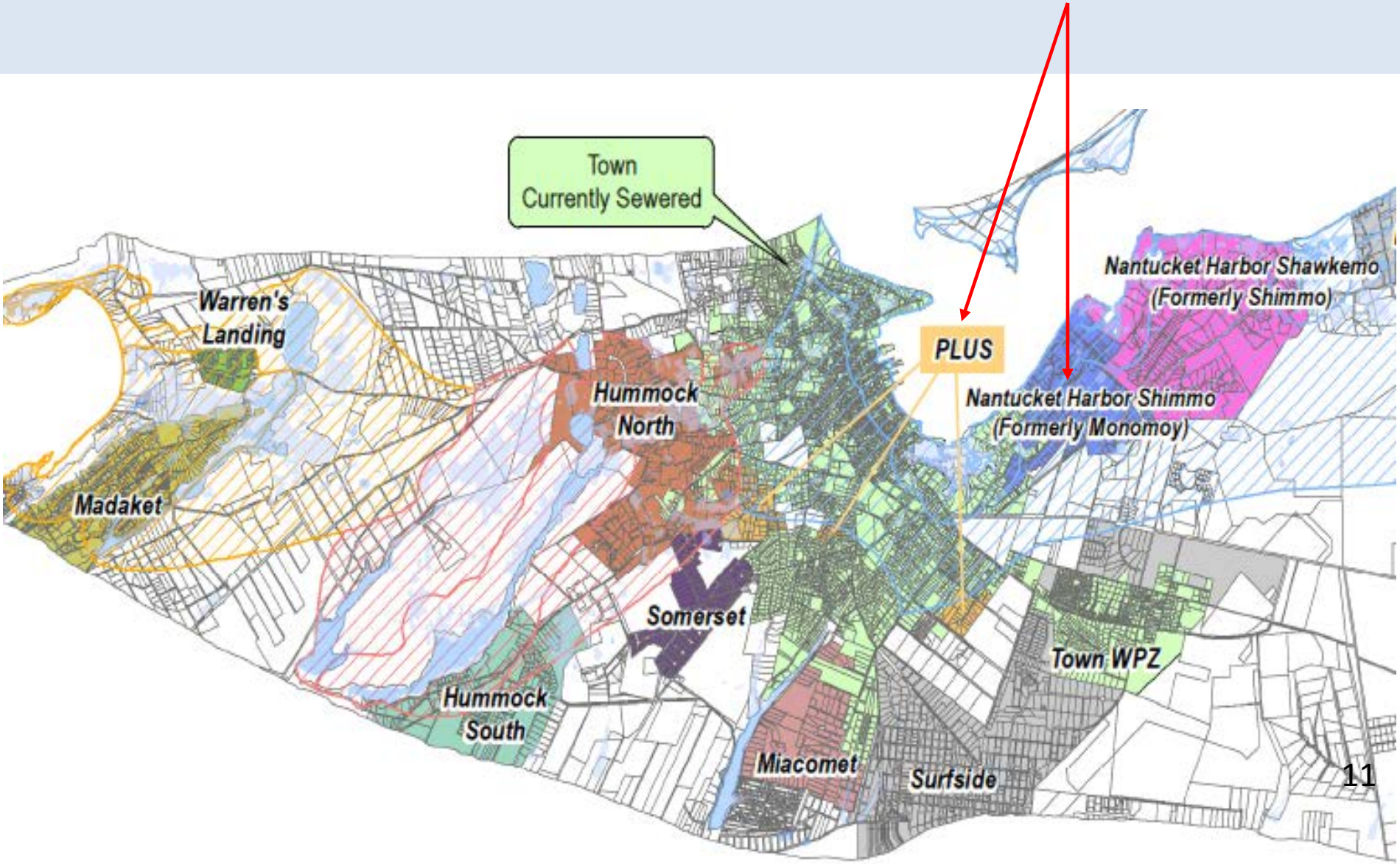
feet 3000

km 1

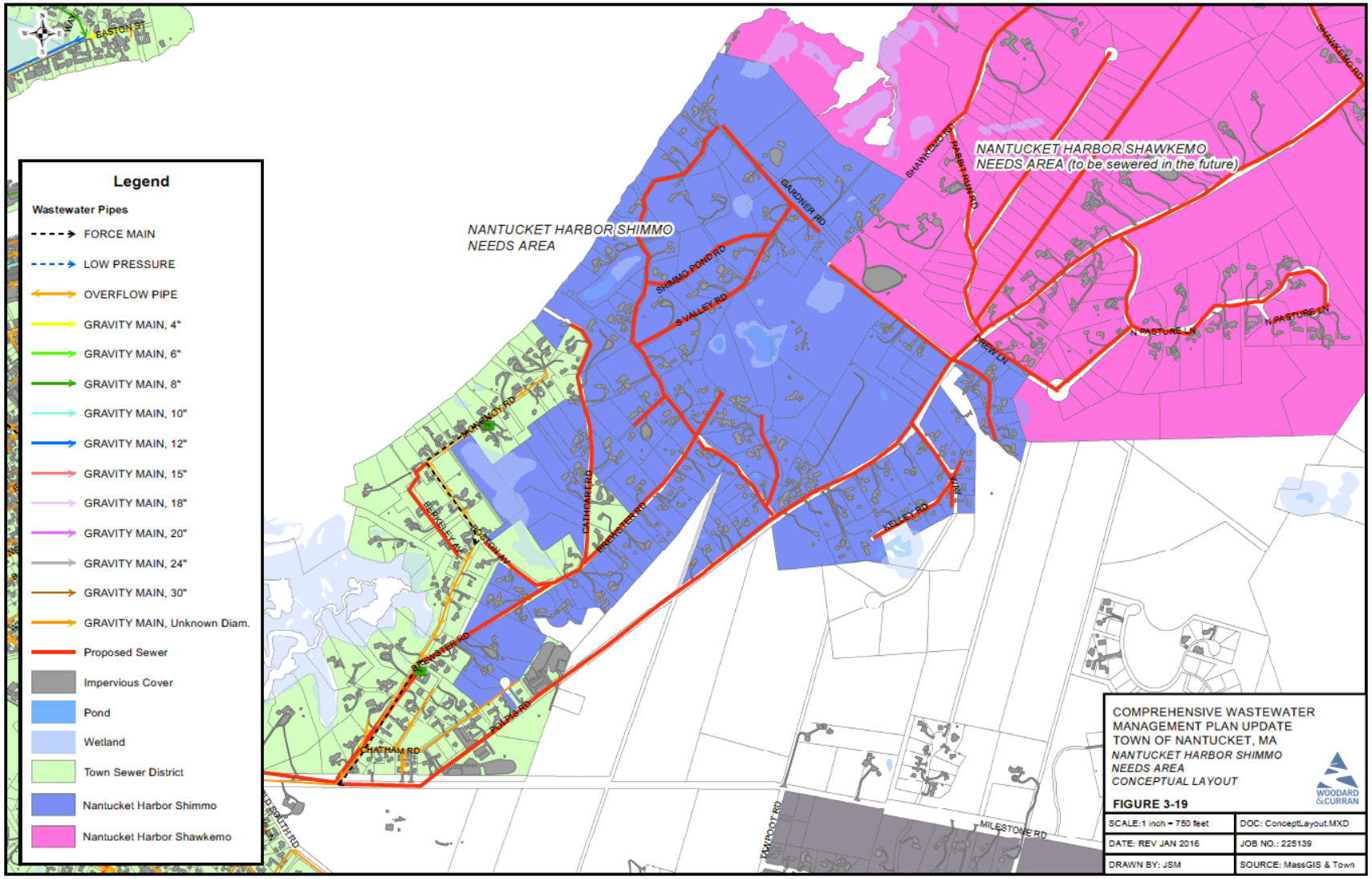
April 2, 2016 ATM Sewer Implementation Plan Design & Construction of "Nantucket Harbor Shimmo" and "PLUS"

- Phase 1 - Nantucket Harbor Shimmo (Formerly Called Monomoy)
  - If Approved – Construction Starts 2017
- Phase 2 - PLUS (Larger Neighborhood In-fill Areas Within or Adjacent to the Existing Town Sewer District)
  - If Approved – Construction Starts 2019

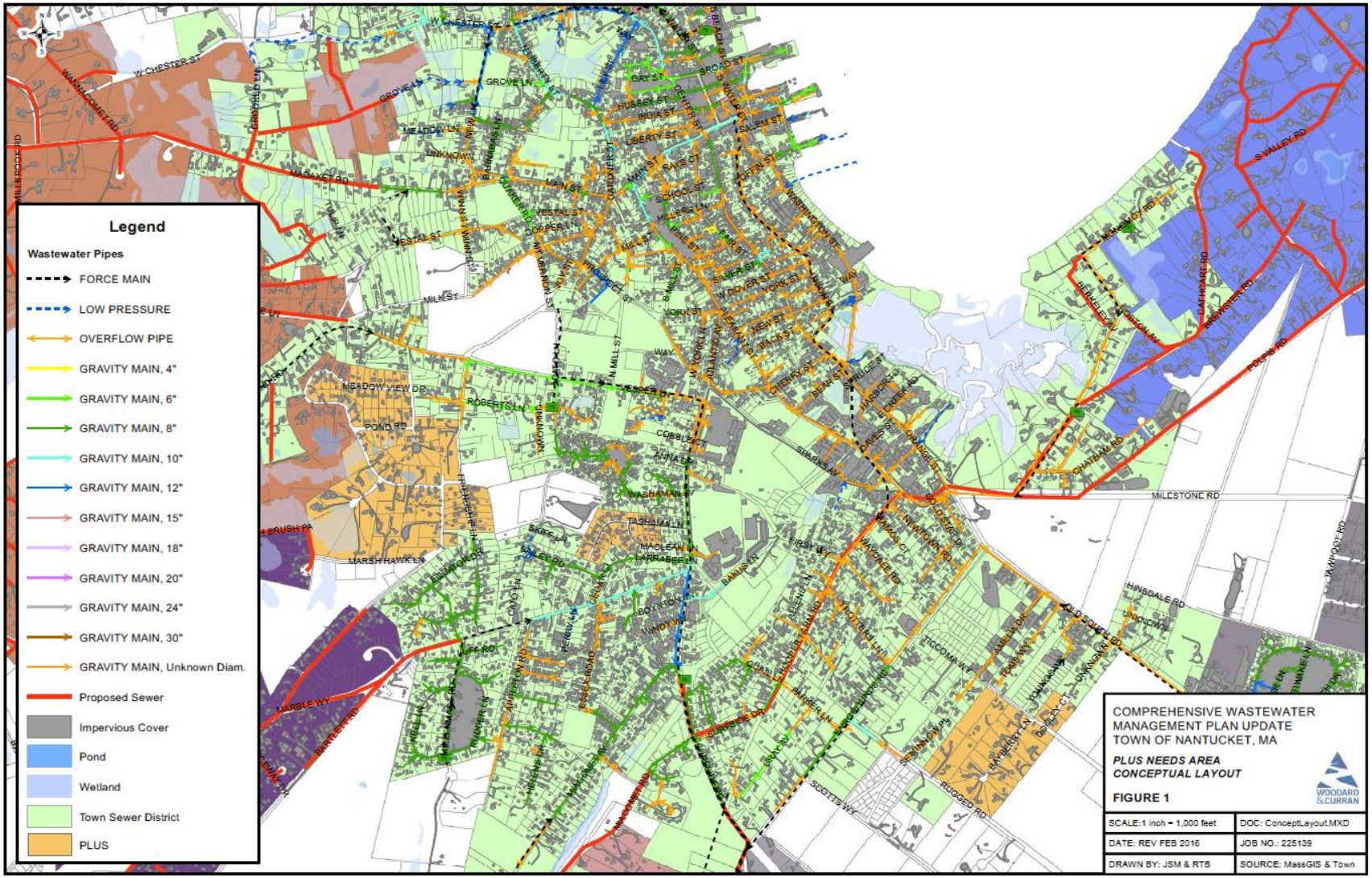
2016 Annual Town Meeting Sewer Locations



Phase 1 Sewer Location



Phase 2 Sewer Location



Overall Estimated Project Costs

Phase 1 – 2017 Cost Estimate

- Nantucket Harbor Shimmo (Formerly Called Monomoy)
- Design - $ 2,782,916.
- Construction - $25,046,246.

TOTAL $27,829,162.

Phase 2 – 2019 Cost Estimate

- PLUS (Larger Neighborhood In-fill Areas Within or Adjacent to the Existing Town Sewer District)
- Design - $ 1,309,821.
- Construction – $11,788,385.

TOTAL $13,098,206.

Funding & Financing: Capital Recovery Plan

- SRF Loan at Zero Percent Interest
  - Paid Over 30 Years
  - Costs Savings
    - $13,500,000 Over Life of Loan
- Costs to be Apportioned
- Betterments
  - 25 Percent to Property Owner
- Taxpayers
  - 75 Percent on General Tax

Funding & Financing: Estimated Betterments

- Nantucket Harbor Shimmo
  - $20,300 for Primary Dwelling = 1 SEU
  - $10,150 for Secondary Dwelling (where applicable)=.5 SEU

Total $30,450

  - Financed over 30 Years - Estimated at $90.12 Month

- PLUS
  - $11,800 for Primary Dwelling = 1 SEU
  - $ 5,900 for Secondary Dwelling (where applicable)=.5 SEU

Total $17,700

  - Financed over 30 Years - Estimated at $52.17 Month

Estimated Project Costs to Taxpayers

Using Average Assessed Property Values, the following are the Estimated Annual Cost Impacts to the Taxpayers for Each Project:

- Average Assessment of $1,784,378
  - Nantucket Harbor Shimmo - $66.55
  - PLUS - $31.32
- Average Assessed Value of $1,144,544 Year Round Residential
  - Nantucket Harbor Shimmo - $42.69
  - PLUS - $20.09

Estimated Private Property Costs

Average House Connection Costs May Include:

- Permitting, Installation of House Connection & Abandoning Septic System
  - Base Average $4,000
  - Landscaping/Restoration – Individual and Site Specific
- Sewer Connection Fee Includes:
  - Administrative Costs to Connect - $500 for April 2016 ATM Projects
- Sewer User Fee includes:
  - Annual Cost to Maintain Sewer - Estimated at $1,200 per year
- Privilege Fee Includes:
  - Fee to Offset 2005/2006 Surfside WWTF Upgrades - $6,322
- May Be Electrical / Plumbing Work – Site Specific

Estimated Project Costs to Taxpayers

Using Average Assessed Property Values, the following are the Estimated Annual Cost Impacts to the Taxpayers for Each Project:

- Average Assessment of $1,784,378
  - Nantucket Harbor Shimmo - $66.55
  - PLUS - $31.32
- Average Assessed Value of $1,144,544 Year Round Residential
  - Nantucket Harbor Shimmo - $42.69
  - PLUS - $20.09

2016 Annual Town Meeting

- Two Warrant Articles:
  - "Nantucket Harbor Shimmo" and "PLUS"
    - Adding Needs Areas Parcels to Town Sewer District
    - Approve Design and Construction
- 2016 ATM Follow Up
  - Ballot Questions on April 12, 2016

What If We Choose To Do Nothing?

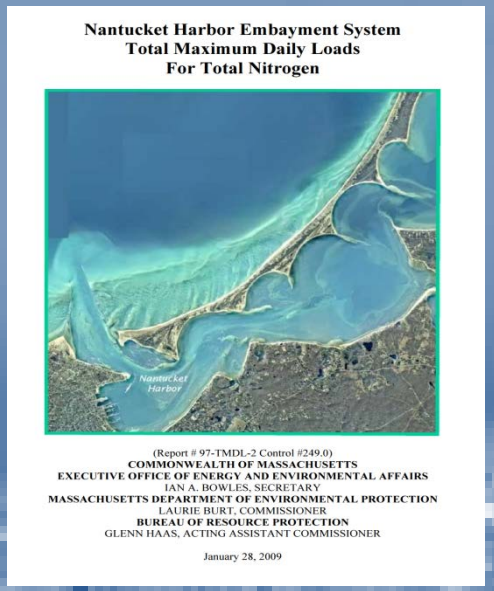
The Town has been issued TMDLs (*a regulatory term in the U.S. Clean Water Act, describing a value of the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards for the subject estuaries)* in Nantucket, Polpis and Madaket Harbors, as well as Sesachacha Pond and has an order pending in Hummock Pond.

If the Town chooses NOT to do anything, EPA with MassDEP has the authority to issue orders with fines to mandate restoration of the Town's waters under its own terms and conditions.

And what Would Doing Nothing Cost Us?

- *We Will Lose SRF Funding*
  - *This Amounts to $13,500,000*
- *Increased Construction Costs*
- *We Will Lose the Local Control of the Projects*
- *Administrative Consent Order Determines:*
  - *When to Do the Project*
  - *How to Do the Project*
  - *How to Pay For the Project*

Board of Selectmen Wastewater Plan Update QUESTIONS & ANSWERS



Nantucket Harbor Embayment System
Total Maximum Daily Loads
For Total Nitrogen

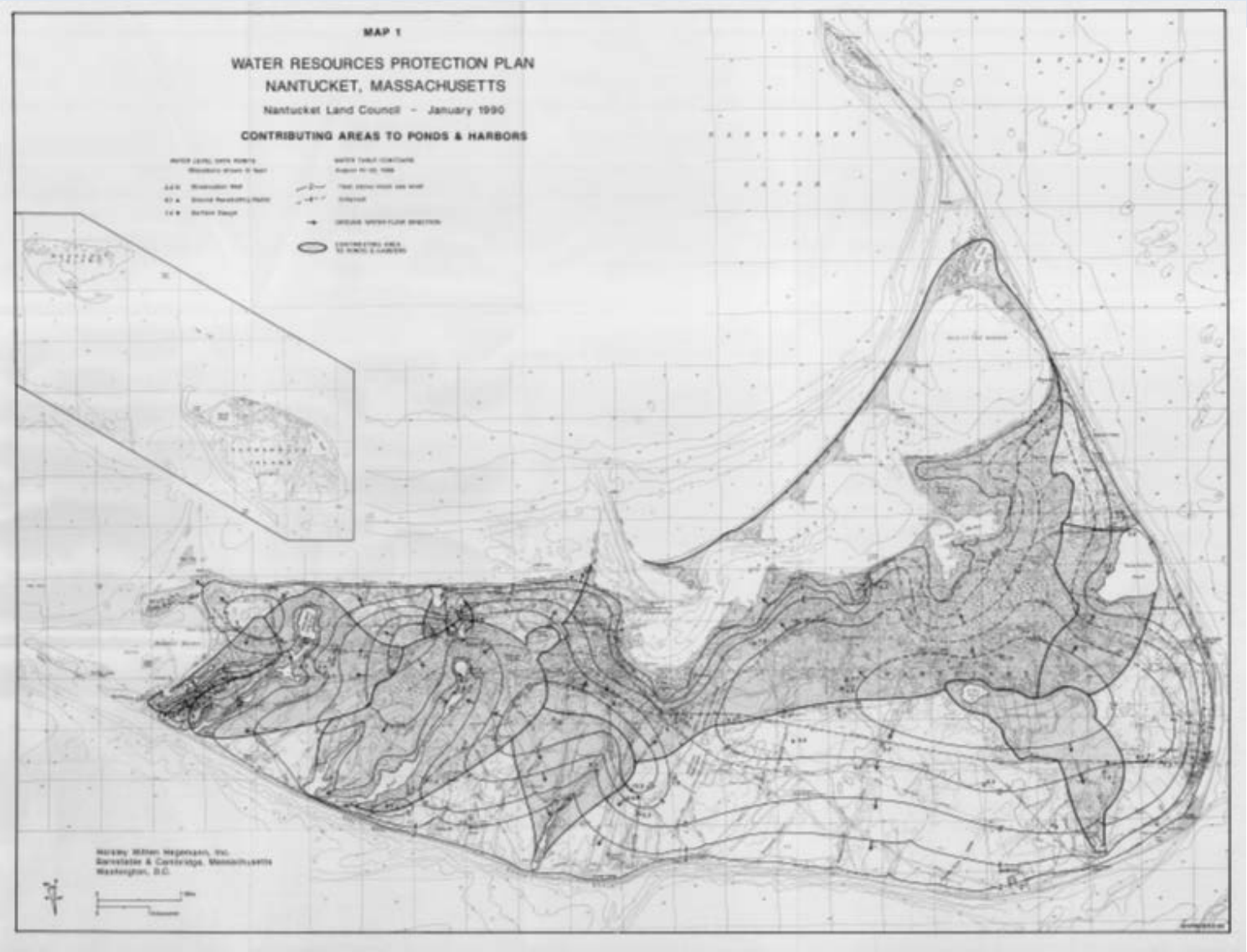
(Report # 97-TMDL-2 Control #249.0)
COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
IAN A. BOWLES, SECRETARY
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAURIE BURT, COMMISSIONER
BUREAU OF RESOURCE PROTECTION
GLENN HAAS, ACTING ASSISTANT COMMISSIONER

January 28, 2009

Board of Selectmen
Wastewater Plan Update

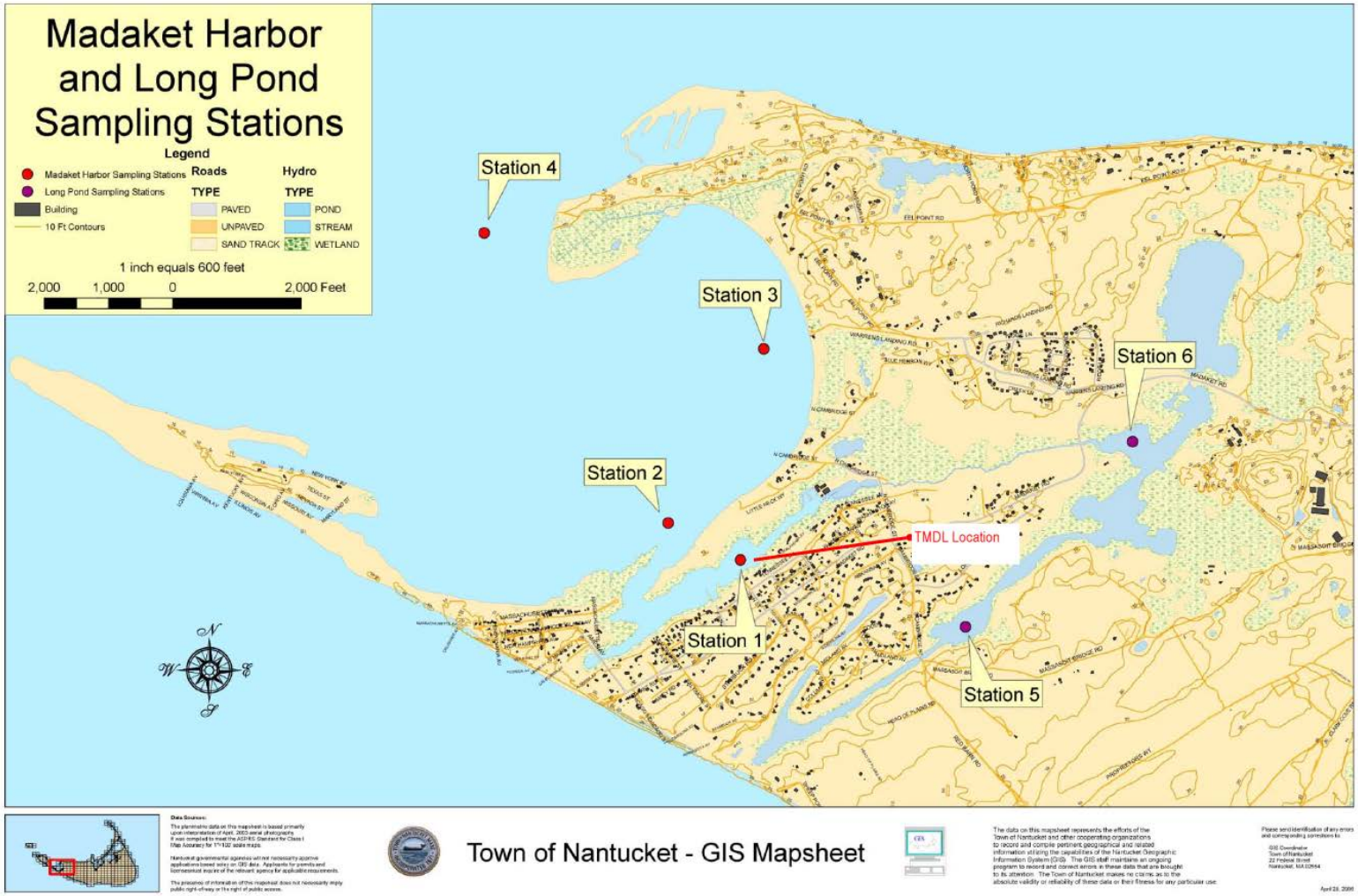
BACK-UP SLIDES

Contributing Areas to Waters



Nantucket Harbor TMDL Locations

Madaket Harbor TMDL Location



Sesachacha Pond TMDL Location

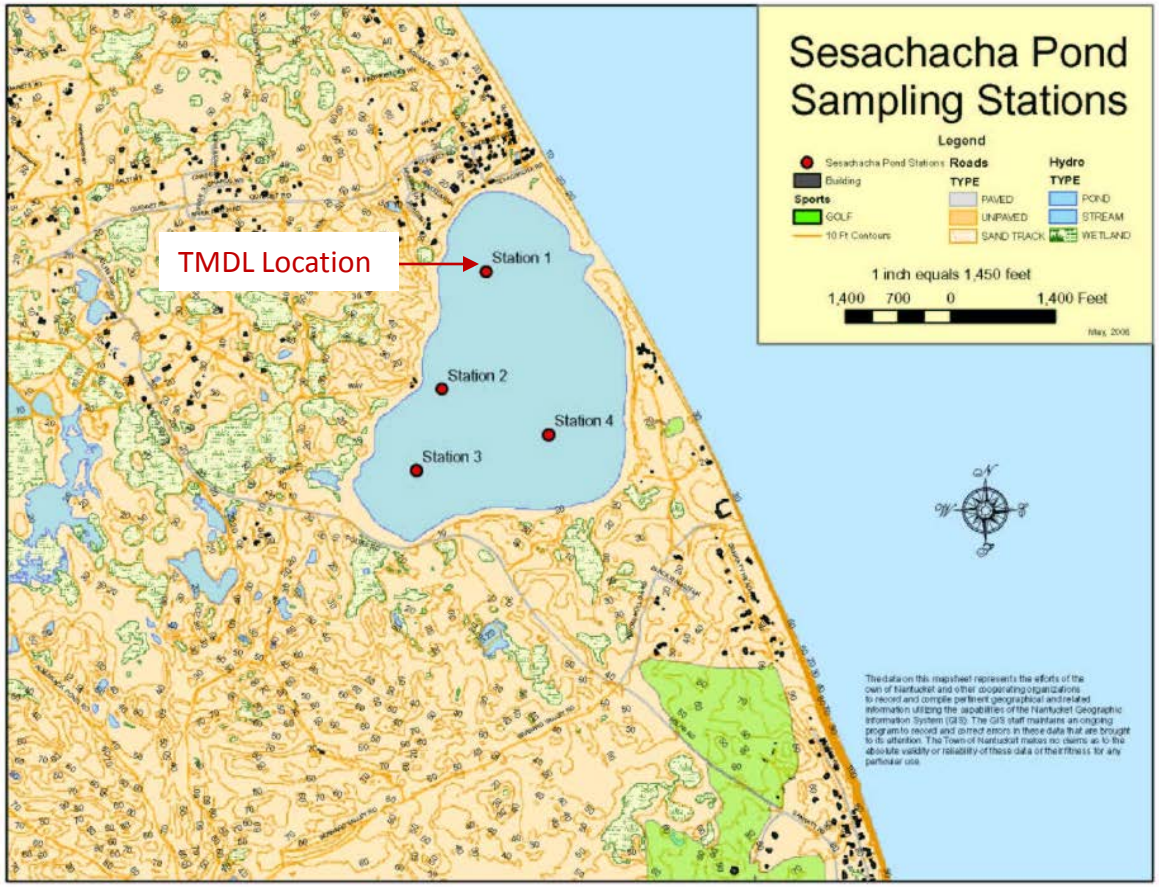


Figure II-1. Town of Nantucket Water Quality Monitoring Program sampling stations for Sesachacha Pond as provided by the Town of Nantucket Marine Department.

Hummock Pond TMDL (pending) Location

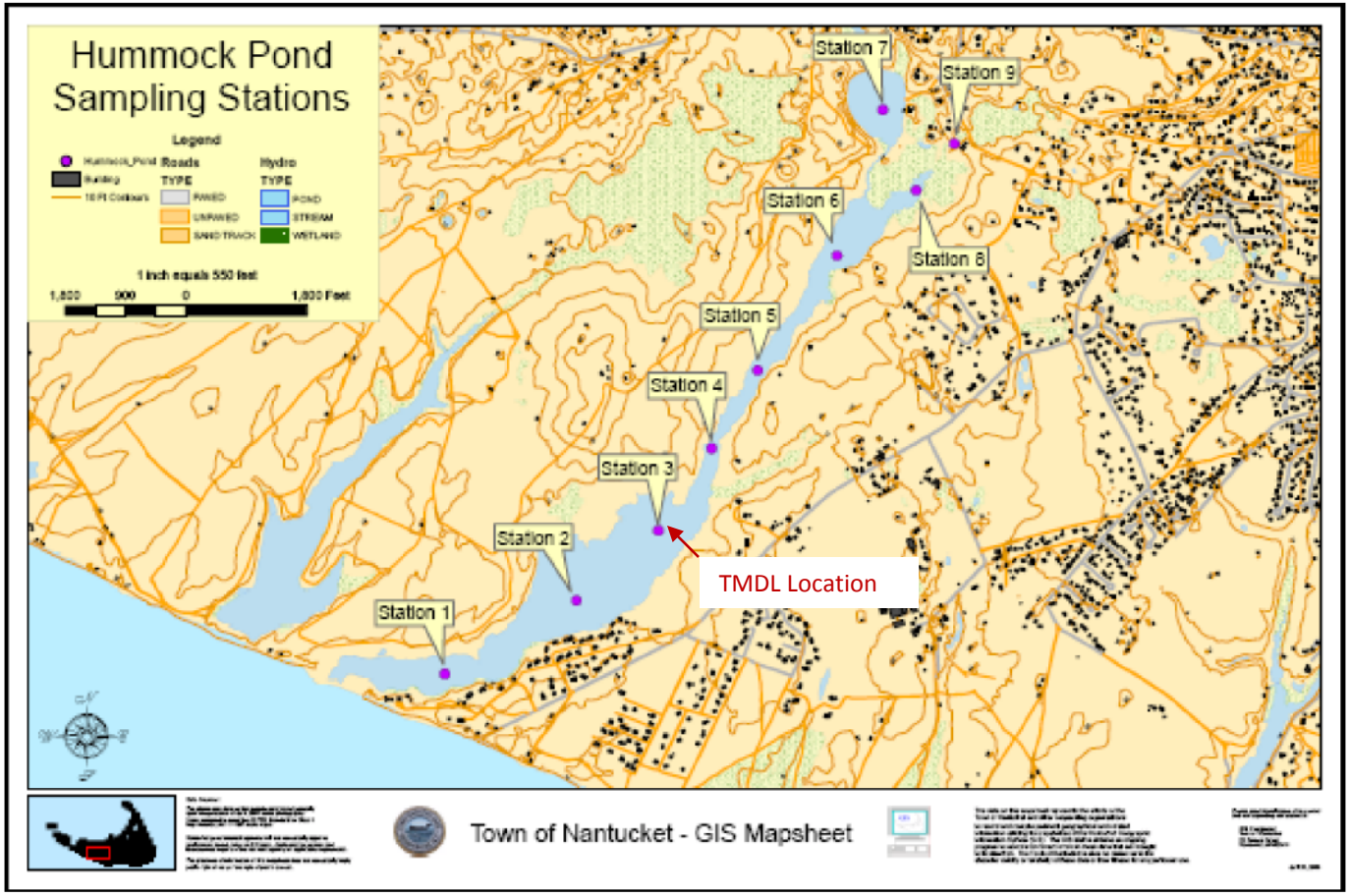


Figure II-1a. Town of Nantucket Water Quality Monitoring Program. Hummock Pond Estuarine water quality monitoring stations sampled by the Nantucket Marine Department (2002-2007).

Excerpt from Nantucket Harbor TMDL from MassDEP:

Reasonable Assurances

MassDEP possesses the statutory and regulatory authority, under the water quality standards and/or the State Clean Water Act (CWA), to implement and enforce the provisions of the TMDL through its many permitting programs including requirements for N loading reductions from on-site subsurface wastewater disposal systems. However, because most non-point source controls are voluntary, reasonable assurance is based on the commitment of the locality involved. Nantucket has demonstrated this commitment through the comprehensive wastewater planning that they initiated well before the generation of the TMDL. The town expects to use the information in this TMDL to generate support from their citizens to take the necessary steps to remedy existing problems related to N loading from on-site subsurface wastewater disposal systems, storm-water, and runoff (including fertilizers), and to prevent any future degradation of these valuable resources. Moreover, reasonable assurances that the TMDL will be implemented include enforcement of regulations, availability of financial incentives and local, state and federal programs for pollution control. Storm-water NPDES permit coverage will address discharges from municipally owned storm-water drainage systems. Enforcement of regulations controlling non-point discharges include local implementation of the Commonwealth's Wetlands Protection Act and Rivers Protection Act, Title 5 regulations for on-site subsurface wastewater disposal systems and other local regulations (such as the Town of Rehoboth's stable regulations). Financial incentives include federal funds available under Sections 319, 604 and 104(b) programs of the CWA, which are provided as part of the Performance Partnership Agreement between MassDEP and EPA. Other potential funds and assistance are available through the Massachusetts Department of Agriculture's Enhancement Program and the United States Department of Agriculture's Natural Resources Conservation Services. Additional financial incentives include income tax credits for Title 5 upgrades and low interest loans for Title 5 on-site subsurface wastewater disposal system upgrades available through municipalities participating in this portion of the state revolving fund program.

As the town implements these TMDLs the loading values (kg/day of N) will be used by MassDEP for guidance for permitting activities and should be used by the community as a management tool.

COVENANT

This COVENANT (this "Covenant") is made as of this ___ day of _____, 2016 between _____ (the "Declarant"), having an address of _____,and the Town of Nantucket, a Massachusetts municipal corporation, acting by and through its Board of Selectmen, having an address of Town & County Building, 16 Broad Street, Nantucket, Massachusetts 02554 (the "Town")

Recitals

WHEREAS, the Declarant is the owner in fee simple of a certain parcel of land located at _____, Nantucket, Massachusetts, and described in a deed recorded with the Nantucket County Registry of Deeds / Nantucket Registry District of the Land Court in Book _____, Page _____ / Certificate of Title No. _____ and shown on a plan recorded with said Deeds as Plan No. _____/ filed as Land Court Plan No. _____ (the "Property");

WHEREAS, the Town Meeting pursuant to the vote under Article 18 of the 2016 Annual Town Meeting has voted to authorize the appropriation of the costs of the construction of municipal sewer lines in "Nantucket Harbor Shimmo" and "Plus Parcels- Infill in Town Sewer District" and the assessment of betterments to the benefitted property owners by the Board of Selectmen acting as the Board of Sewer Commissioners for a portion of the costs of the Project;

WHEREAS, the Board of Selectmen acting as the Sewer Commissioners has set forth a Sewer Policy *[title to be defined]*which establishes the sewer betterments to be assessed to each benefitted property as follows: for each primary dwelling unit having a maximum of four bedrooms one (1) Sewer Equivalent Unit (SEU) in the amount to be determined based upon the location of the property; and one-half SEU for each secondary dwelling unit as defined in Section 139-2 of Chapter 139 of the Town of Nantucket Code, having a maximum of four bedrooms, currently in existence or having the potential of legally existing pursuant to the Zoning Bylaws;

WHEREAS, the Property is improved by a residential dwelling (the "Dwelling"), which contains ____ (___) bedrooms;

WHEREAS, although the Property has the potential for the creation of a secondary dwelling unit on the Property and one is not currently in existence on said Property, the Declarant requests a waiver of the payment of the applicable one-half SEU at this time;

WHEREAS, in consideration of said approval, the Declarant has agreed to place a permanent restriction on the Property, prohibiting the construction and use of a secondary

dwelling on the Property as defined in Section 139-2 of Chapter 139 of the Town of Nantucket Code for residential occupancy; and

WHEREAS, the Town is willing to waive the payment of the sewer betterment in the amount of one-half SEU for the right to construct a secondary dwelling on the Property on the condition that the Declarant so restricts the Property.

NOW, THEREFORE, the Declarant does hereby grant to the Town, in consideration of One Dollar ($1.00), with Quitclaim Covenants, a restriction on the Property, the terms and conditions of which are as follows:

1. Restricted Uses and Activities. The Declarant, on behalf of himself/herself/themselves, his/her/their heirs, successors and assigns, agrees and covenants that there shall be at all times no more than _____ (____) bedrooms in the primary dwelling on the Property, and the Property shall only contain a primary dwelling. In the event that the Declarant wishes to construct a secondary dwelling on the Property, the Declarant must request in writing from the Town a release of this Covenant prior thereto. The Town may release the Covenant as set forth in Paragraph 9 below.

2. Enforcement. The Town shall have the right to enforce this Covenant by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations.

3. Easement; Right of Access. The Declarant hereby grants the Town, an easement to enter the Property for the purpose of inspecting the same for compliance herewith and taking such actions as may be necessary or convenient to remedy or abate any violation hereof.

4. Reimbursement. The Declarant, on behalf of himself/herself/themselves, and his/her/their heirs, successors and assigns, covenants and agrees to reimburse the Town for any and all reasonable costs and expenses (including without limitation reasonable court costs, professional services, counsel and legal fees) incurred in enforcing this Covenant or in remedying or abating any violation thereof. Notwithstanding anything to the contrary contained herein, the rights and obligations under this Covenant of any party holding any interest in the Property shall terminate upon transfer of that party's interest, except that liability for acts or omissions occurring prior to transfer shall survive the transfer.

5. Provisions to Run With the Property. The covenants, rights, easements, liabilities, restrictions, agreements and obligations herein set forth shall run with the Property and any portion thereof and shall inure to the benefit of and be binding upon the Declarant, his/her/their heirs, successors and assigns, and the Town. The Declarant agrees that this Covenant shall be considered an “other restriction held by a governmental body,” as that term is used in G.L. c. 184, § 26, and thus not subject to the limitations on the enforceability of restrictions in G.L. c. 184, §§ 26-30. To the extent such restrictions are deemed subject to said statutes, this Covenant shall have a duration of fifty (50) years, and may be renewed for successive twenty-year periods by filing a notice of restriction prior to thirty (30) years from the date of imposition, and thereafter prior to the end of each such twenty (20) year renewal period, as allowed by law pursuant to G.L. c.184, §§23 & 26-30, as the same may be amended. The Declarant hereby appoints the Town, as his/her/their agent to execute and record such notices and agrees that the

Declarant shall execute and record such notice upon request.

6. Incorporation into Deeds, Mortgages, Leases and Instruments of Transfer. The Declarant hereby agrees to incorporate this Covenant, in full or by reference, into all deeds, leases, licenses, occupancy agreements, or any other instrument transferring an interest in the Property or any portion thereof.

7. No Liability; Waiver. The Town, by its acceptance of this Covenant, does not undertake any liability or obligation relating to the conditions of the Property or make any representations and/or warranties, express or implied, as to its suitability for a secondary dwelling. Any election by the Town as to the manner and timing of its rights to enforce this Covenant or otherwise exercise its rights herein shall not be deemed or construed to be a waiver of such rights.

8. Recordation. The Town shall record/file this Covenant, including the Town's Acceptance hereof, with the Barnstable Registry of Deeds / Registry District of the Land Court promptly and providing a copy of the Covenant to the Declarant.

9. Amendment and Release. This Covenant may be amended or released only upon the written acknowledgment of such amendment or release executed by the Declarant, his/her/their heirs, successors and assigns, and the Board of Selectmen. Release of this Covenant shall be granted by the Town upon the Declarant's request of such release and the payment of the one-half SEU in the amount of the original assessment plus interest in the amount of 4 percent per annum accrued from the date of the original assessment. Any such release shall be recorded at Declarant's expense with said Deeds/Registry District of the Land Court and a certified Registry copy of said release shall be filed with the Town within 30 days of its date of recordation.

The recitals stated in the preamble of this Covenant are incorporated herein in their entirety and made a part hereof.

This Covenant shall become effective once recorded with the Barnstable Registry of Deeds / Registry District of the Land Court.

The Town of Nantucket's Acceptance of Covenant is attached hereto and recorded herewith.

WITNESS the execution hereof under seal this _____ day of _____, 2016.

DECLARANT

_____

_____

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On this ___ day of _____, 2016, before me, the undersigned notary public, personally appeared _____, who proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

_____
Notary Public:
My Commission Expires:

ACCEPTANCE OF COVENANT

The Town of Nantucket, acting by and through its Board of Selectmen, pursuant to its authority under _____ hereby accepts the foregoing Covenant on this _____day of _____, 2016.

TOWN OF NANTUCKET,
By its Board of Selectmen

_____
Robert DeCosta

_____
Matthew G. Fee

_____
Rick Atherton

_____
Tobias B. Glidden

_____
Dawn E. Hill Holdgate

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this _____ day of _____, 2016, before me, the undersigned notary public, personally appeared _____, member of the Town of Nantucket Board of Selectmen, as aforesaid, proved to me through satisfactory evidence of identification, which was personal knowledge to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose on behalf of the Town of Nantucket.

_____
Notary Public
My Commission Expires:

Sewer District Numbers

Roberto Santamaría

Nantucket Health Department

3 East Chestnut Street

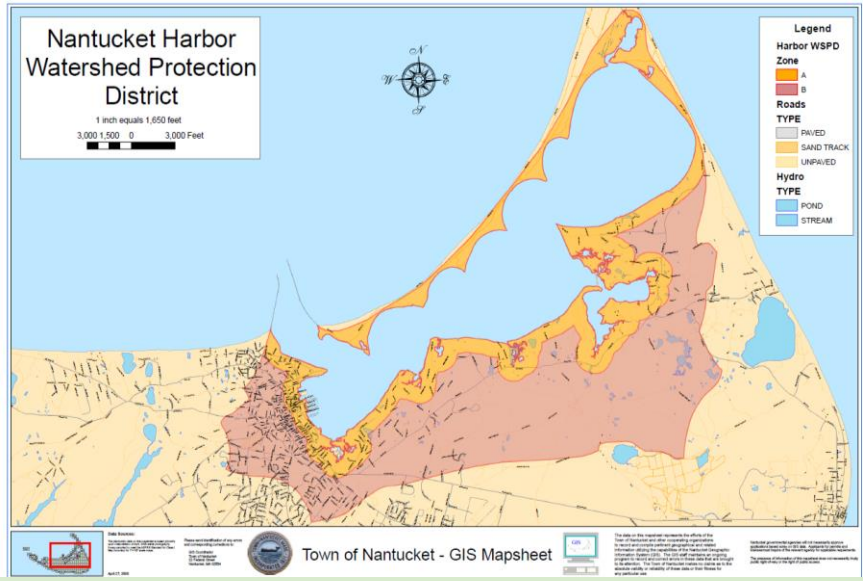
Nantucket Harbor Watershed

- 4,514 total parcels located within the delineated area
  - 1,657 in Zone A
  - 2,857 in Zone B

- 3,029 total parcels currently on sewer
  - 1,006 Zone A
  - 2,023 Zone B

- 450 total parcels will have access to sewer in the watershed
  - 160 – PLUS
  - 165 – Shimmo
  - 125 – Shawkemo

- 1,035 total parcels within the watershed will NOT have access to sewer after all sewer projects are complete



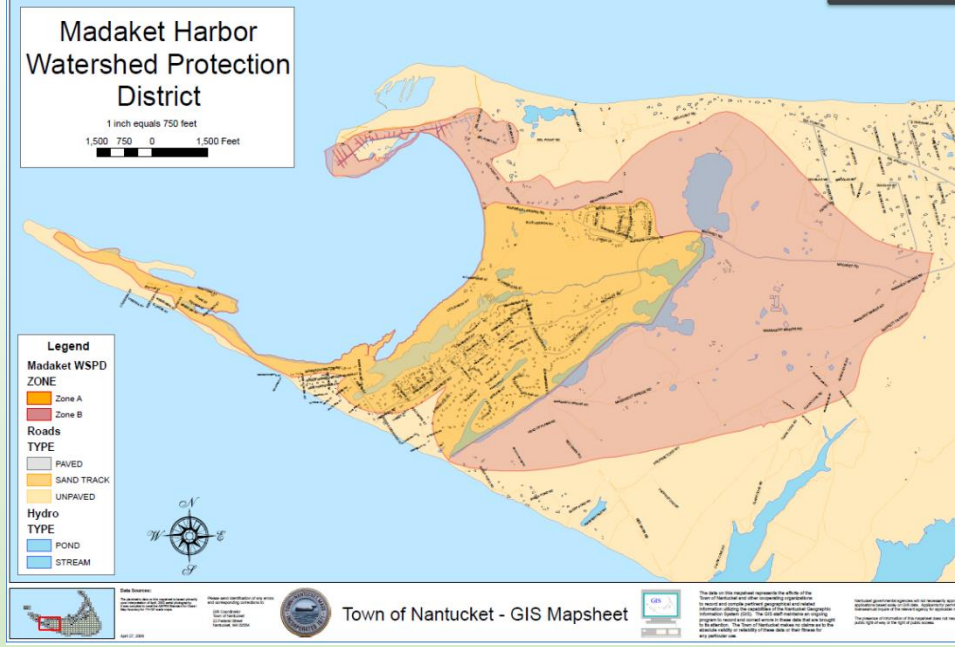
Zone A = Orange
Zone B = Red

As of 3/1/2016, there are 61 I/A systems installed within the watershed

Madaket Harbor Needs Area

- 1,109 total parcels located within the delineated area
  - 917 in Zone A
  - 192 in Zone B

- 58 I/A systems installed
- 81 I/A to be installed
- 571 Current systems have been inspected
- 19 system are awaiting inspection



Sewer Needs Areas

- Nantucket Harbor Shimmo – 165
- PLUS – 160
- Shawkemo – 125
- Somerset – 241
- Warren’s Landing – 80
- Hummock Pond North – 207
- Hummock Pond South – 169
- Madaket – 394
- Miacomet – 119

*All numbers presented in total parcels

TOWN AND COUNTY OF NANTUCKET

16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket-ma.gov

March 1, 2016

Dear Nantucket Property Owner and Interested Resident:

We all, each of us, have a financial and emotional investment in Nantucket - financial as represented in our homes and businesses; emotional as represented in the love we have for this unique tract of land thirty miles at sea. Obviously, anything that negatively impacts the quality of life on our island, diminishes those investments.

For years, we have seen the slow erosion of the water quality in our harbors and ponds due to seepage from septic tanks that do not properly treat certain pollutants. Yes, the installation of sewers on selective segments of the island has helped reduce, and even in some cases eliminate, septic tank sourced pollution. But more has to be done - and done now - especially in those areas adjacent to the harbor where septic pollution, specifically in the form of nitrogen, continues to be a problem.

As Nantucketers, we are being asked to vote for a new sewer project at the Saturday, April 2, 2016 annual town meeting. The upside of the project is that the property owners whose homes are hooked up to the new sewers will find they have increased the value of their properties. At the same time, they will have helped improve the water quality in our harbor to the end of assuring the preservation of our fisheries and the jobs and recreational opportunities it provides.

The downside is that the sewer project(s) won't be free. That, of course, is an unavoidable fact. But even at that, there is an upside. The State has offered us financial assistance if we act now. With the help of zero interest loans from the State Revolving Fund loan program, the Town will save millions of dollars (read "Town" as "Taxpayers") over the next twenty to thirty years. For a full explanation of how, please review the attached FAQs.

Unfortunately, the State's offer of financial help will not be available to us indefinitely. If we should elect to ignore, or even postpone, moving forward with the sewer project, the state has said it will be forced to step in and issue a sewer installation mandate that will require us to fund the project without their (financial) help. The Massachusetts Department of Environmental Protection, (MassDEP) under the jurisdiction of the federal Environmental Protection Agency (EPA), is mandating that Nantucket eliminate the pollution of water resources and restore water quality to established standards, which is enforcement of the Clean Water Act.

As residents of Nantucket, we all share in the responsibility - and desire - to do whatever is necessary to manage and administer those civic needs that we **can control** before the State issues mandates that we **cannot control**. A vote to approve the sewer project is a vote to assure that we will not find ourselves financially handcuffed by a state mandate.

May we suggest you take time to read the enclosed FAQ's which, we believe, will answer most of your questions. If you have additional questions, please feel free to utilize a dedicated email address we have established for the project, sewerproject@nantucket-ma.gov; and/or we encourage and welcome you to attend either of the following upcoming meetings scheduled in the near future:

1. The Nantucket Civic League-sponsored forum on Saturday, March 5 from 10:00 am to Noon in the community Room at the 4 Fairgrounds Road Public Safety Facility
2. A Selectmen's Sewer Workshop meeting on Wednesday, March 9 beginning at 6:00 pm in the Community Room at the 4 Fairgrounds Road Public Safety Facility

If you are in an area proposed to be sewered and you would like Town representatives to meet with your homeowner's association or group of neighbors, we would be glad to meet.

Please attend the April 2nd town meeting to cast your vote on this important project. We hope that the information in the attached FAQs and/or at the upcoming meetings will give you the information you need for your vote.

Sincerely,

Nantucket Board of Selectmen

TOWN OF NANTUCKET

Sewer Project Update
Frequently Asked Questions
As of 03/01/16
These FAQs will be updated and re-issued as/when additional information is made available

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1. What is the sewer project that is before the voters for the April 2, 2016 Annual Town Meeting?

At the Town Meeting, voters will be asked to approve funding for one sewer project with two phases as well as to add the parcels to be sewered by the project into the Town Sewer District. The sewer project includes the following Needs Areas from the Comprehensive Wastewater Management Plan Update http://www.nantucket-ma.gov/259/Wastewater-Action-Plan.

Phase 1 - Nantucket Harbor Shimmo (formerly known as "Monomoy")*
Phase 2 - "Plus" parcels* (various areas that are within or directly abut the Town Sewer District that had been left out of the District in error at some point in time) (nothing to do with the "PLUS" department)
**(See map attached on the last page of this Handout that details these geographic areas)*

There are two warrant articles relating to this project: Article 18 seeks approval to borrow the funds needed to design and construct the project. Article 19 will require Town Meeting approval to add all of the properties in the above areas into the Town Sewer District. The Town Sewer District is the area served by the Surfside Wastewater Treatment Facility.

NOTE: Phase 1 above is called "Monomoy" in all previous documents, maps and reports and has been renamed "Nantucket Harbor Shimmo" to more accurately reflect the geographic area that it encompasses, which includes Brewster Road to the southwest to Gardner Road on the northeast and Kelley Road to the south across to Nantucket Harbor.

2. How much is this project going to cost?

The CWMP Update planning level costs are shown below. These have been compared to current costs with reviews done through the most recent Engineering News Record (ENR)

index. As the Town moves forward to design and construction, these costs will be further refined. Final costs are determined when the project is complete and all bills are in.

Nantucket Harbor Shimmo (Phase 1)

Design	$2,782,916
Construction	$25,046,246
Total	$27,829,162

"Plus" (Phase 2)

Design	$1,309,821
Construction	$11,788,385
Total	$13,098,206

Total both Phases combined: $40,927,368

3. How is this project proposed to be paid?

The Commonwealth of Massachusetts has a State Revolving Fund (SRF) Loan Program that provides a low (or zero percent) interest loan to Commonwealth municipalities for eligible water quality projects that are primarily for nutrient reduction. The sewer project on the 2016 Annual Town Meeting Warrant is a proposed nutrient removal project for Nantucket and Polpis Harbors as a solution to the "Total Maximum Daily Loads" (TMDLs) which have been issued in these locations and this qualifies the Town for the zero percent loan program. TMDL is a regulatory term in the U.S. Clean Water Act, describing a value of the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards. All SRF loans cover the construction costs, but do not cover any design costs -- these must be paid by the Town. The Town has applied for and received approval of its application for SRF monies for the construction portion of the project on the Town Meeting Warrant. Eligible project costs would be funded through the SRF loan with loan payments up to 30 years. The non-eligible costs of design are paid by the Town. The capital cost recovery of all costs is proposed to be paid through a combination of betterment assessments and the general tax base (all taxpayers).

Betterments would be assessed to all properties that will be "bettered" or directly benefit from the extension of municipal sewer. The Town is proposing to issue betterments under Massachusetts General Laws Chapters 80 and 83, which allow the Town to construct and maintain sewers for public health and convenience and assess the cost of such to those receiving the benefit. The Board of Selectmen and the Finance Committee at a joint meeting on February 29th, voted to recommend a "25-75" cost share, with the "bettered" properties to cover 25% of the cost and the general tax base to cover 75%. The general tax base share requires Town Meeting approval <u>and</u> approval by ballot question.

4. What is a betterment?

"A betterment or special assessment is a special property tax that is permitted where real property within a limited and determinable area receives a special benefit or advantage, other than the general advantage to the community, from the construction of a public improvement." *Definition from: "Massachusetts Department of Revenue Division of Local Services, Betterments and Special Assessments"*.

In Nantucket's case the public sewer proposed for the two areas listed above will be assessed upon the parcels, both developed and undeveloped. For these projects, the betterment assessment is proposed to be based on the Uniform Unit Method.

Although General Laws c. 80 does not restrict the method of apportioning betterments for general betterments such as roadway improvements, Chapter 83 of the General Laws provides only two methods of apportioning betterments for sewer projects (G.L. c. 83, s. 15). The first method is the uniform unit method, where the Town establishes a sewer unit equal to a single family residence or a specific number of bedrooms in a dwelling unit. The total cost of the project to be paid by the users is then divided by the number of existing and potential sewer units to be served. By law, the Town is required to assess all existing and potential sewer units. For non-residential units, the number of sewer units for a particular use is determined on the basis of residential equivalents (Title 5 Flows).

The second method of sewer assessments allowable under the General Laws is the so-called fixed uniform rate based on the frontage of such land on any way in which sewers are constructed, the area of such land within a fixed depth from such way, or a combination of both frontage and area. The fixed uniform rate is more likely to reflect the taxable value of the parcel, whereas the uniform unit method is based on the anticipated sewer use from each parcel. Therefore, although the Town cannot apportion sewer betterments based directly on the assessed value of real property, the Town could apportion sewer betterments based on land area, for example. The practical difference between an apportionment on the basis of land value rather than land area appears to be inconsequential as the Finance Director has indicated that using either method does not appreciably change the amount or range of betterments for each property, except for a limited number of large parcels where the betterment actually increases if land area is used.

Most municipalities use the uniform unit method for calculating betterments because such method more fairly allocates costs based on actual sewer use rather than on frontage or area (which roughly translates to land value) without regard to actual sewer use. The frontage and/or area method can potentially result in a disproportionate betterment assessment for certain properties.

5. Which Town body determines the percentage of project costs for a sewer project will paid by taxpayers and what percentage by the sewer users, and which body determines the method of assessment?

Section 6 of the Nantucket Sewer Act (c. 396 of the Acts of 2008) states that Town Meeting determines the percentage of costs to be paid by the Town (the remaining percentage is paid by the sewer users). Although section 6 also says that the Town, acting through its Sewer Commissioners, "may avail itself of any or all methods permitted by the General Laws relative to assessments," a different paragraph in the same section states that "at the same meeting at which town meeting determines that any portion of the cost is to be borne by the Town, it may by vote determine by which of such methods the remaining portion of said cost shall be provided for."

Town Meeting, therefore, must vote to establish the percentage of the total project cost to be paid by the taxpayer and may determine the method of assessment of betterments. If the Town Meeting vote is silent on the method of assessment, then it is up to the Sewer Commissioners to determine the method.

6. What is the estimated betterment cost?

The estimated betterment cost differs by project area (because of the cost difference per project). All single family 4-bedroom* residential units will be assigned 1 SEU. Those properties that have or could have a second residential dwelling unit will be assigned an additional .5 SEU.

Nantucket Harbor Shimmo
$20,300 - (primary residential dwelling = 1 SEU)
$10,150 - (secondary residential dwelling = .5 SEU)
Total estimated betterment in Nantucket Harbor Shimmo based on current zoning with 1.5 SEU = $30,450 (numbers slightly rounded)

Plus
$11,800 - (primary residential dwelling = 1 SEU)
$5,900 - (secondary residential dwelling = .5 SEU)
Total estimated betterment in Plus based on current zoning with 1.5 SEU = $17,700 (numbers slightly rounded)

The final betterment cost will be determined after construction is completed (2018/19 for Nantucket Harbor Shimmo and 2020/21 for Plus) and will be based on actual documented project costs within 6 months of project completion. The final betterment value cannot exceed the value voted at the hearing at which estimated betterments are approved. Betterments are assessed against and run with the property and not against the individual.

**the number of bedrooms upon which the SEU is based is subject to continuing discussion by the Board of Selectmen; however, the current betterment assessments are based on 4-bedrooms being the equivalent of a single family dwelling*

7. I own a property in one of the two areas proposed for sewer. What will this project cost me?

In addition to a betterment the following fees would apply (these fees apply now, to anyone connecting to sewer):

a. **House connection** – Includes costs of permitting and installing your house connection to the sewer pipe in the road (also includes decommissioning of your septic system; landscaping; property restoration) – estimated at up to $20,000 depending on several factors including extent of landscaping, location of septic system.

b. **Sewer connection fee** -- $500 - $2,000, the Town's standard charge for a connection to the sewer line to cover administrative costs (actual fee depends on whether or not the property is located in a "Nitrogen Sensitive Area" – both the Plus parcels and the Nantucket Harbor Shimmo parcels are in Nitrogen Sensitive Areas and would be subject to the $500 connection fee (with connection mandated within 6 months).

c. **Sewer User Fee** - Annual cost of maintaining the Town sewer system currently this fee is approximately $1,200 per year.

d. **Privilege Fee** – A fee established as of April 24, 2005 intended to offset the costs of upgrades to the Surfside wastewater treatment facility made in 2005-2006 as a result of additional properties needing to be added to the capacity of the facility – current privilege fee is $6,322.

8. I have a main house and a cottage on my property – do I have to pay two betterments?

Yes. Each dwelling unit is subject to the betterment. It is currently proposed that the second dwelling is charged one-half of the Sewer Equivalent Unit (SEU) (as noted in Question 6, above).

9. Is there any limit on the amount of a betterment that can be charged a particular property*?*

Regardless of the method of assessment used, the amount of the betterment is limited to the actual increase in value to the parcel as a result of the sewer service. The betterment must be reasonable and proportional and may not produce an assessment largely in excess of the increase in value to the parcel as a result of the improvement. A property owner may challenge the amount of betterment on the basis of the "reasonable and proportional" standard by first applying to the Sewer Commissioners for an abatement and potentially seeking review of the abatement decision in court.

An assessment based on sewer units (uniform unit method) is more likely to be determined to be reasonable and proportional.

10. How many dwelling units are there on the island and how many are currently connected to sewer? And, how many additional properties would be connected with this project?

There are approximately 11,000 dwelling units on the island. Slightly more than half (5,825) are connected to sewer. There are a total of 620 connections – both actual and potential -- in both project areas (Nantucket Harbor Shimmo – 342; Plus – 278).

11. Under the uniform unit method, what parcels of land must be assessed a betterment?

G.L. c. 83, s. 15 expressly states that the Town must assess a betterment under the uniform unit method based on "all existing and potential sewer units to be served." Potential units are "calculated on the basis of zoning then in effect. Existing and potential multifamily, commercial, industrial and semipublic uses shall be converted into sewer units on the basis of residential equivalents." Therefore, the Town should conduct a zoning analysis on each vacant parcel of land and assess the number of sewer units based on the development potential under current zoning. This would include assessing a betterment for an existing dwelling unit and on potential secondary and/or tertiary dwelling units, which are allowed as of right under the Nantucket Zoning bylaw on any parcel. In addition, all parcels, whether vacant or not, will undergo a zoning analysis to determine how many additional potential units could be added pursuant to a subdivision of the parcel or approval not required endorsement, as well as any by right uses under existing zoning, as part of the design process. For the purposes of the cost estimate for the project, assumptions included that every lot has the ability for a primary and a secondary dwelling; and, that an additional 105 new

connections (63 in Nantucket Harbor Shimmo and 42 in Plus) could be created under current zoning.

The calculation of potential units should exclude any land which by reason of topography, wetlands, or other physical conditions would prevent the additional unit or units.

12. Can the Town defer the payment of a betterment if the sewer unit is based on potential units under current zoning?

Yes. The Board of Sewer Commissioners has the discretion, pursuant to G.L. c. 83, s. 19, to "extend the time for the payment of such assessments upon land which is not built upon until it is built upon or for a fixed time; but interest at the rate of four per cent per annum shall be paid annually upon the assessment from the time it was made, and the assessment shall be paid within three months after such land is built upon or at the expiration of such fixed time." The 4% percent interest collected each year can be used by the Town to pay the debt service on the bonds until such time as the betterment is paid in full.

13. I live on a private road. Will the Town be taking my road and/or maintaining it once the sewer has been installed?

The Town will require easements for the installation of sewer lines in private roads. We would hope to obtain the necessary easements voluntarily rather than have to acquire them through the eminent domain taking process. The Town does not intend to take any of the affected private roads; or, maintain them going forward. The Town will resurface the affected roads but will not change the type of road (for example, dirt roads will remain dirt, paved roads will remain paved – the Town will not pave any roads that are currently dirt as part of this project).

14. What if I cannot afford to pay the betterment? Is there a program in place to help?

There is a way to help defray the betterment costs to elderly property owners under Mass General Laws. If the Town adopts Massachusetts General Law, Chapter 80, Section 13B (Article 17 on the 2016 Annual Town Meeting Warrant), then a deferral may be approved as long as the elderly homeowner has been approved for deferral with the Assessor under Massachusetts General Law Chapter 59, Section 5, forty-first A.

15. What options are available to homeowners to pay betterments over a period of time and what interest rate is charged?

G.L. 83, Sections 15C and 15D, which were enacted on January 16, 2016, allow municipalities to apportion betterment assessments over a 30 year period. Prior to this new law, the apportionment was limited to 20 years. Also, under the new law, the Town may apportion the principal and interest on betterment in equal payments. In addition, the new law allows the Town to charge interest on betterments at a rate up to 2% above the net rate of interest paid by the Town on the bonds issued for the project, without the requirement under the prior law that Town Meeting set the interest rate. Both sections 15C and 15D are local acceptance statutes, and are included in the warrant for acceptance at the 2016 Annual Town Meeting under Article 16.

Section 6 of Chapter 396 of the Acts of 2008 (the Nantucket Sewer Act) states that interest on betterments "shall be at the rate as may be established by the Nantucket sewer commission from time to time." Accordingly, if Town Meeting accepts the new law, interest

on betterments will be up to 2% unless the Board of Sewer Commissioners establishes a different rate.

16. For properties that will be assessed a betterment, is it possible to provide some form of a rebate or property tax exemption?

No. Real estate property taxes must be uniform (based solely on assessed value) unless the General Laws or a special act provide for a specific exemption or rebate.

17. Are properties mandated to connect to the sewer once it is operational?

Local Board of Health Regulation 69.00 mandates that parcels located in defined nitrogen sensitive areas (Nantucket Harbor Watershed, Hummock Pond Watershed, Madaket Harbor Watershed), once sewer is operational and available for connection, must connect within 6 months. All other areas have 2 years to connect from the date of notification that the sewer is available. Properties failing to connect within the required timeframe are subject to a $100/day fine. Nantucket Harbor Shimmo and Plus are located within the Nantucket Harbor Watershed and are considered nitrogen sensitive areas.

18. If I recently replaced or repaired my septic system, do I still have to connect when sewer becomes available, and pay a betterment?

Yes; however, we have not yet started the design of the proposed sewer extensions, which will take upwards of a year and then construction is not planned to start with the first phase (Nantucket Harbor Shimmo) until 2017 and second phase (Plus) in 2019. With construction expected to take about 2 years per phase sewer won't be operational in the first phase until approximately 2019. This affords any property owner who has already replaced a system at least 3-4 years of additional use.

The cost of a new conventional septic system is estimated between $10,000 - $25,000 but varies based on site specific conditions. The cost of a new Innovative/Alternative (I/A) system is estimated between $30,000 - $70,000. The estimated life of septic systems is approximately 20 years (with proper maintenance). Once a septic user is connected to sewer the future costs of septic system replacement, repair or upgrade are eliminated.

19. What forms of relief could the Town provide to a homeowner who is otherwise subject to a betterment assessment but who has recently installed a Title 5 compliant septic system?

Board of Health local regulation (69.00) (referenced above) mandates connections to the Town's sewer system once sewers become available to a particular property; however, the Board of Health may consider a variance request for a delayed connection to the sewer system on a case by case basis. Such a regulation would enable a property owner to avoid the payment of the sewer connection fee and the periodic sewer use charges for a period of time. A Board of Health regulation could not, however, delay the payment of a betterment, which must be assessed against all properties abutting a way in which the new sewer is installed regardless of whether the homeowner chooses to take advantage of any regulation that allows a delayed connection. Furthermore, it is doubtful that the Town could through either a bylaw or as part of the betterment policy established by the Board of Sewer Commissioners provide a reduced assessment or deferral of all or a part of a betterment assessment to a property owner that has a newly installed septic system. This is because c. 83 requires that all properties to be served by a new sewer must be treated equally in terms of paying a betterment assessment and such assessments must be proportional under either the uniform

unit or fixed uniform rate methodologies. However, the Town could, through special legislation, establish a reduced betterment to be paid up front with a delayed payment of the second half of the assessment upon connection.

20. Is there any way to find out what my betterment cost will be?

An informational tool is available http://www.nantucket-ma.gov/DocumentCenter/View/11542 for an individual homeowner to get a general idea of their betterment. Click on the link shown or type it in to your browser to access it. You must have Excel in order to access it. **Final numbers remain subject to final project costs and the zoning and property analyses noted above.**

21. Are there any means to lower the betterment costs?

There is no doubt that these costs are significant. The Town has worked diligently to research all possible avenues to arrive at a fair and equitable way to recover the capital costs for these substantial water quality improvements. First, the zero percent loan (versus even a low-interest two percent loan) will save the Town millions of dollars over the life of these loans. Secondly, while there are several perspectives on "who should pay", the problem is an Island-wide problem that affects all residents. The properties in the areas to be sewered are currently the major cause of nitrogen pollutants to the Island's water resources. After much discussion, the Board of Selectmen and the Finance Committee have determined that the "25-75 split" is the fairest way to pay for the project. Inclusion in the state's zero percent loan program will save the Town and the taxpayers and those who will be assessed betterments, millions of dollars over the course of the payback period (estimated savings approximately $13,500,000.) The zero percent loan program is not a permanent program – it is currently authorized by the state through 2019. After that, it is not known whether or not it will be reauthorized – which is another reason why the sewer projects need to be funded sooner rather than later.

22. Are there any categories of land that are not subject to betterment assessments?

Any land held by a governmental entity is not subject to a betterment assessment. Accordingly, parcels of land owned by the Town of Nantucket, the Nantucket Land Bank Commission, or the state and federal government are not subject to assessment. Any parcels that are privately owned are subject to assessment, including land owned by private non-profit corporations. This would, for example, include land owned by the Nantucket Land Council which is a private non-profit corporation. The Board of Sewer Commissioners could adopt a policy, however, which provides that land that is subject to a valid and enforceable perpetual restriction on development, meeting the requirements of G.L. c. 184, §§31 through 33, is not subject to assessment. In addition, the Board could adopt a policy that allows homeowners that have a potential secondary unit on their property to avoid the payment of a betterment assessment for the second unit by providing a development restriction to be held by the Town.

23. How were the Needs Areas for sewer extension determined?

The areas (called "Needs Areas") recommended for sewer extension are from the Town's Comprehensive Wastewater Management Plan (CWMP) Update Report completed in 2014. Nantucket began its Comprehensive Wastewater Management Planning (CWMP) in 2000. The initial CWMP was completed in 2004 and included a Town-wide wastewater management plan that identified areas of the Island that were not long-term sustainable with on-site wastewater (septic) systems. Criteria reviewed at that time concluded that data

contained in Board of Health records for Title 5 failures, major repairs, multiple system pumping, soils and groundwater conditions and potential impacts of on-site systems to environmental resources, showed multiple areas needed to eliminate septic systems as the primary wastewater systems. When we began the CWMP in 2000, there was no knowledge of the issues that would be encountered in future years due to nitrogen enrichment to the water resources. The 2004 CWMP recommendations were made based on the criteria described above. The Commonwealth of Massachusetts then introduced the Massachusetts Estuaries Program ("MEP"), which examined nitrogen pollution in 89 estuaries (harbors, ponds, creeks, embayments) in southeastern Massachusetts, the Cape and Islands from various sources. Nantucket alone had six areas studied in the MEP including: 1) Nantucket Harbor; 2) Polpis Harbor; 3) Sesachacha Pond; 4) Madaket Harbor; 5) Long Pond; and 6) Hummock Pond.

Nantucket's MEP reports have identified nitrogen as the largest contributor of pollution to the water resources examined in the MEP reports. Once the MEP reports were complete on Island, the state mandated that Nantucket update its 2004 CWMP to include solutions to the nitrogen pollution in the areas identified in the MEP reports. The Clean Water Act, both federal and state versions, mandates that the polluting of the waters of the Commonwealth, be eliminated and/or reduced. The standard which the state has established to measure nitrogen loads is through the issuance of a Total Maximum Daily Load (TMDL), which is a regulatory term in the U.S. Clean Water Act, describing a value of the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards. The state has issued TMDLs for Nantucket Harbor, Polpis Harbor, Sesachacha Pond, Madaket Harbor/Long Pond and one is pending in Hummock Pond. In 2012, we initiated an update to the CWMP. The Update, as required, provides a long-term solution to reduce nitrogen pollution to our water resources in order to meet the established TMDLs and was completed and approved by the state in 2014. The CWMP Update provides recommendations to meet the state mandate (TMDL) with a 20-year plan. The articles on 2016 Annual Town Meeting are among the initial steps in implementing these recommendations. The MEP Reports and TMDLs can be reviewed on the Town's website at http://www.nantucket-ma.gov/132/Water-Quality-Initiative.

24. Is there a priority as to how the Needs Areas are sewered?

There are multiple reasons why one Needs Area is proposed for sewer before another. One is based on actual "need" and where the area is located and its contribution to the nutrient pollution. Nantucket Harbor Shimmo is located directly on Nantucket Harbor and is shown to have a large impact on the pollution to the Harbor. The MEP studies examined the septic system contribution to the pollution and based on the science and studies, removing the septic systems from this area, in coordination with other efforts such as the Jetties reconstruction, fertilizer reduction and managing stormwater runoff -- will all reduce the nitrogen pollution to the Harbor and work together to meet the TMDL. The Plus area is tributary to the Nantucket Harbor Watershed and again, is a direct influence to the nitrogen pollution. The priority of sewering these areas is directed toward meeting the TMDLs issued for Nantucket Harbor.

Other reasons for setting priorities are more technical. For example, in the Somerset and Madaket/Warren's Landing Needs Areas, the sewer infrastructure needed in order to travel to the Surfside WWTF is located within the Somerset Needs Area. The Somerset Needs Area is located partially within a MEP area, but on its own would be prioritized

below that of Madaket/Warren's Landing criteria-wise, however, it makes technical sense to sewer Somerset as a priority as it will provide the necessary physical infrastructure transmission for Madaket/Warren's Landing.

There are also funding priorities and how the Town qualifies for the zero percent state loan that will change priorities. Phasing several areas together, as was done with the project before 2016 Annual Town Meeting. One area itself did not meet the state requirements for the state loan, but phasing two together helped meet the requirements.

There are many reasons to set priorities with some more evident than others.

25. Will sewers allow for increased development in the designated areas?

There is a certain amount of new growth that may happen as a result of sewers, but the Town addressed many of these concerns with revised zoning in recent years. Projected flows to the Surfside Wastewater Treatment Facility are based on a complete buildout of all the Needs Areas tributary to Surfside. The availability of sewer will not allow more development that zoning allows.

26. Instead of sewering, why can't septic users switch to tight tanks?

Tight tank usage is governed by the Massachusetts Title 5, at 310 CMR 15.000, specifically at 15.260.Tight tanks are similar to septic tanks, except that they have no outlet and must be pumped out at regular, frequent intervals. Title 5 strongly discourages the use of tight tanks, but they are allowed in situations where an existing system has failed and there is no other feasible alternative. Tight tanks are not allowed for new construction or increases in design flow. According to the Regulation at 15.260, "Approval of a tight tank may be granted only to eliminate a failed on-site system when no other feasible alternative to upgrade the system in accordance with 310 CMR 15.201 through15.293 exists".

The Town worked with MassDEP in establishing areas where no feasible alternative exists and those areas where tight tanks are allowed are clearly defined in Local Regulation 49.00, Madaket Tight Tank Policy. A tight tank is considered a "last resort". There are but a few of these areas on Island. The Board of Health is the local jurisdiction, with MassDEP approval.

27. Are there other means to meet the TMDLs that could allow the Town to delay or not proceed with the sewer projects?

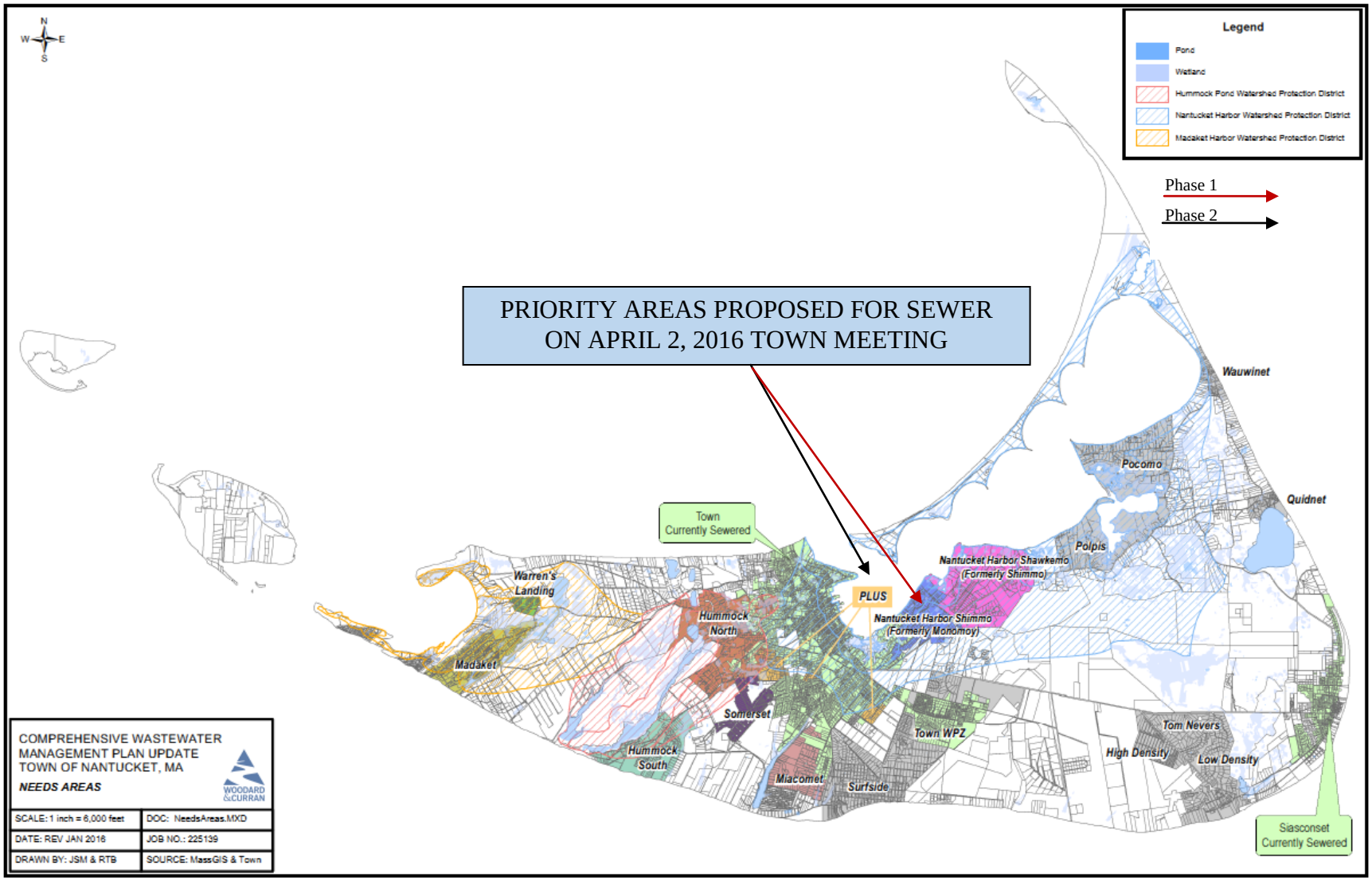
No. These projects are not optional. Other means to reduce the TMDLs will not be enough. Other means include: fertilizer reduction -- landscapers and property owners must significantly reduce the use of fertilizers but even so nitrogen from septic systems must also be removed/reduced; rehabilitation of the Jetties (this may increase tidal flow/currents in Nantucket Harbor but models show that it is not enough on its own to have a substantial impact), stormwater management – some projects have been completed, one is in progress, more are planned but again, this is only one component to a whole approach. Other options which have been explored include tight tanks (see above) and package treatment plants (small wastewater treatment systems that treat the wastewater of a small area of properties). Package plants are not viable because there is not enough room to fit them into any one area. While they are small, treating flows of 15,000 gallons per day and up, they would require land, infrastructure and maintenance. The Town of Falmouth is currently operating a pilot program for a new method of nitrogen removal in a certain area with certain soil and topography characteristics –

many towns, including us, are monitoring the program with interest; however, it will take a number of years for the technology to be proven, accepted, and permittable. We do not have that time to wait.

If the Town does not take action that will bring its TMDLs into compliance, we can expect the state to mandate changes – on the state's schedule; and, without the benefit of zero percent loans. The Town must take action on its own, beginning now. Clean water is essential to the Island's economy and quality of life.

Additionally, the zero percent loan program currently expires in 2019. Any delays in this project could result in loss of the zero percent loan which would add millions of dollars (estimated $13,500,000) to the project cost.

29. How many more projects are there and where are they?
The complete list of projects is contained in the CWMP Update. The next likely projects are Somerset and Madaket/Warren's Landing Needs Areas – there has been discussion about putting those projects forward at a fall 2016 special town meeting.


Legend
Pond
Wetland
Hummock Pond Watershed Protection District
Nantucket Harbor Watershed Protection District
Madaket Harbor Watershed Protection District
Phase 1
Phase 2
PRIORITY AREAS PROPOSED FOR SEWER
ON APRIL 2, 2016 TOWN MEETING
Town
Currently Sewered
Wauwinet
Pocomo
Quidnet
Polpis
Nantucket Harbor Shawkemo
(Formerly Shimmo)
Nantucket Harbor Shimmo
(Formerly Monomoy)
PLUS
Warren's
Landing
Hummock
North
Madaket
Somerset
Hummock
South
Miacomet
Surfside
Town WPZ
High Density
Tom Nevers
Low Density
Siasconset
Currently Sewered
COMPREHENSIVE WASTEWATER
MANAGEMENT PLAN UPDATE
TOWN OF NANTUCKET, MA
NEEDS AREAS
WOODARD
&CURRAN
SCALE: 1 inch = 6,000 feet
DOC: NeedsAreas.MXD
DATE: REV JAN 2016
JOB NO.: 225139
DRAWN BY: JSM & RTB
SOURCE: MassGIS & Town

(508) 228-7244
(508) 228-7245
(508) 228-7289
FAX

188 MADAKET ROAD
02554

Town of Nantucket
Massachusetts

Department of Public Works

3/3/16

THE FOLLOWING ARE SEWER QUESTIONS ASKED AT THE sewerprojects@nantucket-ma.gov web address to date:

FAQs location?

Connection fee $500 or $2000?

SPWG report location?

Dates and times of meetings to discuss the sewer extensions?

Elderly exemptions-details of implementation?

Newsletters were mailed too late.

Meetings are shown On Demand so that they can be viewed later.

Ban fertilizers.

The sewer extensions are too expensive.

Septic removal costs?

Hummock Pond North, is it a needs area and if so what is the year of extension?

** DRAFT AS OF 03/08/16 **

COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
2016 Annual Town Meeting

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

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

BOARD OF SELECTMEN
Robert DeCosta, Chairman
Matthew G. Fee, Vice Chairman
Rick Atherton
Tobias B. Glidden
Dawn E. Hill Holdgate

FINANCE COMMITTEE
James R. Kelly, Chairman
Clifford J. Williams, Vice Chairman
Joseph T. Grause, Jr.
Stephen Maury
Peter A. McEachern
Matthew Mulcahy
Craig Spery
John E. Tiffany
David Worth, Jr.

PLANNING BOARD
Barry G. Rector, Chairman
Linda Williams, Vice Chairman
Nathaniel Lowell
Joseph Marcklinger
John McLaughlin

MODERATOR
Sarah F. Alger

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AMERICANS WITH DISABILITIES ACT NOTICE

The Town of Nantucket advises applicants, participants and the public that it does not discriminate on the basis of disability in, admission to, access to, treatment or employment in its programs, services and activities. The Town of Nantucket will provide auxiliary aids and services to access programs upon request. Inquiries, requests and complaints should be directed to the Town Manager, 16 Broad Street, Nantucket, MA 02554, (508) 228-7255.

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IF YOU NEED A LARGE PRINT VERSION OF THIS DOCUMENT, PLEASE CONTACT THE TOWN MANAGER'S OFFICE AT (508) 228-7255

Cover photo courtesy of Greg Hinson, MD/NantucketStock.com

TOWN OF NANTUCKET
2016 ANNUAL TOWN MEETING

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22	Appropriation: Ambulance Reserve Fund	
23	Appropriation: County Assessment	
24	Appropriation: Finalizing Fiscal Year 2017 County Budget	
25	Rescind Unused Borrowing Authority	
26	Appropriation: Ferry Embarkation Fee	
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2016 ANNUAL TOWN MEETING

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2016 ANNUAL TOWN MEETING

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2016 ANNUAL TOWN MEETING

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Zoning Article Glossary		

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NOTES:

1. *PETITION ARTICLES HAVE BEEN PRINTED AS SUBMITTED BY THE PETITIONERS AND MAY CONTAIN TYPOGRAPHICAL AND OTHER ERRORS*

2. *UNLESS OTHERWISE NOTED UNDER THE FINANCE COMMITTEE MOTION, ALL VOTES NEEDED FOR PASSAGE OF ARTICLES IS A SIMPLE MAJORITY.*

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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)

FINANCE COMMITTEE MOTION: Moved that the reports of various departments and committees as are printed in the Fiscal Year 2015 Annual Town Report or as may come before this meeting be accepted and filed with the permanent records of the Town.

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)

FINANCE COMMITTEE MOTION: Moved that Twenty-three Thousand One Hundred Fifty-nine Dollars and Eighty-seven Cents ($23,159.87) be appropriated from Free Cash to pay the General Fund unpaid bills from prior fiscal years; that Two Hundred Ninety-four Dollars ($294.00) be appropriated from Retained Earnings of the Nantucket Memorial Airport Enterprise Fund to pay the Airport enterprise fund unpaid bills from prior fiscal years; that Two Thousand Six Hundred Forty-eight Dollars and Fifty-nine Cents ($2,648.59) be appropriated from Retained Earnings of the Sewer Enterprise Fund to pay the sewer enterprise fund unpaid bills from prior fiscal years; that One Hundred Thirty-four Dollars and Sixteen Cents ($134.16) be appropriated from Administrative Expenses of the Community Preservation Committee (CPC) Fund to pay the CPC unpaid bills from prior fiscal years:

DEPARTMENT	*VENDOR*	*AMOUNT*
Health Dept	*Nantucket County Sheriff*	*$ 65.00*
Human Services	*My Senior Center*	*$ 990.00*
IS GIS	*Cape Air/Nantucket Airlines*	*$ 52.88*
Natural Resources	*Steamship Authority*	*$ 327.50*
Planning and Land Use Services	*Blackwell & Associates*	*$ 1,135.35*
Planning and Land Use Services	*Bracken Engineering, Inc.*	*$ 3,715.00*
Planning and Land Use Services	*Bracken Engineering, Inc.*	*$ 680.00*
Planning and Land Use Services	*Don Allen Auto Service*	*$ 35.00*
Public Buildings	*Clarion*	*$ 1,024.00*
Public Works	*Bamber Trucking*	*$ 3,300.00*
Public Works	*Bamber Trucking*	*$ 85.00*

Public Works	*Homer Ray Refrigeration LLC*	*$ 280.00*
Public Works	*Cape Air*	*$ 62.69*
Public Works	*Zenon Environmental Corp*	*$ 1,452.25*
Public Works	*NE Office Supply*	*$ 123.67*
Public Works	*Medawar Electronic Inc.*	*$ 122.78*
Public Works	*Nantucket Auto Body*	*$ 2,326.69*
Public Works	*Marine Home Center*	*$ 120.41*
Public Works	*Timothy Lepore, MD*	*$ 625.00*
Public Works	*Steamship Authority*	*$ 4,248.87*
Public Works	*Norton Medical Industries*	*$ 58.00*
Public Works	*Cape Air / Nantucket Airlines*	*$ 184.90*
Public Works	*Longfin, LLC*	*$ 1,710.00*
Tax Collector	*Ricoh*	*$ 86.35*
Town Administration	*National Construction Rentals*	*$ 342.72*
Town Clerk	*Ricoh*	*$ 5.81*
Subtotal General Fund Expense		*$23,159.87*
Airport	*Partners Healthcare*	*$ 144.00*
Airport	*Norton Medical Industries*	*$ 150.00*
Subtotal Airport Enterprise Fund		*$ 294.00*
Sewer Enterprise Fund	*Norton Medical Industries*	*$ 58.00*
Sewer Enterprise Fund	*National Grid*	*$ 2,494.59*
Sewer Enterprise Fund	*Partners Healthcare*	*$ 96.00*
Subtotal Sewer Enterprise Fund		*$ 2,648.59*
Community Preservation Committee	*Nantucket Office Products*	*$ 134.16*
Subtotal Community Preservation Committee		*$ 134.16*

Quantum of vote required for passage of this motion is 4/5

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.

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(Board of Selectmen)
FINANCE COMMITTEE MOTION: Moved that the following appropriations and transfers are made for prior year articles:

FROM	*TO*	*AMOUNT*
Article 10 of the 2015 Annual Town Meeting (OIH Transport Vehicle)	Article 12 of the 2013 Annual Town Meeting (OIH Facility - System and Equipment Improvements)	$12,810.00
Article 12 of the 2013 Annual Town Meeting (OIH Replace Flooring and Carpeting)	Article 12 of the 2013 Annual Town Meeting (OIH Facility - System and Equipment Improvements)	$41,599.71

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.

(Board of Selectmen)
FINANCE COMMITTEE MOTION: Moved that the revolving funds listed below be hereby authorized to continue during Fiscal Year 2017 as follows:

FUND	*REVENUE SOURCE*	*AUTHORITY TO SPEND*	*USE OF FUND*	*SPENDING LIMIT*
Beach Improvement	Beach Permit Sticker sales	Town Manager with approval of Board of Selectmen	In accordance with c. 56 § 7A of Town Code, including endangered species monitor program; beach patrols/monitors; beach use education/information	$509,811
Community Recreation Programming	Sports programs fees	Town Manager	Operation and maintenance of town owned recreational facilities, Town-owned athletic fields, courts and parks for recreational, organized sports, sports camps and playing field activities.	$101,000
Tennis Court	Tennis Fees	Town Manager	Operation and maintenance of tennis court facility	$ 21,452
Conservation Fund	Conservation Commission application fees	Town Manager with approval of Conservation Commission	Consulting services in connection with professional review of applications	$35,000
Septic System Inspections	Septic system application fees	Town Manager with approval of Board of Health	Contractor services in connection with septic system inspections; costs associated septic system inspection related training and portion	$86,604

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FUND	REVENUE SOURCE	AUTHORITY TO SPEND	USE OF FUND	SPENDING LIMIT
			of salaries for staff in connection with septic system duties and responsibilities, together with the proportionate costs of fringe benefits associated with the salaries so paid	
Seasonal Food Service Inspections	Food service permit fees	Town Manager with approval of Board of Health	Seasonal food service inspections; costs associated with seasonal food service inspection training and public awareness materials. Salaries for staff in connection with food service inspections.	$67,066
Lifeguard Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of lifeguard housing facilities	$25,000
Public Works Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of public works housing facilities	$10,000
Low Beach Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of Low Beach housing facilities	$69,500

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)

FINANCE COMMITTEE MOTION: Moved that Five Hundred Thousand Dollars ($500,000) be raised and appropriated from the Fiscal Year 2017 tax levy and other general revenues of the Town to establish a reserve fund for Fiscal Year 2017 pursuant to Chapter 40, section 6 of the General Laws.

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)

FINANCE COMMITTEE MOTION: Moved that the amounts listed below be transferred between the various Fiscal Year 2016 accounts and expenditures as follows:

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FROM	*TO*	*AMOUNT*
Insurance Premium: Medical Blue Cross	Information Technology Department, Expenses	$30,000
PLUS, Salaries	Health Department, Salaries	$75,920
Easy Street Bulkhead Principal	Health Department, Expenses	$5,000
Insurance Premium: Medical Blue Cross	Legal	$50,000
Easy Street Bulkhead Interest	Town Administration, Expenses	$10,000
Insurance Premium: Medical Blue Cross	Public Works, Salaries	$50,000
Insurance Premium: Medical Blue Cross	Public Works, Expenses	$50,000
Easy Street Bulkhead Principal	Fire Department, Salaries	$35,000
Easy Street Bulkhead Interest	Fire Department, Capital	$10,000

ARTICLE 7
(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

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Schedule B - Seasonal Employee Compensation Schedule
(Spring, Summer, Fall, Winter/Effective April 2, 2016 - April 1, 2017)

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	$15.00	$16.00	$17.00	$18.00
B-Hourly*	$15.50	$16.50	$17.50	$18.50
C-Hourly*	$16.50	$17.50	$18.50	$19.50
D-Hourly*	$17.50	$18.50	$19.50	$20.50
E-Hourly*	$19.50	$20.00	$20.50	$21.00

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

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

*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)
FINANCE COMMITTEE MOTION: Moved that the following schedules be adopted (changes from the Article are shown as follows: *items to be deleted shown by strike-out; items to be added shown as highlighted text):*

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~~
Seasonal Assistant Harbormaster (hourly)	30.00
Seasonal Maintenance Supervisor/Public Works (hourly)	21.00
Registered Nurse/Our Island Home (Per Diem - hourly)	35.00
Registrar of Voters (yearly)	600.00
Registrar, Temporary Assistant (hourly)	15.00 ~~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 2, 2016 - April 1, 2017)

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	$15.00	$16.00	$17.00	$18.00
B-Hourly*	$15.50	$16.50	$17.50	$18.50
C-Hourly*	$16.50	$17.50	$18.50	$19.50
D-Hourly*	$17.50	$18.50	$19.50	$20.50
E-Hourly*	$19.50	$20.00	$20.50	$21.00

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

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

*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.*

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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)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2017 operating budget is established for the various offices, boards, and commissions of the Town as follows:

	Fiscal Year 2017			FY 2016
DEPARTMENT	PAYROLL	OPERATING	TOTAL BUDGET	ARTICLE 8 TOTAL
GENERAL GOVERNMENT				
Finance Committee		$ 18,680	$ 18,680	$ 17,675
Finance & Operations	$ 1,750,131	$ 538,210	$ 2,288,341	$ 2,128,201
Human Resources	$ 218,700	$ 52,650	$ 271,350	$ 181,470
Information Systems / GIS	$ 519,570	$ 411,600	$ 931,170	$ 821,410
Legal		$ 401,000	$ 401,000	$ 344,000
Moderator	$ 180	$ 1,500	$ 1,680	$ 1,680
Planning and Land Use Services	$ 1,503,809	$ 362,500	$ 1,866,309	$ 1,883,121
Natural Resources	$ 518,884	$ 124,812	$ 643,696	$ 556,124
Town Administration	$ 976,865	$ 529,800	$ 1,506,665	$ 896,050
Town Clerk	$ 257,980	$ 66,550	$ 324,530	$ 320,990
Subtotal	$ 5,746,119	$ 2,507,302	$ 8,253,421	$ 7,150,721
SAFETY & PROTECTION				
Emergency Management		$ 7,000	$ 7,000	$ 7,000
Fire Department	$ 2,569,108	$ 405,738	$ 2,974,846	$ 2,613,188
Police Department	$ 4,988,214	$ 715,430	$ 5,703,644	$ 5,549,410

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Street Lighting		$ 165,000.00	$ 165,000.00	$ 180,000.00
Subtotal	$ 7,557,322	$ 1,293,168	$ 8,850,490	$ 8,349,598
MARINE & COASTAL RESOURCES				
Marine Department	$ 733,838	$ 81,750	$ 815,588	$ 773,275
Subtotal	$ 733,838	$ 81,750	$ 815,588	$ 773,275
MAINTENANCE				
Gas / Town Vehicles		$ 375,000	$ 375,000	$ 380,000
Mosquito Control		$ 105,063	$ 105,063	$ 102,500
Public Buildings		$ 1,067,100	$ 1,067,100	$ 997,350
Public Works	$ 2,429,456	$ 482,900	$ 2,912,356	$ 2,546,696
Snow and Ice Removal	$ 7,600	$ 75,000	$ 82,600	$ 35,000
Subtotal	$ 2,437,056	$ 2,105,063	$ 4,542,119	$ 4,061,546
HUMAN SERVICES				
Human Services	$ 372,110	$ 63,950	$ 436,060	$ 424,290
Subtotal	$ 372,110	$ 63,950	$ 436,060	$ 424,290
CULTURE & RECREATION				
Atheneum		$ 702,165	$ 702,165	$ 693,439
Town Clock		$ 4,700	$ 4,700	$ 4,700
Visitor Services	$ 288,391	$ 153,700	$ 442,091	$ 422,645
Subtotal	$ 288,391	$ 860,565	$ 1,148,956	$ 1,120,784
CONTRACTUALOBLIGATIONS	$ 386,611	$ -	$ 386,611	$ 442,655

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TOTAL OF DEPT OPERATING BUDGETS	$ 17,521,447	$ 6,911,798	$ 24,433,245	$ 22,322,869
EDUCATION				
Community School	$ 400,000	$ 65,000	$ 465,000	$ 350,000
School Department	$ 21,109,849	$ 4,976,793	$ 26,086,642	$ 25,086,642
Subtotal	$ 21,509,849	$ 5,041,793	$ 26,551,642	$ 25,436,642
GRAND TOTAL OF GEN GOV'T OPER BUDGETS	$ 39,031,296	$ 11,953,591	$ 50,984,887	$ 47,759,511
DEBT SERVICE				
Principal & Interest	$ -	$ 7,080,065	$ 7,080,065	$ 7,255,057
Subtotal	$ -	$ 7,080,065	$ 7,080,065	$ 7,255,057
INSURANCES				
Auto Casualty		$ 134,400	$ 134,400	$ 120,000
Blanket Liability		$ 1,600,480	$ 1,600,480	$ 1,429,000
Claims Deductible		$ 72,800	$ 72,800	$ 65,000
Insurance Consulting		$ 44,800	$ 44,800	$ 40,000
Medical Insurance	$ 11,640,230		$ 11,640,230	$ 10,758,000
Unemployment	$ 170,000		$ 170,000	$ 170,000
Workers Compensation	$ 197,000		$ 197,000	$ 197,000
Laborer's Union Pension	$ 44,880		$ 44,880	$ 44,000
Subtotal	$ 12,052,110	$ 1,852,480	$ 13,904,590	$ 12,823,000
ASSESSMENTS				
Barnstable Retirement	$ 3,921,257	$ -	$ 3,921,257	$ 3,567,165
Subtotal	$ 3,921,257	$ -	$ 3,921,257	$ 3,567,165

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GRAND TOTAL OF OPERATING BUDGET	$ 55,004,663	$ 20,886,136	$ 75,890,799	$ 71,404,733

And to meet these appropriations, the sum of Seventy-five Million Seven Hundred Fifty-three Thousand Six Hundred Ninety-nine Dollars ($75,753,699) be raised and appropriated from the Fiscal Year 2017 tax levy and other general revenues of the Town; that Sixty-five Thousand Dollars ($65,000) be transferred from the Central Office Modular in Article 10 of the 2015 Annual Town Meeting and; that Seventy-two Thousand One Hundred Dollars ($72,100) be transferred from Free Cash in the Treasury of the Town, for one-time expenses that are included in various departmental budgets.

The budget unanimously recommended by the Nantucket School Committee for the School Department, including the Nantucket Community School, for Fiscal Year 2017 is Twenty-six Million Five Hundred Fifty-one Thousand Six Hundred Forty-two Dollars ($26,551,642).

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)

FINANCE COMMITTEE MOTION: Moved that Three Hundred Sixty-nine Thousand Three Hundred Forty Dollars ($369,340) be raised and appropriated from the Fiscal Year 2017 tax levy and other general revenues of the Town for the Town Manager to expend to fund grants for the following health and human services, private not-for-profit agencies to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket, provided that the Town Manager with the approval of the Board of Selectmen, execute grant agreements with the respective agencies for Fiscal Year 2017, which contracts shall stipulate mutually agreed upon terms and conditions:

AGENCY	*AMOUNT*
A Safe Place	$50,000
ASAP (Alliance for Substance Abuse Prevention)	$16,750
Elder Services of Cape Cod	$16,000
Health Imperatives	$24,960
Family and Children Services	$100,000

Martha's Vineyard Community Services	$12,000
Legal Services	$4,250
Rental Assistance Program	$25,000
Emergency Food Pantry	$35,000
Nantucket Cottage Hospital Social Services	$65,380
MY Nantucket	$20,000
TOTAL	*$369,340*

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)

FINANCE COMMITTEE MOTION: Moved that the following amounts be appropriated for the following capital outlay expenditures, with all such expenditures to be made by the Town Manager with the approval of the Board of Selectmen; except the School expenditures to be made by the School Superintendent with the approval of the School Committee; and further that the Town Manager with the approval of the Board of Selectmen or School Superintendent with the approval of the School Committee as the case may be, is authorized to sell, convey, trade-in or otherwise dispose of equipment being replaced as follows:

DEPARTMENT	*ITEM*	*FUNDING SOURCE(S)*	*AMOUNT*
Affordable Housing Trust Fund	Professional services and costs associated with the creation of affordable housing including the acquisition and disposition of land	Transfer $1,000,000 from Free Cash into the Affordable Housing Trust Fund; provided that no funds shall be transferred to the Affordable Housing Trust Fund unless and until the Board of Selectmen and the Trust enter into a grant agreement which contains a condition that any transfer of funds be subject to the prior approval of the Board of Selectmen for specific identified purposes	$1,000,000
Fire Department	Costs associated with the purchase and conversion of a new brush breaker	Raise and appropriate $165,000 from the Fiscal Year 2017 tax levy and other general revenues of the town	$165,000

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Fire Department	Replacement of Ambulance #1	Transfer $270,000 from Ambulance Reserve Fund	$270,000
Our Island Home	Costs associated with bathroom upgrades	Authorize the Treasurer, with the approval of the Selectmen, to borrow said amount under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town	$325,000
Our Island Home	Costs associated with window repairs	Authorize the Treasurer, with the approval of the Selectmen, to borrow said amount under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town	$90,000
Our Island Home	Costs associated with the repair or replacement of air conditioning units	Authorize the Treasurer, with the approval of the Selectmen, to borrow said amount under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town	$100,000
Our Island Home	Costs associated with resident room upgrades and replacement of closets and furniture	Authorize the Treasurer, with the approval of the Selectmen, to borrow said amount under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town	$200,000
Police/Marine Department	Professional services, including engineering, permitting and construction costs associated with the repair or replacement of the F Street bulkhead	Raise and appropriate $72,458 from the Fiscal Year 2017 tax levy and other general revenues of the town Transfer $352,542 from Free Cash into the Treasury of the Town	$425,000

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Police/Marine Department	Professional services, including engineering, permitting and construction costs associated with the repair of the Children's Beach boat ramp	Raise and appropriate $150,000 from the Fiscal Year 2017 tax levy and other general revenues of the town	$150,000
Police/Marine Department	Professional services, including design, engineering, permitting and other costs associated with an island wide dredging plan	Transfer $150,000 from Waterways Improvement Fund	$150,000
Public Works	Supplemental funding for professional services and associated costs, including design and engineering for In-Town Bike Path project	Transfer $200,000 from Free Cash into the Treasury of the Town	$200,000
Public Works	Supplemental funding for professional services and associated costs, including design and engineering for In-Town Bike Path project - Phase II	Transfer $75,000 from Free Cash into the Treasury of the Town	$75,000
Public Works	Supplemental funding for professional services and associated costs, including design and engineering for In-Town Bike Path project - Phase III	Transfer $75,000 from Free Cash into the Treasury of the Town	$75,000
Public Works	Costs associated with the construction, repair and maintenance of downtown sidewalks and pedestrian walkways	Authorize the Treasurer, with the approval of the Selectmen, to borrow said amount under and pursuant to Chapter 44, Section 7(6) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town	$1,500,000
Public Works	Professional services and associated costs, including engineering, design and construction of a field house at the Nobadeer Farm playing fields	Transfer $700,000 from Proceeds from Real Estate Sales account	$700,000
Public Works	Professional services and associated costs, including engineering, design and permitting of a round-about at the intersection of Surfside Road at Bartlett Road	Transfer $150,000 from Free Cash into the Treasury of the Town	$150,000

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Public Works	Costs associated with the Boulevarde, Lovers Lane and Okorwaw roads reconstruction	Authorize the Treasurer, with the approval of the Selectmen, to borrow said amount under and pursuant to Chapter 44, Section 7(5) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town	$1,000,000
Public Works	Costs associated with island-wide public road repairs and maintenance	Transfer $750,000 from Proceeds from Real Estate Sales account Transfer $150,000 from Free Cash into the Treasury of the Town	$900,000
Public Works	Professional services and associated costs including engineering, design and construction of roadway improvements and multi-use path construction along First Way	Transfer $750,000 from Proceeds from Real Estate Sales account	$750,000
Public Works	Costs associated with Winn Street roadway improvements	Transfer $250,000 from Proceeds from Real Estate Sales account	$250,000
Public Works	Purchase of replacement 6-wheel dump truck	Transfer $190,000 from Proceeds from Real Estate Sales account	$190,000
Public Works	Purchase of replacement 10-wheel dump truck	Transfer $200,000 from Proceeds from Real Estate Sales account	$200,000
Public Works	Purchase of replacement pick up truck with plow	Transfer $60,000 from Article 10 of the 2013 Annual Town Meeting (Miacomet Pond watershed assessment - Free Cash)	$60,000
Public Works	Purchase of asphalt recycler and hot box	Transfer $18,907 from Free Cash into the Treasury of the Town Transfer $91,093 from The Overlay Surplus Account into the Treasury of the Town	$110,000

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Public Works	Purchase of replacement van	Transfer $1,000 from Article 10 of the 2013 Annual Town Meeting (Miacomet Pond watershed assessment - Free Cash) Transfer $35,000 from the Overlay Surplus Account into the Treasury of the town Transfer $6,000 from Article 10 of the 2015 Annual Town Meeting (Wood Chipper - Proceeds from Real Estate Sales account)	$42,000
School	Costs associated with the replacement of the vocational tech auto shop lifts	Raise and appropriate $125,000 from the Fiscal Year 2017 tax levy and other general revenues of the town	$125,000
School	Costs associated with the upgrade and repairs to the Nantucket Elementary School HVAC system	Transfer $160,000 from Proceeds from Real Estate Sales account Transfer $140,000 from Free Cash into the Treasury of the Town	$300,000
School	Purchase of replacement pick up truck with plow and Tommy Gate	Transfer $8,507 from Article 10 of the 2015 Annual Town Meeting (Wood Chipper - Proceeds from Real Estate Sales account) Transfer $1,251 from Article 10 of the 2015 Annual Town Meeting (Excavator - Raise and Appropriate from Fiscal Year 2016 Tax Levy) Raise and appropriate $3,231 from the Overlay Surplus account into the Treasury of the Town. Transfer $756 from Article 10 of the 2013 Annual Town Meeting (Bobcat - Free Cash)	$50,000

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		Transfer $36,255 from Free Cash into the Treasury of the town	
School	Costs associated with Nantucket High School and Cyrus Pierce Middle School window replacements	Raise and appropriate $12,458 from the Fiscal Year 2017 tax levy and other general revenues of the town Transfer $137,542 from Free Cash into the Treasury of the town	$150,000
School	Costs associated with various facilities repairs and renovations including renovation and furniture replacement of the NHS Library, general cement work, locker room repairs and plumbing upgrades and field house repairs and shingling	Raise and appropriate $250,000 from the Fiscal Year 2017 tax levy and other general revenues of the town	$250,000
School	Façade repair and painting at Nantucket High School and Cyrus Pierce Middle School	Transfer $250,000 from Free Cash into the Treasury of the town	$250,000
Town Administration	Costs associated with the repair, replacement or upgrading of existing technology infrastructure	Transfer $100,000 from Free Cash into the Treasury of the Town	$100,000
Town Administration	Costs associated with replacing and upgrading the Town's network servers	Transfer $75,000 from Free Cash into the Treasury of the Town	$75,000
Town Administration	Costs associated with implementing a comprehensive e-permitting solution	Transfer $150,000 from the Overlay Surplus account into the Treasury of the Town	$150,000
Town Administration	Costs associated with moving the Town Fueling Station	Transfer $150,000 from the Overlay Surplus account into the Treasury of the Town	$100,000
TOTAL			*$10,627,000*

And, to meet this appropriation that Two Million Seven Hundred Sixty Thousand Two Hundred Forty-six Dollars ($2,760,246) be transferred from Free Cash in the Treasury of the Town so specified; that One Hundred Fifty Thousand Dollars ($150,000) be transferred from the Waterways Improvement Fund for the items so specified; that Two Hundred Seventy Thousand Dollars ($270,000) be transferred from the Ambulance Reserve Fund for the items so specified; that Three Million Dollars ($3,000,000) be transferred from the Proceeds from Real Estate Sales Account so specified; that One Hundred Fifteen Thousand Seven Hundred Forty-

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five dollars ($77,514) be transferred from prior year articles so specified; that Seven Hundred Seventy-four Thousand Nine Hundred Sixteen Dollars ($774,916) be raised and appropriated from the Fiscal Year 2016 tax levy and other general revenues of the Town so specified; that Three Hundred Forty-one Thousand Ninety-three Dollars ($379,324) be transferred from the Overlay Surplus account so specified; and that Three Million Two Hundred Fifteen Dollars ($3,215,000) shall be borrowed by the Treasurer with the approval of the Selectmen, under and pursuant to Chapter 44, Section 7(3A), Chapter 44, Section 7(5), Chapter 44, Section 7(6) of the General Laws, or pursuant to any other enabling authority so specified.

All of these sources totaling Ten Million Six Hundred Twenty-seven Dollars ($10,627,000).

Quantum of vote required for passage of this motion is 2/3

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)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2017 operating budgets be approved for the Enterprise Funds, with the Siasconset Water appropriation to be expended through the Siasconset Water Commission; the Wannacomet Water appropriation to be expended through the Nantucket Water Commission; the Airport appropriation to be expended through the Nantucket Airport Commission; the remaining appropriations to be spent through the Board of Selectmen:

FUND	*FY 2017 PAYROLL*	*FY 2017 EXPENSES*	*FY 2017 TOTAL BUDGET*	*FY 2016 TOTAL BUDGET*
Airport	$ 4,444,563	$ 4,684,477	$ 9,129,040	$ 8,698,746
Our Island Home	$ 6,737,152	$ 1,385,360	$ 8,122,512	$ 7,430,828
Sewer	$ 1,367,270	$ 5,503,705	$ 6,870,975	$ 6,793,104
Siasconset Water	$ 38,230	$ 1,035,133	$ 1,073,363	$ 1,079,905
Solid Waste	$ 27,775	$ 9,811,758	$ 9,839,533	$ 8,236,487
Wannacomet Water	$ 1,654,006	$ 3,881,250	$ 5,535,256	$ 5,224,108
TOTAL	$ 14,268,996	$ 26,301,683	$ 40,570,679	$ 37,463,178

Further, that the above appropriations be funded as follows:

FUND	*FUNDING SOURCES*	*AMOUNTS*
Airport	FY 17 Anticipated Revenues	*$ 8,006,467*
Airport	Retained Earnings	*$ 1,122,573*

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Our Island Home	FY 17 Anticipated Revenues	*$ 3,710,545*
Our Island Home	FY 17 Tax Levy and Other General Revenues	*$ 2,352,375*
Our Island Home	Overlay Surplus	*$ 410,160*
Our Island Home	Retained Earnings	*$ 1,649,432*
Sewer	FY 17 Anticipated Revenues	*$ 6,804,820*
Sewer	Retained Earnings	*$ 66,155*
Solid Waste	FY 17 Anticipated Revenues	*$ 4,211,600*
Solid Waste	FY 17 Tax Levy and Other General Revenues	*$ 4,930,250*
Solid Waste	Retained Earnings	*$ 697,683*
Siasconset Water	FY 17 Anticipated Revenues	*$ 1,028,177*
Siasconset Water	Retained Earnings	*$ 45,186*
Wannacomet Water	FY 17 Anticipated Revenues	*$ 5,535,256*
TOTAL FUNDING SOURCES		*$40,570,679*

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 of the Town of Nantucket; or to take any other action related thereto.

(Board of Selectmen for the Various Departments Indicated)

FINANCE COMMITTEE MOTION: Moved that the following capital expenditures be appropriated for the Enterprise Fund departments with the Airport appropriations to be expended through the Airport Commission; the Sewer Enterprise and Solid Waste Enterprise Fund appropriations to be expended by the Town Manager with the approval of the Board of Selectmen/Board of Public Works/Sewer Commissioners:

DEPARTMENT	*ITEM*	*FUNDING SOURCE(S)*	*AMOUNT*
Airport	Costs associated with the purchase of a lavatory cart, paint machine, walk behind brush cutter, walk behind mower, and to refurbish/repair Airport 2 Rescue/Fire Truck	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow $66,100 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	$66,100
Airport	Costs associated improvements to the airport parking lot.	Transfer $74,008.76 from Article 2 of the 2013 Special Town Meeting (Parking Lot Improvements), Transfer $605.00 from Article 13 of the 2011 Annual Town Meeting (Parking Lot Improvements). Transfer $2,916.24 from Article 13 of the 2010 Annual Town Meeting (Phase 1 Runway). Transfer $43,165 from Article 13 of the 2009 Annual Town Meeting (Airport runway 15/33). Authorize the	$245,696

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		Treasurer, with the approval of the Board of Selectmen to borrow $125,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	
Airport	Replace Flight Information Display System and Public Address System	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow $375,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	$375,000
Airport	Professional Services associated with reviewing employee housing options	Transfer $100,000 from Certified Retained Earnings in the Airport Enterprise Fund	$100,000
Airport	Costs associated with computer hardware and software for airport security purposes	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow $200,000 pursuant to G.L. c.44 Section 7(28) and 7(29) or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	$200,000
Airport	Costs associated with the renovating of the Vault Room and replacing the equipment	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow $1,000,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	$1,000,000
Airport	Costs associated with painting the exterior Airport Terminal	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow $75,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	$75,000
Airport	Costs associated with replacing the lights and poles at the Airport	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow	$40,000

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	terminal and fuel farm	$40,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	
Airport	Costs associated with the design and construction of an enclosure for the restaurant entrance	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow $65,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	$65,000
		Subtotal Airport Enterprise Fund	*$ 2,166,796*
Sewer	Costs associated with replacement of the generator at the Pine Valley pump station	Transfer $80,000 from Certified Retained Earnings in the Sewer Enterprise Fund	$80,000
Sewer	Purchase of a replacement sludge truck	Transfer $300,000 from Certified Retained Earnings in the Sewer Enterprise Fund	$300,000
Sewer	Purchase of a replacement F-350 pick-up truck.	Transfer $60,000 from Certified Retained Earnings in the Sewer Enterprise Fund	$60,000
Sewer	Costs associated with the evaluation and repairs of the Siasconset Wastewater Treatment Plant	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow $1,000,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund	$1,000,000
Sewer	Costs associated with the replacement of the Membrane Filtration System at the Surfside Wastewater Treatment Plant	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow $1,300,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund	$1,300,000
Sewer	Supplemental Funding to Article 12 of the 2014 Annual Town Meeting for costs associated with professional services and costs associated with construction and repairs of the Sea	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow $3,000,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general	$3,000,000

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	Street pump station	obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund	
Sewer	Professional services for design, permitting and other costs associated with sewer construction along First Way	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow $750,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund	$750,000
		Subtotal Sewer Enterprise Fund	*$ 6,490,000*
Siasconset Water	Costs associated with the replacement of water meters and covers	Transfer $280,000 from Certified Retained Earnings in the Siasconset Water Enterprise Fund	$280,000
Siasconset Water	Costs associated with the repair and maintenance to the pump station and storage tank facility	Transfer $100,000 from Certified Retained Earnings in the Siasconset Water Enterprise Fund	$100,000
		Subtotal Siasconset Water Enterprise Fund	*$ 380,000*
Solid Waste	Professional services for design, permitting, and other costs associated with landfill mining	Transfer $700,000 from the Fiscal Year 2017 Tax Levy and Other General Revenues of the Town	$700,000
Solid Waste	Professional services and costs associated with the repairs and maintenance to Materials Recycling Facility (MRF) building	Transfer $115,000 from Certified Retained Earnings in the Solid Waste Enterprise fund	$115,000
Solid Waste	Costs associated with closure of lined landfill cell 3C	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow $500,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Solid Waste Enterprise Fund revenues, state or federal grants, and other available funds of the Solid Waste Enterprise Fund	$500,000
		Subtotal Solid Waste Enterprise Fund	*$ 1,315,000*
Wannacomet Water	Professional services and costs associated with the replacement of water mains, including valves and service lines	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow $1,546,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be	$1,546,000

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		repaid from Wannacomet Water Enterprise Fund revenues, state or federal grants, and other available funds of the Wannacomet Water Enterprise Fund	
Wannacomet Water	Professional services and costs associated for design, permitting, construction and other costs associated with Madaket Water Main Extension (Phase 4)	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow $825,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Wannacomet Water Enterprise Fund revenues, state or federal grants, and other available funds of the Wannacomet Water Enterprise Fund	$825,000
Wannacomet Water	Professional services and costs associated with the replacement of pumping station control center and variable frequency drive units	Transfer $120,000 from Certified Retained Earnings in the Wannacomet Water Enterprise Fund	$120.000
Wannacomet Water	Costs associated with the replacement of hydrants located throughout the water distribution system	Transfer $180,000 from Certified Retained Earnings in the Wannacomet Water Enterprise Fund	$180,000
		Subtotal Wannacomet Water Enterprise Fund	*$ 2,671,060*

Quantum of vote required for passage of the motion is 2/3

ARTICLE 13
(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)

FINANCE COMMITTEE MOTION: Moved that the amounts listed below be transferred from the various accounts listed to the various enterprise fund accounts listed for Fiscal Year 2016 as follows:

FROM	*TO*	*AMOUNT*
Airport Fuel Revolving Fund	Airport Enterprise Fund	$1,041,151
Airport Retained Earnings	Airport Enterprise Fund, Expenses	$60,000
Airport Retained Earnings	Airport Capital Projects, Master Plan	$17,874
Airport Retained Earnings	Airport Capital Projects, Security Upgrades	$25,517
Airport Enterprise Fund, Expenses	Airport Enterprise Fund, Salaries	$35,000
Siasconset Retained Earnings	Siasconset Enterprise Fund, Expenses	$40,000
Solid Waste Retained Earnings	Solid Waste Enterprise Fund, Expenses	$800,000

ARTICLE 14
(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 the April 4, 2011 Annual Town Meeting.

Or to take any other action related thereto.

(Board of Selectmen for Airport Commission)

FINANCE COMMITTEE MOTION: Moved that Four Hundred Thousand Dollars ($400,000) be transferred from Certified Retained Earnings in the Airport Enterprise Fund 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 the April 4, 2011 Annual Town Meeting.

ARTICLE 15
(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)

FINANCE COMMITTEE MOTION: Moved that the Town appropriate Four Million Two Hundred Fifty-nine Thousand Three Hundred Nineteen Dollars ($4,259,319) to be expended by the School Superintendent with the approval of the School Committee 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 the payment of all costs incidental and related thereto, and that to meet this appropriation, that a total of Four Hundred Seventy Thousand Dollars ($470,000) be appropriated from the following sources:

Article 10, 2015 Annual Town Meeting	(Central Modular Office)	$170,000
Article 10, 2015 Annual Town Meeting	(CPS Modular Classroom)	$300,000
Total		$470,000

And, that the Treasurer, with the approval of the Selectmen, is authorized to borrow the remaining amount under and pursuant to Chapter 44, Section 7(3) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 16
(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; and to apportion all future sewer assessments over a period not to exceed thirty years; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the provisions of Massachusetts General Law Chapter 83, Sections 15C and 15D to authorize the Town to collect interest on unpaid sewer betterment assessments; and to apportion all future sewer assessments over a period not to exceed thirty years are hereby accepted.

ARTICLE 17
(Acceptance of Massachusetts General Law: Sewer Betterment Deferral)

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 80, Section 13B to permit low-income elderly homeowners eligible for an exemption under clause 41A of Chapter 59, Section 5 of the General Laws to defer payment of any betterment assessment or balance of any apportioned assessment, all as described more particularly in said Section 13B; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the provisions of Massachusetts General Laws Chapter 80, Section 13B to permit low-income elderly homeowners eligible for an exemption under clause 41A of Chapter 59, Section 5 of the General Laws to defer payment of any betterment assessment or balance of any apportioned assessment, all as described more particularly in said Section 13B are hereby accepted.

ARTICLE 18
(Appropriation: Sewer Project/Nantucket Harbor Shimmo; Plus Infill Parcels in Town Sewer District)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, to pay costs of professional services for design, permitting, engineering, construction supervision, and other related professional services, for the construction, installation and equipping of the extension of municipal sewer lines and associated infrastructure from the Surfside Wastewater Treatment Facility to the areas established in the Comprehensive Wastewater Management Plan Update adopted June 3, 2015 and described as “Nantucket Harbor Shimmo” (formerly titled “Monomoy”) and to the

area described as "Plus Parcels – Infill in Town Sewer District" including all payment of all costs incidental and related thereto, and acquisition of any interests in land as may be necessary or appropriate; and further to authorize said Board of Selectmen to acquire any such interests in land by purchase, gift, and/or eminent domain; and to authorize the Board of Selectmen acting as the Board of Sewer Commissioners to assess all or a portion of the project costs as betterments; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Board of Selectmen/Sewer Commissioners)

FINANCE COMMITTEE MOTION: Moved that the Town appropriate the sum of Forty-One Million Dollars ($41,000,000), to be spent by the Town Manager with the approval of the Board of Selectmen, to pay costs of professional services for design, permitting, engineering, construction supervision, and other related professional services, for the construction, installation and equipping of the extension of municipal sewer lines and associated infrastructure from the Surfside Wastewater Treatment Facility to the areas established in the Comprehensive Wastewater Management Plan Update adopted June 3, 2015 and described as "Nantucket Harbor Shimmo" (formerly titled "Monomoy") and to the area described as "Plus Parcels – Infill in Town Sewer District," and acquisition of any interests in land as may be necessary or appropriate, including the payment of all other costs incidental and related thereto; that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow the sum of Forty-One Million Dollars ($41,000,000) pursuant to General Laws Chapter 44, Sections 7 or 8, Chapter 29C or any other enabling authority, and to issue bonds and notes of the Town therefor; and further to authorize said Board of Selectmen to acquire any such interests in land by purchase, gift, and/or eminent domain necessary or appropriate to carry out the project; and that the Board of Selectmen, acting as the Board of Sewer Commissioners, is authorized to assess 25% of project costs as betterments on the owners of land to be served by the new sewers pursuant to the uniform unit method authorized under General Laws Chapter 83, Section 15, and that 75% of project costs shall be paid by the Town; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 19

(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 "Nantucket Harbor/Shimmo" and Plus Parcels – Infill in Town Sewer District" sewer needs areas designated within the Comprehensive Wastewater Management Plan adopted June 3, 2015 to the Town Sewer District:

Nantucket Harbor/Shimmo Needs Areas

Map	Lot	Number	Street
54	175.1	19	Brewster Road

54	296	21	Brewster Road
54	175.2	23	Brewster Road
54	174	25	Brewster Road
54	173	27	Brewster Road
54	171	28	Brewster Road
54	293	29	Brewster Road
54	294	29½	Brewster Road
54	173.1	29B	Brewster Road
54	172	31	Brewster Road
54	84	32	Brewster Road
54	85	33	Brewster Road
54	288	34	Brewster Road
54	86	35	Brewster Road
54	12	36	Brewster Road
54	87	37	Brewster Road
54	88	39	Brewster Road
54	89	43	Brewster Road
54	13	44	Brewster Road
54	90	45	Brewster Road
54	14	46	Brewster Road
54	16	47	Brewster Road
43	96	50	Brewster Road
54	81	2	Cathcart Road
54	82 (portion of)	4	Cathcart Road
54	8	4½	Cathcart Road
54	83	5	Cathcart Road
54	9	6	Cathcart Road
54	11.1	7	Cathcart Road
54	10.1	8	Cathcart Road
54	11	9	Cathcart Road
54	10.2	10	Cathcart Road
43	146	11	Cathcart Road
43	21	12	Cathcart Road
43	101	14	Cathcart Road
43	69	15	Cathcart Road
43	10	2	Gardner Road
43	9	4	Gardner Road

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43	8	6	Gardner Road
43	94.2 (as further subdivided)	12	Gardner Road (Pippens Way)
43	88	13	Gardner Road
43	87	15	Gardner Road
43	93	16	Gardner Road
43	173	17	Gardner Road
43	135	18	Gardner Road
43	172	19	Gardner Road
43	171	21	Gardner Road
43	173	21	Gardner Road
43	92	25	Gardner Road
43	132	28	Gardner Road
43	86	31	Gardner Road
43	85	37	Gardner Road
43	98	1	Harbor View Drive
43	99	3	Harbor View Drive
43	19	4	Harbor View Drive
43	100	5	Harbor View Drive
43	20	6	Harbor View Drive
43	307	2	Juniper Hill
43	300	3	Juniper Hill
43	306	4	Juniper Hill
43	305	6	Juniper Hill
43	302	7	Juniper Hill
43	304	8	Juniper Hill
43	303	9	Juniper Hill
43	13	2	Kelley Road
54	28	4	Kelley Road
54	29	6	Kelley Road
54	27	7	Kelley Road
54	30	8	Kelley Road
54	98	9	Kelley Road
54	31	10	Kelley Road
54	97	11	Kelley Road
54	32	12	Kelley Road
54	96	13	Kelley Road

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54	99	14	Kelley Road
54	100	16	Kelley Road
54	101	18	Kelley Road
54	104	28	Kelley Road
54	297	30	Kelley Road
43	157	2	Middle Valley Road
43	128	4	Middle Valley Road
43	160	8	Middle Valley Road
43	162	12	Middle Valley Road
43	221	1	Moors End Lane
43	220	3	Moors End Lane
43	211	4	Moors End Lane
43	219	5	Moors End Lane
43	212	6	Moors End Lane
43	218	7	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	312	5	North Road
43	131.1	9	North Road
43	81	10	North Road
43	131	11	North Road
43	82	12	North Road
43	83	14	North Road
43	84	16	North Road
43	1	1	Pimnys Point
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	264	40	Polpis Road
54	265	40	Polpis Road
54	266	42	Polpis Road
54	267	44	Polpis Road

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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
43	15	61	Polpis Road
43	14.2	64	Polpis Road
43	14.1	66	Polpis Road
43	12.2	67	Polpis Road
43	210	68	Polpis Road
43	91.1	4	Shawkemo Road
43	91.2	6	Shawkemo Road
43	90	8	Shawkemo Road
54	255	2	Shimmo Pond Road
54	259	3	Shimmo Pond Road
54	256	4	Shimmo Pond Road
54	289	5	Shimmo Pond Road
54	257	6	Shimmo Pond Road
54	258	8	Shimmo Pond Road
54	15	12	Shimmo Pond Road
43	16	13	Shimmo Pond Road
43	17	14	Shimmo Pond Road
43	95	15	Shimmo Pond Road
43	18	16	Shimmo Pond Road
43	309	19	Shimmo Pond Road
43	97	21	Shimmo Pond Road
43	145	22	Shimmo Pond Road
43	144	23	Shimmo Pond Road
43	122 and 123	26	Shimmo Pond Road
43	167	28	Shimmo Pond Road
43	168	30	Shimmo Pond Road
43	170	31	Shimmo Pond Road
43	169	32	Shimmo Pond Road
43	156	33	Shimmo Pond Road

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43	124	34	Shimmo Pond Road
43	127	35	Shimmo Pond Road
43	125	38	Shimmo Pond Road
43	126	42	Shimmo Pond Road
43	75	44	Shimmo Pond Road
43	77	46	Shimmo Pond Road
43	79	48	Shimmo Pond Road
43	165	2	South Valley Road
43	166	3	South Valley Road
43	143	5	South Valley Road
43	164	6	South Valley Road
43	164.1	6	South Valley Road
43	142	7	South Valley Road
43	308	8	South Valley Road
43	140	10	South Valley Road
43	310	10	South Valley Road
43	137	11	South Valley Road
43	139	12	South Valley Road
43	133	14	South Valley Road
43	136	15	South Valley Road
43	134	17	South Valley Road

Plus Parcels – Infill in Town Sewer District
(The parcels identified below are the remaining properties needed to complete the inclusion of this Needs Area within 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

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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
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

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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
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

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56	113.5	7	Wamasquid Place

All as shown on maps entitled "2016 Annual Town Meeting Warrant Article 19 Sewer District Map Changes" dated January, 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen/Sewer Commissioners)
FINANCE COMMITTEE MOTION: Moved that Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket is hereby amended by adding the following parcels located within the "Nantucket Harbor/Shimmo" and Plus Parcels – Infill in Town Sewer District" sewer needs areas designated within the Comprehensive Wastewater Management Plan adopted June 3, 2015 to the Town Sewer District:

Nantucket Harbor/Shimmo Needs Areas

Map	Lot	Number	Street
54	175.1	19	Brewster Road
54	296	21	Brewster Road
54	175.2	23	Brewster Road
54	174	25	Brewster Road
54	173	27	Brewster Road
54	171	28	Brewster Road
54	293	29	Brewster Road
54	294	29½	Brewster Road
54	173.1	29B	Brewster Road
54	172	31	Brewster Road
54	84	32	Brewster Road
54	85	33	Brewster Road
54	288	34	Brewster Road
54	86	35	Brewster Road
54	12	36	Brewster Road
54	87	37	Brewster Road
54	88	39	Brewster Road
54	89	43	Brewster Road
54	13	44	Brewster Road
54	90	45	Brewster Road
54	14	46	Brewster Road
54	16	47	Brewster Road
43	96	50	Brewster Road

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54	81	2	Cathcart Road
54	82 (portion of)	4	Cathcart Road
54	8	4½	Cathcart Road
54	83	5	Cathcart Road
54	9	6	Cathcart Road
54	11.1	7	Cathcart Road
54	10.1	8	Cathcart Road
54	11	9	Cathcart Road
54	10.2	10	Cathcart Road
43	146	11	Cathcart Road
43	21	12	Cathcart Road
43	101	14	Cathcart Road
43	69	15	Cathcart Road
43	10	2	Gardner Road
43	9	4	Gardner Road
43	8	6	Gardner Road
43	94.2 (as further subdivided)	12	Gardner Road (Pippens Way)
43	87	15	Gardner Road
43	93	16	Gardner Road
43	135	18	Gardner Road
43	172	19	Gardner Road
43	171	21	Gardner Road
43	174	21	Gardner Road
43	92	25	Gardner Road
43	132	28	Gardner Road
43	86	31	Gardner Road
43	85	37	Gardner Road
43	98	1	Harbor View Drive
43	99	3	Harbor View Drive
43	19	4	Harbor View Drive
43	100	5	Harbor View Drive
43	20	6	Harbor View Drive
43	307	2	Juniper Hill
43	300	3	Juniper Hill
43	306	4	Juniper Hill
43	305	6	Juniper Hill

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43	302	7	Juniper Hill
43	304	8	Juniper Hill
43	303	9	Juniper Hill
43	13	2	Kelley Road
54	28	4	Kelley Road
54	29	6	Kelley Road
54	27	7	Kelley Road
54	30	8	Kelley Road
54	98	9	Kelley Road
54	31	10	Kelley Road
54	97	11	Kelley Road
54	32	12	Kelley Road
54	96	13	Kelley Road
54	99	14	Kelley Road
54	100	16	Kelley Road
54	101	18	Kelley Road
54	104	28	Kelley Road
54	297	30	Kelley Road
43	157	2	Middle Valley Road
43	128	4	Middle Valley Road
43	160	8	Middle Valley Road
43	162	12	Middle Valley Road
43	221	1	Moors End Lane
43	220	3	Moors End Lane
43	211	4	Moors End Lane
43	219	5	Moors End Lane
43	212	6	Moors End Lane
43	218	7	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	312	5	North Road
43	131.1	9	North Road
43	81	10	North Road
43	131	11	North Road

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43	82	12	North Road
43	83	14	North Road
43	84	16	North Road
43	1	1	Pimnys Point
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	264	40	Polpis Road
54	265	40	Polpis Road
54	266	42	Polpis Road
54	267	44	Polpis 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
43	15	61	Polpis Road
43	14.2	64	Polpis Road
43	14.1	66	Polpis Road
43	12.2	67	Polpis Road
43	210	68	Polpis Road
43	91.1	4	Shawkemo Road
43	91.2	6	Shawkemo Road
43	90	8	Shawkemo Road
54	255	2	Shimmo Pond Road
54	259	3	Shimmo Pond Road
54	256	4	Shimmo Pond Road
54	257	6	Shimmo Pond Road
54	258	8	Shimmo Pond Road
54	15	12	Shimmo Pond Road
43	16	13	Shimmo Pond Road
43	17	14	Shimmo Pond Road

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43	95	15	Shimmo Pond Road
43	18	16	Shimmo Pond Road
43	309	19	Shimmo Pond Road
43	97	21	Shimmo Pond Road
43	145	22	Shimmo Pond Road
43	144	23	Shimmo Pond Road
43	122 and 123	26	Shimmo Pond Road
43	167	28	Shimmo Pond Road
43	168	30	Shimmo Pond Road
43	170	31	Shimmo Pond Road
43	169	32	Shimmo Pond Road
43	156	33	Shimmo Pond Road
43	124	34	Shimmo Pond Road
43	127	35	Shimmo Pond Road
43	125	38	Shimmo Pond Road
43	126	42	Shimmo Pond Road
43	75	44	Shimmo Pond Road
43	77	46	Shimmo Pond Road
43	79	48	Shimmo Pond Road
43	165	2	South Valley Road
43	166	3	South Valley Road
43	143	5	South Valley Road
43	164	6	South Valley Road
43	164.1	6	South Valley Road
43	142	7	South Valley Road
43	308	8	South Valley Road
43	140	10	South Valley Road
43	310	10	South Valley Road
43	137	11	South Valley Road
43	139	12	South Valley Road
43	133	14	South Valley Road
43	136	15	South Valley Road
43	134	17	South Valley Road

Plus Parcels – Infill in Town Sewer District
(The parcels identified below are the remaining properties needed to complete the inclusion of this Needs Area within the Town Sewer District)

Map	Lot	Number	Street

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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	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

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56	78	27	Meadow View Drive
56	129	29	Meadow View Drive
56	138	30	Meadow View Drive
56	137	32	Meadow View Drive
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	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

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56	169.1	31	Somerset Road
56	110	33	Somerset Road
56	107	35	Somerset Road
56	106	36	Somerset Road
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 maps entitled "2016 Annual Town Meeting Warrant Article 19 Sewer District Map Changes" dated January, 2016 and filed herewith at the Office of the Town Clerk.

ARTICLE 20
(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.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Three Hundred Sixty-two Thousand Three Hundred Thirty-five Dollars ($362,335) be appropriated from the Waterways Improvement Fund for the purpose of (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.

ARTICLE 21
(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)
FINANCE COMMITTEE MOTION: Moved that an Airport Aviation Fuel Revolving Fund is established to which fees and other receipts received shall be credited up to Four Million Dollars ($4,000,000) 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 in the amount of Four Million Dollars ($4,000,000) pursuant to the provisions of Chapter 28 of the Acts of 2004 and Massachusetts General Law Chapter 44, section 53E½. Aviation fuel receipts in excess of the spending limit will be credited to the Airport Enterprise Fund.

ARTICLE 22
(Appropriation: Ambulance Reserve Fund)

To see what sum the Town will vote to appropriate from the Ambulance Reserve Fund for the purchase of ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for 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)
FINANCE COMMITTEE MOTION: Moved that Six Hundred Five Thousand Forty Dollars ($605,040) be appropriated from the Ambulance Reserve Fund for the purpose of purchasing 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 six (6) full-time firefighter/EMT and/or paramedic positions. All expenditures to be made by the Fire Chief, subject to the approval of the Town Manager.

ARTICLE 23
(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.

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Or to take any other action related thereto.

(Board of Selectmen/County Commissioners)
FINANCE COMMITTEE MOTION: Moved that One Hundred Seventy Thousand Two Hundred One Dollars ($170,201) be raised and appropriated from the Fiscal Year 2017 tax levy and other general revenues of the Town to fund the Fiscal Year 2017 county assessment.

ARTICLE 24
(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)
FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

FINANCE COMMITTEE COMMENT: The Finance Committee, at its meeting on January 28, 2016, acting as the Nantucket County Review Committee in accordance with section 2.7 of the Nantucket County Charter, endorsed the Fiscal Year 2017 Nantucket County budget, which was also adopted by the Nantucket County Commissioners on January 27, 2016. Thus no action is required.

ARTICLE 25
(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)
FINANCE COMMITTEE MOTION: Moved that the unused borrowing authority for the following projects be rescinded:

DEPARTMENT	*ITEM*	*ARTICLE/TOWN MEETING*	*AMOUNT TO BE RESCINDED*

Airport Enterprise Fund	Rehabilitate Runway 12-30 and Replace Fencing	Article 15/Annual Town Meeting 2012	$1,690,000.00
Airport Enterprise Fund	Fuel Truck Regeneration Pad	Article 14/Annual Town Meeting 2015	$ 50,000.00
Sewer Enterprise Fund	Sewer Supplemental Fund WWTF	Article 17/Annual Town Meeting 2006	$ 311,613.23
Sewer Enterprise Fund	Sewer Phase I I/I Core	Article 12/Annual Town Meeting 2007	$ 994,000.00
Sewer Enterprise Fund	Sewer I/I 2B Core District	Article 13/Annual Town Meeting 2008	$ 800.00

ARTICLE 26
(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)
FINANCE COMMITTEE MOTION: Moved that One Hundred Ninety Thousand Dollars ($190,000) be appropriated from the Ferry Embarkation Fee Fund for the purpose of public safety protection, emergency services, and any other purpose allowed by applicable law.

ARTICLE 27
(Appropriation: Other Post-Employment Benefits Trust Fund)

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

Or, to take any other action related thereto.

(Board of Selectmen)
FINANCE COMMITTEE MOTION: Moved that Five Hundred Thousand Dollars ($500,000) be appropriated from the FY 2017 tax levy and other general revenues of the Town to be deposited by the Treasurer into the Other Post-employment Benefits Trust Fund.

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ARTICLE 28
(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)*

FINANCE COMMITTEE MOTION: Moved that One Hundred Ninety Thousand Three Hundred Forty-six Dollars ($190,346) be raised and appropriated from the Fiscal Year 2017 tax levy and other general revenues of the Town 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.

ARTICLE 29
(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

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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 Fireman's Association 1937 Restoration	Fiscal year 2017 Community Preservation Committee Community Historic Preservation reserved fund balance	$4,880.89
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)

FINANCE COMMITTEE MOTION: Moved that the unspent remainder of projects in prior years as listed below be transferred between the various accounts as follows:

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	$27,264.60

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	Community Historic Preservation reserved fund balance	
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 Firemen's Association 1937 Restoration	Fiscal Year 2017 Community Preservation Committee Community Historic Preservation reserved fund balance	$4,880.89
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

ARTICLE 30
(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
<u>Historic Preservation</u>	
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**

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$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 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	

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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
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)

FINANCE COMMITTEE MOTION: Moved that the following sums be appropriated or reserved for later appropriation from the Community Preservation Fund Fiscal Year 2017 revenues or other available funds as indicated herein, 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 Fiscal Year 2017 community preservation purposes as set forth herein, with each item considered a separate appropriation to be spent by the Community Preservation Committee, as shown below with any strikeouts indicating deletions from the Community Preservation Committee article and any highlighted text indicated additions/modifications:

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	$307,246

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contingent on access to the archeological data uncovered	
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	

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Town of Nantucket 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

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From Designated Reserves for Community Housing	$ 150,000
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.

ARTICLE 31
(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)
FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 32
(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)
FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 33
(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 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*

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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 the construction of any new dwelling unit on Shorefront Land or within 200 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. A Release shall not be required for any renovations or repairs to structures existing prior to the effective date of this Section.

(2) Any applicant seeking a building permit pursuant to the terms of this Section for the construction of any new dwelling unit on Shorefront Land or property within 200 feet of Shorefront Land shall be required to, in consideration for the issuance of the building permit required by this Section, execute a Release, as specified in this Section, 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. A Release shall not be required for any renovations or repairs to structures existing prior to the effective date of this Section.

Pursuant to said Release and the issuance of a permit for construction of a new dwelling unit, the applicant shall understand and be advised that the proposed new dwelling unit site at or within 200 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) Prior to the issuance of a permit for new dwelling unit on Shorefront Land or within 200 feet of Shorefront Land, the Owner of said property, shall be required to, in exchange for the issuance of the building permit execute the Release, as specified in this Section. 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.

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.

Or to take any other action related thereto.

(Board of Selectmen)
PLANNING BOARD MOTION: Moved to take no action on the Article.

PLANNING BOARD COMMENT: The Board recognizes that the intent of this article is to address valid concerns about potential erosion and flooding issues affecting Town infrastructure. Two specific issues relative to Town infrastructure are raised in the article: volunerability in erosion prone areas and long-term viability in flood prone areas. However, the proposal suffers from technical and procedural problems which have been discussed with the sponsor. As with a similar article submitted last year, the Board questions whether this type of regulation belongs in zoning, as opposed to the general bylaw or as part of an administrative solution (insurance, infrastructure policy, etc). We also question whether the issues contained within the article should be addressed differently, rather than with the same solution. The Board recommends appointment of a workgroup to further study these issues.

ARTICLE 34

(Zoning Map Change: RC (Residential Commercial) to CMI (Commercial Mid-Island) - Bayberry Court, Cherry Street, Chin's Way, Dave Street, Freedom Square, Hooper Farm Road, Orange Street, Pleasant Street, Sanford Road, Sparks Avenue and West Creek Road)

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

Map	Lot	Number	Street
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	377.1	1	Cherry Street
55	387	4	Cherry Street
55	163	1	Chin's Way

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55	162	2	Chin's Way
55	161	4	Chin's Way
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	702.1	1A	Freedom Square
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	718		Freedom Square
55	228	1	Hooper Farm Road
55	227.1	3	Hooper Farm Road
55	227	5	Hooper Farm Road
55	364	115	Orange Street
55	377	117	Orange Street
55	388	119	Orange Street
55	389	121	Orange Street
55	394	125	Orange Street
55	146	127	Orange Street
55	147	129	Orange Street
55	285	135	Orange Street
55	286	137	Orange Street
55	665	137A	Orange Street
55	153	141	Orange Street
55	154	143	Orange Street
55	155	145	Orange Street
55	312	147	Orange Street

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55	157	147R	Orange Street
55	311	149	Orange Street
55	170	159	Orange Street
55	171	161	Orange Street
55	176.5	163	Orange Street
55	176.3	165	Orange Street
55	176.4	167	Orange Street
55	292	171	Orange Street
55	180.2	175	Orange 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	145	100	Pleasant Street
55	912	109	Pleasant Street
55	149.1	110	Pleasant Street
55	267.9	111	Pleasant Street
55	149.2	112	Pleasant Street
55	149	112	Pleasant Street
55	267.8	113	Pleasant Street
55	267.7	115	Pleasant Street
55	267.6	117	Pleasant Street
55	267.5	119	Pleasant Street
55	160	122	Pleasant Street
55	164	130	Pleasant Street
55	270	131	Pleasant Street
55	271	135	Pleasant Street
55	176.1	140	Pleasant Street
55	176.2	144	Pleasant Street
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
55	180.1	1	Sparks Avenue
55	180.3	3	Sparks Avenue

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55	636	5	Sparks Avenue
55	179	9	Sparks Avenue
55	229	14A	Sparks Avenue
55	229.1	14B	Sparks Avenue
55	177	15	Sparks Avenue
55	800	16A	Sparks Avenue
55	801	16B	Sparks Avenue
55	802	16C	Sparks Avenue
55	803	16D	Sparks Avenue
55	804	16E	Sparks Avenue
55	231.1	18	Sparks Avenue
55	231.2	18A	Sparks Avenue
55	307	20	Sparks Avenue
55	269.2	21	Sparks Avenue
55	308	22	Sparks Avenue
55	309	24	Sparks Avenue
155	310	26	Sparks Avenue
55	234.6	30	Sparks Avenue
55	268	31	Sparks Avenue
55	233.2	34	Sparks Avenue
55	233.1	36	Sparks Avenue
55	240.1	38	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	169	1	West Creek Road
55	168	3	West Creek Road
55	172	4	West Creek Road
55	289	5	West Creek Road
55	173	6	West Creek Road
55	167	7	West Creek Road
55	173.1	8	West Creek Road
55	174	10	West Creek Road
55	166	11	West Creek Road
55	175	12	West Creek Road

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55	165	13	West Creek Road

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article 34 RC to CMI - Bayberry Court, Cherry Street, Chin's Way, Dave Street, Freedom Square, Hooper Farm Road, Orange Street, Pleasant Street, Sanford Road, Sparks Avenue and West Creek Road" 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)
PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended 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	704.1	4A	Bayberry Court
55	704.2	4B	Bayberry Court
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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

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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	377.1	1	Cherry Street
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55	163	1	Chin's Way
55	162	2	Chin's Way
55	161	4	Chin's Way
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	702.1	1A	Freedom Square
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	718		Freedom Square
55	228	1	Hooper Farm Road
55	227.1	3	Hooper Farm Road
55	227	5	Hooper Farm Road
55	364	115	Orange Street
55	377	117	Orange Street
55	388	119	Orange Street

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55	389	121	Orange Street
55	394	125	Orange Street
55	146	127	Orange Street
55	147	129	Orange Street
55	285	135	Orange Street
55	286	137	Orange Street
55	665	137A	Orange Street
55	153	141	Orange Street
55	154	143	Orange Street
55	155	145	Orange Street
55	312	147	Orange Street
55	157	147R	Orange Street
55	311	149	Orange Street
55	170	159	Orange Street
55	171	161	Orange Street
55	176.5	163	Orange Street
55	176.3	165	Orange Street
55	176.4	167	Orange Street
55	292	171	Orange Street
55	180.2	175	Orange 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	145	100	Pleasant Street
~~55~~	~~912~~	~~109~~	~~Pleasant Street~~
55	149.1	110	Pleasant Street
55	267.9	111	Pleasant Street
55	149.2	112	Pleasant Street
55	149	112	Pleasant Street
55	267.8	113	Pleasant Street
55	267.7	115	Pleasant Street
55	267.6	117	Pleasant Street
55	267.5	119	Pleasant Street
55	160	122	Pleasant Street
55	164	130	Pleasant Street
55	270	131	Pleasant Street

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55	271	135	Pleasant Street
55	176.1	140	Pleasant Street
55	176.2	144	Pleasant Street
55	277		Pleasant Street
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
55	180.1	1	Sparks Avenue
55	180.3	3	Sparks Avenue
55	636	5	Sparks Avenue
55	179	9	Sparks Avenue
55	229	14A	Sparks Avenue
55	229.1	14B	Sparks Avenue
55	177	15	Sparks Avenue
55	800	16A	Sparks Avenue
55	801	16B	Sparks Avenue
55	802	16C	Sparks Avenue
55	803	16D	Sparks Avenue
55	804	16E	Sparks Avenue
55	231.1	18	Sparks Avenue
55	231.2	18A	Sparks Avenue
55	307	20	Sparks Avenue
55	269.2	21	Sparks Avenue
55	308	22	Sparks Avenue
55	309	24	Sparks Avenue
155	310	26	Sparks Avenue
55	234.6	30	Sparks Avenue
55	268	31	Sparks Avenue
55	233.2	34	Sparks Avenue
55	233.1	36	Sparks Avenue
55	240.1	38	Sparks Avenue
55	267.4	41	Sparks Avenue
55	267.3	43	Sparks Avenue
55	267.2	45	Sparks Avenue

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55	267.1	47	Sparks Avenue
~~55~~	~~266~~	~~51~~	~~Sparks Avenue~~
55	169	1	West Creek Road
55	168	3	West Creek Road
55	172	4	West Creek Road
55	289	5	West Creek Road
55	173	6	West Creek Road
55	167	7	West Creek Road
55	173.1	8	West Creek Road
55	174	10	West Creek Road
55	166	11	West Creek Road
55	175	12	West Creek Road
55	165	13	West Creek Road

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article 34 RC to CMI - Bayberry Court, Cherry Street, Chin's Way, Dave Street, Freedom Square, Hooper Farm Road, Orange Street, Pleasant Street, Sanford Road, Sparks Avenue and West Creek Road" dated January, 2016.

ARTICLE 35

(Zoning Map Change: RC-2 (Residential Commercial-2) to CMI (Commercial Mid-Island) - Hanabea Lane, Nobadeer Farm Road, Old South Road and Wampanoag Way)

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

Map	Lot	Number	Street
68	966	1	Hanabea Lane
68	319	2	Hanabea Lane
68	967	3	Hanabea Lane
69	15	4	Hanabea Lane
69	271	5	Hanabea Lane
69	255	6	Hanabea Lane
69	272	7	Hanabea Lane
69	256	8	Hanabea Lane
69	257	10	Hanabea Lane
69	258	12	Hanabea Lane
69	102	47	Nobadeer Farm Road
69	101	49	Nobadeer Farm Road

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69	100	51	Nobadeer Farm Road
68	300	133	Old South Road
68	968	118	Old South Road
68	969	124	Old South Road
69	273	126	Old South Road
69	274	128	Old South Road
69	14	130	Old South Road
68	46.6	135A	Old South Road
68	46.5	135B	Old South Road
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 35 RC-2 to CMI - Hanabea Lane, Nobadeer Farm Road, Old South Road and Wampanoag Way" 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)
PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended 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	966	1	Hanabea Lane
68	319	2	Hanabea Lane
68	967	3	Hanabea Lane
~~69~~	~~15~~	4	~~Hanabea Lane~~
69	271	5	Hanabea Lane
~~69~~	~~255~~	~~6~~	~~Hanabea Lane~~
69	272	7	Hanabea Lane
~~69~~	~~256~~	~~8~~	~~Hanabea Lane~~
~~69~~	~~257~~	~~10~~	~~Hanabea Lane~~
~~69~~	~~258~~	~~12~~	~~Hanabea Lane~~

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69	102	47	Nobadeer Farm Road
69	101	49	Nobadeer Farm Road
69	100	51	Nobadeer Farm Road
68	300	133	Old South Road
68	968	118	Old South Road
68	969	124	Old South Road
69	273	126	Old South Road
69	274	128	Old South Road
69	14	130	Old South Road
68	46.6	135A	Old South Road
68	46.5	135B	Old South Road
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 35 RC-2 to CMI - Hanabea Lane, Nobadeer Farm Road, Old South Road and Wampanoag Way" dated January, 2016.

ARTICLE 36
(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(S)
   A structure or structures 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 as follows:
   a. By deleting "N" in the "CMI" column and "Apartment building" row and replacing it with "SP".
   b. By deleting "N" in the "CMI" column and "Workforce Rental Community" row and replacing it with "SP".

3. To amend section 8D as follows:

   Special permit issued by the Planning Board to create workforce homeownership housing in the R-5 zoning district through a Workforce Homeownership Housing Bonus Lots allowance and in the CN and CMI zoning district through a Workforce Rental Community.

4. To amend section 8D(1)(a) as follows:

   The following requirements shall apply to Workforce Homeownership Housing Bonus Lots in the R-5 zoning district and to Workforce Housing Rental Community in the CN and CMI zoning district.
   i. Minimum lot requirement of 60,000 square feet~~,~~ in the CN district and 32,000 square feet in the CMI district;

…

5. 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

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)
PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of

Nantucket, be amended 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 and word usage) as follows:

   APARTMENT BUILDING(S)
   A structure or structures containing a maximum of up to eight bedrooms in up to six dwelling units on a single lot with no commercial or other uses shall be allowed in the following districts:

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

   (2) CMI one dwelling unit is permitted for each 1,250 square feet of lot area.

   The Planning Board shall be the special permit granting authority.

2. To amend section 7A (Use chart; prohibited uses in all districts/Use Chart) by amending the Use Chart as follows:
   a. By deleting "N" in the "CMI" column and "Apartment building" row and replacing it with "SP".
   b. By deleting "N" in the "CMI" column and "Workforce Rental Community" row and replacing it with "SP".

3. To amend section 8D as follows:

   Special permit issued by the Planning Board to create workforce homeownership housing in the R-5 zoning district through a Workforce Homeownership Housing Bonus Lots allowance and in the CN and CMI zoning district through a Workforce Rental Community.

4. To amend section 8D(1)(a) as follows:

   The following requirements shall apply to Workforce Homeownership Housing Bonus Lots in the R-5 zoning district and to Workforce Housing Rental Community in the CN and CMI zoning district.
   ii. Minimum lot requirement of 60,000 square feet~~,~~ in the CN district and 32,000 square feet in the CMI district;

5. 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

ARTICLE 37
(Zoning Map Change: RC-2 to CTEC and R-5 – Bartlett Road and 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 Commercial Trade Entrepreneurship and Craft (CTEC) district:

Map	Lot	Number	Street
67	524	48	Bartlett Road
67	100 (a portion of)	54	Bartlett Road
66	101	2	Marble Way
66	101.1	2	Marble Way

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 37 RC-2 to CTEC and R-5 – Bartlett Road and Marble Way" dated January, 2016 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)
PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended 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
66	101	2	Marble Way
66	101.1	2	Marble Way

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 37 RC-2 to CTEC and R-5 – Bartlett Road and Marble Way" dated March, 2016 and filed herewith at the Office of the Town Clerk.

ARTICLE 38
(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:

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)
PLANNING BOARD MOTION: Moved to take no action on the Article.

ARTICLE 39
(Zoning Map Change: RC-2 to CN and R-5 – Fairgrounds Road, Vincent Circle 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 39 RC-2 to CN and R-5 – Fairgrounds Road, Vincent Circle and Ticcoma Way" 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)
PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended 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 39 RC-2 to CN and R-5 – Fairgrounds Road, Vincent Circle and Ticcoma Way" dated January, 2016.

ARTICLE 40

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(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	20	3	Cliff Road
42.4.4	60	5	Cliff Road
42.4.4	59.1	7	Cliff Road
42.4.4	59	9	Cliff Road
42.4.4	21	89	Easton Street
55.4.4	42.1	1	Joy Street
55.4.4	68 (68.1)	3 (5)	Joy Street
55.4.4	32.2	7	Joy Street
41	858	1	Lowell Place
41	511	3	Lowell Place
41	293	3	Madaket 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
55.4.4	1	30	Milk Street
56	321	32	Milk Street
41	41	35	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
42.4.4	19	4	North Avenue
55.4.4	2	1	Prospect Street
55.4.4	37	1	Prospect Street

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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
41	178	15	Quaker Road
41	179	17	Quaker Road
41	42	19	Quaker Road
41	617	24A	Vestal Street

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article 40 R-1 to ROH - Various Locations" 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)
PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended 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	20	3	Cliff Road
42.4.4	60	5	Cliff Road
42.4.4	59.1	7	Cliff Road
42.4.4	59	9	Cliff Road
42.4.4	21	89	Easton Street
55.4.4	42.1	1	Joy Street
55.4.4	68 (68.1)	3 (5)	Joy Street
55.4.4	32.2	7	Joy Street
41	858	1	Lowell Place
41	511	3	Lowell Place
41	293	3	Madaket 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
55.4.4	1	30	Milk Street
56	321	32	Milk Street
55.4.4	36	32R	Milk Street (Mt. Vernon Street)
41	41	35	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
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
41	178	15	Quaker Road
41	179	17	Quaker Road
41	42	19	Quaker Road
41	617	24A	Vestal Street

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All as shown on a map entitled "2016 Annual Town Meeting Warrant Article 40 R-1 to ROH - Various Locations" dated January, 2016.

ARTICLE 41
(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	26.9 (a portion of)	3	Beacon Lane
21	26.8 (a portion of)	5	Beacon Lane
21	26.2	3	Naauma Lane
21	26.3	4	Naauma Lane
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	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

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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
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	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
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

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21	76.2	36C	Sesachacha Road
21	76.3	36D	Sesachacha Road
21	48	2	Squam Road
21	47	6	Squam Road
21	49	6	Squam Road
21	51	8	Squam Road

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article 41 R-20 to VR – Quidnet" 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)
PLANNING BOARD MOTION: Moved to take no action on the Article.

PLANNING BOARD COMMENT: This article should be referred to the Nantucket Planning and Economic Development Commission (NP&EDC) for further study through the area plan process, or other neighbhood level planning review.

ARTICLE 42
(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)
PLANNING BOARD MOTION: Moved to take no action on the Article.

PLANNING BOARD COMMENT: This article was originally to be considered with Article 41 and should now be deferred pending the outcome of neighborhood planning in Quidnet and other VR zoned areas, primarly Madaket.

ARTICLE 43
(Zoning Map Change: R-20 to R-40 or LUG-1 – Crooked Lane, Grove Lane and Madaket Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential 20 (R-20) district, in the Residential 40 (R-40) district:

Map	Lot	Number	Street
41	330	36	Crooked Lane
41	441	18	Grove Lane
41	505	19	Grove Lane
41	440	20	Grove Lane
41	438	23	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
41	432	36	Grove Lane
41	431	38	Grove Lane
41	430	40	Grove Lane
41	415	54	Grove Lane
41	419	55	Grove Lane
41	416	58	Grove Lane
41	410 (portion of)	35	Madaket Road

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article 43 R-20 to R-40 or LUG-1 – Crooked Lane, Grove Lane and Madaket Road" 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)
PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended 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	441	18	Grove Lane
41	505	19	Grove Lane
41	440	20	Grove Lane
41	438	23	Grove Lane
41	439	24	Grove Lane
41	437	26	Grove Lane

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41	436	28	Grove Lane
41	435	30	Grove Lane
41	433.1	34A	Grove Lane
41	433	34B	Grove Lane
41	432	36	Grove Lane
41	431	38	Grove Lane
41	430	40	Grove Lane
41	415	54	Grove Lane
41	419	55	Grove Lane
41	416	58	Grove Lane
41	410 (portion of)	35	Madaket Road

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article 43 R-20 to R-40 or LUG-1 – Crooked Lane, Grove Lane and Madaket Road" dated March, 2016.

ARTICLE 44

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

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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)
PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Sconset Residential-20 (SR-20) district in the Sconset Residential-1 (SR-1) district.

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

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article 44 SR-20 to SR-1 Clifton Street, Comeau Lane, and Sconset Avenue" dated January, 2016.

ARTICLE 45
(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

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
56	452	1	Aurora Way
56	456	2	Aurora Way
41	480 (portion of)	21	Crooked Lane
56	372	12	High Brush Path
56	387	20	High Brush Path
56	114	14	Oak Hollow
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 45 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)
PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended 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

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
56	45~~27~~	1	Aurora Way
56	456	2	Aurora Way
~~41~~	~~480 (portion of)~~	~~21~~	~~Crooked Lane~~
56	372	12	High Brush Path
56	387	20	High Brush Path
56	114	14	Oak Hollow
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 45 CDT, ROH, R-1, R-20 and LUG-2 to R-40 -Town Open Space" dated March, 2016.

ARTICLE 46

(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:

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

Map	Lot	Number	Street
21	75 (portion of)	Rear	Quidnet Road
21	98	78	Quidnet Road
21	81.1	18	Sesachacha 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:

Map	Lot	Number	Street
60.2.4	34	10	Ames Avenue
60.2.4	60		Ames Avenue
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
59.4	238		Madaket
59.4	327	272	Madaket Road
59.4	328	272	Madaket Road
59.4	289	276	Madaket Road
59.4	179		Mississippi Avenue
59.4	280		Mississippi Avenue
59.4	281		Mississippi Avenue
59.4	282		Mississippi Avenue
59.4	323		Mississippi Avenue
59.4	324		Mississippi Avenue
59.4	325		Mississippi Avenue
59.4	326		Mississippi Avenue
59.4	178		Mississippi Avenue
60.3.1	192	43	New Hampshire Avenue
59.3	92		North Carolina Avenue
59.3	188		North Carolina Avenue
59.3	189		North Carolina Avenue
59.3	190		North Carolina Avenue

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59.3	266		North Carolina Avenue
59.3	267		North Carolina Avenue
59.3	269		North Carolina Avenue
60.3.1	24		Rhode Island Avenue
59.3	248		South Carolina Avenue
59.3	47		Starbuck Road
59.3	70		Starbuck Road
59.3	142		Starbuck Road
60	24	9	Starbuck Road
60	110	17R	Starbuck Road
60.1.2	56	21	Tennessee Avenue
60.1.2	57	23	Tennessee 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:

Map	Lot	Number	Street
59	1.3	225	Madaket Road
54	204	21	Monomoy Road
55	61.1	158	Orange Street
43	14	56	Polpis Road
43	168	30	Shimmo Pond Road
43	169	32	Shimmo Pond 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
41	480 (portion of)	21	Crooked Lane
31	25.2	10	East Tristram Avenue
39	31.1	9	Greenleaf Road
87	86	1	Hillside Avenue
87	2	7	Hillside Avenue
38	111	38	Ridge Lane
41	536	3	Wannacomet Road
41	532		West Chester Street

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article 46 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.

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Or to take any other action related thereto.

(Board of Selectmen for Planning Board)
PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended 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:

Map	Lot	Number	Street
21	75 (portion of)	Rear	Quidnet Road
21	98	78	Quidnet Road
21	81.1	18	Sesachacha Road
41	480 (portion of)	21	Crooked Lane
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:

Map	Lot	Number	Street
60.2.4	34	10	Ames Avenue
60.2.4	60		Ames Avenue
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
59.4	238		Madaket
59.4	327	272	Madaket Road
59.4	328	272	Madaket Road
59.4	289	276	Madaket Road
59.4	179		Mississippi Avenue
59.4	280		Mississippi Avenue
59.4	281		Mississippi Avenue
59.4	282		Mississippi Avenue
59.4	323		Mississippi Avenue
59.4	324		Mississippi Avenue
59.4	325		Mississippi Avenue
59.4	326		Mississippi Avenue
59.4	178		Mississippi Avenue

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60.3.1	192	43	New Hampshire Avenue
59.3	92		North Carolina Avenue
59.3	188		North Carolina Avenue
59.3	189		North Carolina Avenue
59.3	190		North Carolina Avenue
59.3	266		North Carolina Avenue
59.3	267		North Carolina Avenue
59.3	269		North Carolina Avenue
60.3.1	24		Rhode Island Avenue
59.3	248		South Carolina Avenue
59.3	47		Starbuck Road
59.3	70		Starbuck Road
59.3	142		Starbuck Road
60	24	9	Starbuck Road
60	110	17R	Starbuck Road
60.1.2	56	21	Tennessee Avenue
60.1.2	57	23	Tennessee 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:

Map	Lot	Number	Street
59	1.3	225	Madaket Road
54	204	21	Monomoy Road
55	61.1	158	Orange Street
43	14	56	Polpis Road
43	168	30	Shimmo Pond Road
43	169	32	Shimmo Pond 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
41	480 (portion of)	21	Crooked Lane
31	25.2	10	East Tristram Avenue
39	31.1	9	Greenleaf Road
87	86	1	Hillside Avenue
87	2	7	Hillside Avenue
38	111	38	Ridge Lane
41	536	3	Wannacomet Road

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41	532		West Chester Street

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article 46 R-20, VR, LUG-1, and LUG-2 to LUG-3 – Country Open Space" dated March, 2016.

ARTICLE 47
(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 47 Zoning Map Change: VTEC to VR, VTEC to LUG-3, and LUG-3 to VTEC – Hummock Pond Road" 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)
PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended 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 47 Zoning Map Change: VTEC to VR, VTEC to LUG-3, and LUG-3 to VTEC – Hummock Pond Road" dated January, 2016.

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ARTICLE 48
(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)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended 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 48 Zoning Map Change: LUG-2 to R-40 – Evergreen Way, Daffodil Lane, and Airport Road" January, 2016.

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ARTICLE 49
(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)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended 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 49 Zoning Map Change: LUG-2 to LUG-1; 8 Masaquet Avenue" dated August 6, 2015.

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article 48 Zoning Map Change: LUG-2 to R-40 – Evergreen Way, Daffodil Lane, and Airport Road" January, 2016.

ARTICLE 50
(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.

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Or, to take any other action related thereto.

(Leslie Kennie, et al)
PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended 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	215.1	61	Lover's Lane

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article 50 Zoning Map Change: LUG-2 to LUG-1 – Lover's Lane, Okorwaw Avenue, and Boulevard" dated March, 2016.

ARTICLE 51
(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):*

<u>TERTIARY DWELLING</u>

~~(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~~ includesing 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)
PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 2, be amended 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):*

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~~ includesing 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.

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ARTICLE 52
(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.

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)
PLANNING BOARD MOTION: Moved to take no action on the Article.

ARTICLE 53
(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)
PLANNING BOARD MOTION: Moved to take no action on the Article.

ARTICLE 54
(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.~~

(e) Except for pre-existing nonconforming lots, in which case the Planning Board may issue a special permit defining the lot areas, the 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-2 and LUG-3 districts, 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~~
~~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 by the issuance of a special permit the setback requirements only as they apply to the lot line(s) between the secondary lots;
ii. The Planning Board may waive by the issuance of a special permit the ground cover ratio requirement for the secondary lots, provided that the total ground cover ratio does not exceed 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

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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)
PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, be amended 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.~~

(e) Except for pre-existing nonconforming lots, in which case the Planning Board may issue a special permit defining the lot areas, the 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-2 and LUG-3 districts, 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~~
~~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~~

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

iii. The Planning Board may waive by the issuance of a special permit the setback requirements only as they apply to the lot line(s) between the secondary lots;

iv. The Planning Board may waive by the issuance of a special permit the ground cover ratio requirement for the secondary lots, provided that the total ground cover ratio does not exceed 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.

ARTICLE 55
(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)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, be amended 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

Lots created by the division of the original lot into two lots pursuant to § 139-8C. One of the two lots shall be subject to an NHNC-Ownership Form, or shall be owner occupied by a qualified family member, in which case the lot shall be subject to the NHNC-Ownership Form, except for the established income and asset limits.

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

   QUALIFIED FAMILY MEMBER
   The of the owner of the lot at the time the lot was subdivided into primary and secondary lots and the owner's spouse, and their parents, grandparents, children, brothers and sisters.

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 the income and asset limits for eligible households. 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 all requirements set forth therein, including income and asset limits for eligible households.

DRAFT PLANNING BOARD COMMENT: If this article is approved, additional action by Town Meeting will be required to amend Chapter 100 of the Code of the Town of Nantucket and to amend the home rule petition that created the covenant program before the amendments within this article can be utilized. The Board felt that it was important to advance this article at this Town Meeting to confirm that the qualified family member concept is supported by the voters.

ARTICLE 56
(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
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)
PLANNING BOARD MOTION: Moved to take no action on the Article.

ARTICLE 57
(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) A commercial use requiring ~~T~~twenty or more off-street parking spaces ~~as required by~~ pursuant to § 139-18~~, whether or not provided~~. A motor vehicle parking lot as defined in § 139-2 which contains twenty or more parking spaces shall not be considered an MCD.

(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~~ this subsection ~~only on and after the point in time~~ when any extended or altered portion of the commercial use(s), added together starting from the effective date (April 4, 1979, as ~~or subsequently for~~ amendment~~s~~ed) ~~of the applicable provisions of this § 139-11,~~ meets or exceeds the criteria of Subsection B above, which defines a ~~major commercial development~~ MCD.

~~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~~D. 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 the following requirements:

(1) ~~Require the implementation of a~~ A landscaping ~~and planting~~ plan, ~~including~~ indicating the location, species, 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~~2) ~~Control~~ An exterior lighting plan indicating the size and type of any proposed fixtures ~~exterior lighting of grounds, parking areas and buildings~~.

(~~4~~3) ~~Require t~~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~~4) A plan indicating ~~Specify~~ the type, size and location of all exterior signs.

(5) The days and hours of operation may be limited based on the type of business, the character of the surrounding areas, and the potential impacts to adjacent properties or the surrounding neighborhood.

~~G~~E. 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 lot(s) ~~land as open area~~ shall be landscaped and ~~free from impervious surfaces~~ maintained as open land.

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

(~~3~~2) The Planning Board may grant a special permit to waive ~~a reduction of the above stated requirement in § 139-11G(1)~~the requirement for open land~~,~~ provided that ~~it makes the express finding~~ the Board finds that ~~the applicant has provided~~ sufficient and appropriate landscaping will be provided~~;~~ and ~~further provided that it makes the finding~~ that the benefits to the community and the neighborhood from the reduction of open land ~~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~~ land requirements ~~as would otherwise be required~~. The special permit granting authority ~~shall~~ may impose ~~appropriate~~ conditions for the granting of such a special permit, including, but not limited to, the substitution ~~for~~ of off-site landscaping elements, ~~the~~ a financial or other type of contribution ~~of the applicant~~ toward the creation of common public space(s), and requirements for the permanent maintenance of landscaping features within the site by the applicant and its successors.

~~H~~F. 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~~G. ~~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 t~~The side and rear ~~lot line~~ yard setback requirement be ~~permitted~~ reduced to 0 feet, 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~~H. 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 unit(s) ~~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 R-5 ~~RC-2 D~~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~~5) 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 or upon a single lot beyond that which is permitted in the zoning district ~~where~~ in which 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~~6) 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~~7) ~~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~~I. 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)
PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 11, be amended 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) A commercial use requiring ~~T~~twenty or more off-street parking spaces ~~as required by~~ pursuant to § 139-18~~, whether or not provided~~. A motor vehicle parking lot as defined in § 139-2 which contains twenty or more parking spaces shall not be considered an MCD.

(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~~ this subsection ~~only on and after the point in time~~ when any extended or altered portion of the commercial use(s), added together starting from the effective date (April 4, 1979, as ~~or subsequently for~~ amendmentsed) ~~of the applicable provisions of this § 139-11,~~ meets or exceeds the criteria of Subsection B above, which defines a ~~major commercial development~~ MCD.

~~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~~D. 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 the following requirements:

(1) ~~Require the implementation of a~~ A landscaping ~~and planting~~ plan, ~~including~~ indicating the location, species, 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~~2) ~~Control~~ An exterior lighting plan indicating the size and type of any proposed fixtures ~~exterior lighting of grounds, parking areas and buildings~~.

(~~4~~3) ~~Require t~~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~~4) A plan indicating ~~Specify~~ the type, size and location of all exterior signs.

(5) The days and hours of operation may be limited based on the type of business, the character of the surrounding areas, and the potential impacts to adjacent properties or the surrounding neighborhood.

~~G~~E. 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 lot(s) ~~land as open area~~ shall be landscaped and ~~free from impervious surfaces~~ maintained as open area.

(2) ~~Impervious surfaces here include, but are not limited to, paved and gravelled areas, w~~Walkways and sidewalks, patios, ~~decking, game courts, pools, buildings and other~~ structures, and areas designated for exterior storage, parking or loading shall not be included in the open area calculation; provided however, that in computing the percentage of open area, brick or stone sidewalks and patios may be ~~counted as open area~~ included up to a maximum of 10% of the lot(s) ~~or site~~.

(3) The Planning Board may grant a special permit to waive ~~a reduction of the above stated requirement in § 139-11G(1)~~the requirement for open area, provided that ~~it makes the express finding~~ the Board finds that ~~the applicant has provided~~ sufficient and appropriate landscaping will be provided~~;~~ 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~~ may impose ~~appropriate~~ conditions for the granting of such a special permit, including, but not limited to, the substitution ~~for~~ of off-site landscaping elements, ~~the~~ a financial or other type of contribution ~~of the applicant~~ toward the creation of common public space(s), and requirements for the permanent maintenance of landscaping features within the site by the applicant and its successors.

~~H~~F. 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~~G. ~~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 t~~The side and rear ~~lot line~~ yard setback requirement be ~~permitted~~ reduced to 0 feet, 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~~H. 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 unit(s) ~~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 R-5 ~~RC-2 D~~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~~5) 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 or upon a single lot beyond that which is permitted in the zoning district ~~where~~ in which 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~~6) 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~~7) ~~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~~I. 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.

DRAFT

ARTICLE 58
(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)
PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, be amended 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.

ARTICLE 59
(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 unregistered, 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)
PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 7B(5), be amended 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):*

Not more than one motor vehicle which is and for the immediately preceding thirty-day period has been unregistered, 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~~.

ARTICLE 60
(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:

APARTMENT BUILDING(S)

A structure or structures…

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.

MOTOR VEHICLE PARKING LOTS OR STRUCTURES

A commercial use dedicated to exterior or interior vehicular parking. Motor vehicle parking lots or structures that are constructed to meet the off-street parking requirements of § 139-18 of this Chapter shall not be considered a separate use from the use requiring the off-street parking.

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 (excluding the eaves) between the structure and the lot line.

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 (Height limitations), as follows:

DRAFT

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, except in the CDT district where a maximum height may be determined by special permit.

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. 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.

7. 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

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

   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)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, be amended 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:

APARTMENT BUILDING(S)

A structure or structures…

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, except in the CDT and CMI districts, or as otherwise permitted;

(~~2~~4) 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.

MOTOR VEHICLE PARKING LOTS OR STRUCTURES

A commercial use dedicated to exterior or interior vehicular parking. Motor vehicle parking lots or structures that are constructed to meet the off-street parking requirements of § 139-18 of this Chapter shall not be considered a separate use from the use requiring the off-street parking.

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 (excluding the eaves) between the structure and the lot line.

2. Amend 139-17 (Height limitations), as follows:

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, except in the CDT district where a maximum height may be determined by special permit.

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

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

5. 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 one year.

6. 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

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

   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.

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ARTICLE 61
(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.

   § 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)
NOTE: 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 it 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.
FINANCE COMMITTEE MOTION: Moved that Chapter 21 (Gas Inspector) of the Code of the Town of Nantucket is deleted in its entirety; that Chapter 129 (Swimming Pools, Private) is deleted in its entirety; and, that Chapter 117 (Roofs, NonCombustible) is hereby amended 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):*

§ 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.

§ 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~~.

ARTICLE 62
(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.

Or to take any other action related thereto.

(Board of Selectmen)
FINANCE COMMITTEE MOTION: Moved that Chapter 125 (Solid Waste) of the Code of the Town of Nantucket, Section 125-2.1 (Prohibitions on use and sale of balloons) is hereby amended 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.

ARTICLE 63
(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.

Or to take any other action related thereto.

(Board of Selectmen)
FINANCE COMMITTEE MOTION: Moved that Chapter 46 (Town Property, Conveyance of), section 46-4 (Acquisition of land for Town offices) is hereby repealed.
.

ARTICLE 64
(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)
FINANCE COMMITTEE: Moved not to adopt the Article.

ARTICLE 65
(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 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)
FINANCE COMMITTEE MOTION: Moved that the Code of the Town of Nantucket is hereby amended by inserting the following new Chapter as follows:

CHAPTER 140. TOWN OF NANTUCKET RIGHT TO FARM BYLAW

§140-1. Legislative Purpose and Intent.
The purpose and intent of this bylaw 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 bylaw 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 bylaw shall apply to all jurisdictional areas within the Town of Nantucket.

§140-2. 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, 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.

§140- 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 bylaw are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm bylaw 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.

§140- 4. Disclosure Notification
The Town of Nantucket shall provide the following disclosure notification to landowners each fiscal year by mail. "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." In addition to the above, a copy of said disclosure notification shall be posted on the Town of Nantucket's website in an area or areas utilized by homeowners and/or pertaining to land use.

§140-5. Resolution of Disputes.
Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, 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 Board of Selectmen

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, 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 Board of Health within an agreed upon time frame.

§140-6. Severability Clause.
If any part of this bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this bylaw. The Town of Nantucket hereby declares the provisions of this bylaw to be severable.

ARTICLE 66
(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
56	209	59	Milk Street
55	312	147	Orange Street
56	255	79	Vestal Street
56	254	81	Vestal Street
56	253	83	Vestal Street
56	252	85	Vestal Street

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

MAP	LOT	NUMBER	STREET
30	138.2		Cobblestone Hill
42.2.4	7	17	Commercial Wharf
68	700	2	Evergreen Lane
68	701.1	4	Evergreen Lane
68	701	4A	Evergreen Lane
68	702	6	Evergreen Lane
68	703	8	Evergreen Lane
68	704	10	Evergreen Lane
68	705	12	Evergreen Lane

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68	706	14	Evergreen Lane
68	707	16	Evergreen Lane
68	708	18	Evergreen Lane
41	342	35	Grove Lane
30	48	98	Hulbert Avenue
30	53	11	Jefferson Avenue
54	204	21	Monomoy Road
30	608	2	Nantucket Avenue
55	61.1	158	Orange Street
55	321	47	Prospect Street
55.1.4	2	50	Union Street
42.3.2	23.1	28	Washington Street
42.2.3	4	38	Washington Street
42.2.3	5	40	Washington Street
42.2.3	6	42	Washington Street
55.4.1	56	39	York Street

Or to take any other action related thereto.

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article 66 Town Sewer District Map Changes" dated January, 2016 and filed herewith at the Office of the Town Clerk.

(Board of Selectmen/Sewer Commissioners)
FINANCE COMMITTEE: Moved that Chapter 41 (Board of Sewer Commissioners), section 3A (Town Sewer District) of the Code of the Town of Nantucket is hereby amended as follows:

1. Add the following parcels to the Town Sewer District:

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

2. Remove the following parcels from the Town Sewer District:

MAP	LOT	NUMBER	STREET
30	138.2		Cobblestone Hill

42.2.4	7	17	Commercial Wharf
68	700	2	Evergreen Lane
68	701.1	4	Evergreen Lane
68	701	4A	Evergreen Lane
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
41	434	32	Grove Lane
30	48	98	Hulbert Avenue
30	53	11	Jefferson Avenue
54	204	21	Monomoy Road
30	608	2	Nantucket Avenue
55	61.1	158	Orange Street
55	321	47	Prospect Street
55.1.4	2 (portion of)	50	Union Street
42.3.2	23.1	28	Washington Street
42.2.3	4	38	Washington Street
42.2.3	5	40	Washington Street
42.2.3	6	42	Washington Street
55.4.1	56	39	York Street
55.4.1	56.3	39R	York Street

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ARTICLE 67

(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)

FINANCE COMMITTEE MOTION: Moved not to adopt the article.

ARTICLE 68

(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)

FINANCE COMMITTEE MOTION: Moved that Chapter 41 (Board of Sewer Commissioners), section 3A (Town Sewer District) of the Code of the Town of Nantucket is hereby amended by adding the following parcels to the Town Sewer District:

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

ARTICLE 69

(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.

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Or to take any other action relative thereto.

(Catherine Flanagan Stover, et al)
FINANCE COMMITTEE MOTION: Moved not to adopt the article.

ARTICLE 70
(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)

FINANCE COMMITTEE MOTION: Moved that Chapter 55 (Animals) of the Code of the Town of Nantucket is hereby amended by deleting subsection F (Nuisances) of section 55-4 (Regulations) in its entirety and replacing it with the following, and by adding the following new subsections (H, I, and J) *(NOTE: non-substantive changes to the numbering of this bylaw are permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

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 the 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 an 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 the current 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: Any Owner or Keeper of Farm Animals who does not obtain a Town Permit shall be subject to a fine of $25.00 per day until the permit is purchased.

ARTICLE 71
(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)
FINANCE COMMITTEE MOTION: Moved that Chapter 55 (Animals), §4 (Regulations) of the Code of the Town of Nantucket is hereby amended 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):*

Chapter 55 Animals

§55-4. Regulations.

A. Annual license required.

(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.

ARTICLE 72
(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)
FINANCE COMMITTEE MOTION: Moved that the provisions of Massachusetts General Law Chapter 140, section 139 are hereby accepted.

ARTICLE 73
(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.

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Or to take any other action related thereto.

(Board of Selectmen)
FINANCE COMMITTEE MOTION: Moved that the provisions of Massachusetts General Law Chapter 90, section 22B, subsections (b) to (k) inclusive are hereby accepted.

ARTICLE 74
(Home Rule Petition: Charter Amendment Regarding Publication of Town Meeting Warrants)

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

AN ACT amending the Charter of the Town of Nantucket concerning Newspaper Publication of Town Meeting Warrants

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

Section 1. Section 2.5(b) of the charter of the town of Nantucket, adopted under the provisions of chapter 289 of the acts of 1986, and as amended, on file with the archivist of the commonwealth in accordance with section 12 of chapter 43B of the general laws, is hereby amended by deleting the first sentence of said section 2.5(b) and inserting in place thereof the following:- The Board of Selectmen shall publish notice of the issuance of the warrant of each Town Meeting in a newspaper of general circulation within the Town promptly after such issuance of the warrant.

Section 2. Said section 2.5 of the charter of the town of Nantucket is hereby further amended by deleting in the second sentence the following words:- of the warrant.

Section 3. This act shall take effect upon passage.

Or to take any other action related thereto.

(Board of Selectmen)
FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Board of Selectmen, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of this proposed legislation in order to secure its passage, as follows:

AN ACT amending the Charter of the Town of Nantucket concerning Newspaper Publication of Town Meeting Warrants

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

Section 1. Section 2.5(b) of the charter of the town of Nantucket, adopted under the provisions of chapter 289 of the acts of 1986, and as amended, on file with the archivist of the commonwealth in accordance with section 12 of chapter 43B of the general laws, is hereby amended by deleting the first sentence of said section 2.5(b) and inserting in place thereof the following:- The Board of Selectmen shall publish notice of the issuance of the warrant of each Town Meeting in a newspaper of general circulation within the Town promptly after such issuance of the warrant.

Section 2. Said section 2.5 of the charter of the town of Nantucket is hereby further amended by deleting in the second sentence the following words:- of the warrant.

Section 3. This act shall take effect upon passage.

ARTICLE 75
(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.

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 section 8, in such manner as it 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 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 willfully 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 willful 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 in department of the town to be known as the 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 five-member board of water commissioners, hereinafter known as the "board". The board 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 board shall constitute a quorum for the transaction of business. Any vacancy occurring in said board shall be filled at the next annual town election for the remainder of the unexpired term and may be filled temporarily by the board of selectmen until the next annual election, in accordance with the charter of the town of Nantucket as it may be amended from time to time. Said commissioners shall serve for three-year overlapping terms, so arranged that the terms of not more than two commissioners shall expire each year.

SECTION 9. Said board 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 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, subject to appropriation by the town, be used for such new construction as the water commissioners may recommend or be reserved by the town for future new construction, and in case a surplus should remain after appropriation or reservation for such new construction, and/or in the event such surplus is not so appropriated and reserved, the water rates shall be reduced proportionately. All authority vested in said board by the foregoing provisions of this section shall be subject to the provisions of section 8 with respect to the town's authority to adopt appropriate bylaws, rules, instructions regulations. Said board shall annually, and as often as the town may require, render a report upon the condition of the works under its charge and an account of its 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 former Wannacomet Water Company, so-called, in every respect. All property, both real and personal, including funds, records, furnishings and equipment whatsoever in the 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 former 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 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 water department until the natural expiration of his current appointment, or his sooner resignation, retirement or removal.

SECTION 12. Upon the effective date of this act, 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 abolished, and the terms of any incumbent members of said board of water commissioners terminated.

SECTION 13. The enterprise funds previously established by vote of the town pursuant to section 53F1/2 of chapter 44 of the General Laws and referred to as the Siasconset Water Enterprise Fund and the Wannacomet Water Enterprise Fund, to the extent they are in existence as of the effective date of this act, shall hereby be consolidated into a single enterprise fund to be known as the Nantucket Water Department Enterprise Fund, which consolidated fund shall be subject to said section 53F1/2 in every respect.

SECTION 14. 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 upon the effective date of this act, shall remain in full force and effect until such time as they are amended or abolished by the board created under section 8 this act.

SECTION 15. Upon the effective date of this act, the then-applicable Memorandum of Agreement between the Nantucket Water Commission and the Siasconset Water shall be 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 16. All personnel of the water department created under the section 8 of this act are town employees, and shall be appointed by the board created under said section 8, 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 as it may be amended from time to time. Such employees shall be 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 17. As of the effective date of this act, the members of the board of water commissioners created by the provisions of chapter 404 of the acts of 1903 and chapter 476 of the acts of 1987, previously known as the Nantucket Water Commissioners, shall become the first members of the five-member board of water commissioners created under section 8 of this act. Such commissioners shall serve for the remainder of their elected terms or their sooner vacating of office. Thereafter, such offices shall be filled in accordance with said section 8. Two additional commissioners shall be elected at the first annual town election occurring no less than 64 days after the passage of this act, one for a 2-year term and one for a 3-year term.

If the 2 additional positions would remain vacant for more than 4 months, the board of selectmen may, in its discretion, make temporary appointments to fill the vacancies until the annual election at which the offices may legally appear on the ballot. Thereafter, all elections and temporary appointments to the board shall be made in accordance with said section 8.

SECTION 18. Chapter 307 of the acts of 1925, chapter 436 of the acts of 1963, and chapter 476 of the acts of 1987 are hereby repealed.

SECTION 19. This act shall take effect upon passage.

Or to take any other action related thereto.

(Board of Selectmen for Nantucket Water Commission, Siasconset Water Commission)
FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Board of Selectmen, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of this proposed legislation in order to secure its passage, as follows:

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.

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 section 8, in such manner as it 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 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 willfully 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 willful 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 in department of the town to be known as the 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 five-member board of water commissioners, hereinafter known as the "board". The board 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 board shall constitute a quorum for the transaction of business. Any vacancy occurring in said board shall be filled at the next annual town election for the remainder of the unexpired term and may be filled temporarily by the board of selectmen until the next annual election, in accordance with the charter of the town of Nantucket as it may be amended from time to time. Said commissioners shall serve for three-year overlapping terms, so arranged that the terms of not more than two commissioners shall expire each year.

SECTION 9. Said board 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 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, subject to appropriation by the town, be used for such new construction as the water commissioners may recommend or be reserved by the town for future new construction, and in case a surplus should remain after appropriation or reservation for such new construction, and/or in the event such surplus is not so appropriated and reserved, the water rates shall be reduced proportionately. All authority vested in said board by the foregoing provisions of this section shall be subject to the provisions of section 8 with respect to the town's authority to adopt appropriate bylaws, rules, instructions regulations. Said board shall annually, and as often as the town may require, render a report upon the condition of the works under its charge and an account of its 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 former Wannacomet Water Company, so-called, in every respect. All property, both real and personal, including funds, records, furnishings and equipment whatsoever in the 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 former 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 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 water department until the natural expiration of his current appointment, or his sooner resignation, retirement or removal.

SECTION 12. Upon the effective date of this act, 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 abolished, and the terms of any incumbent members of said board of water commissioners terminated.

SECTION 13. The enterprise funds previously established by vote of the town pursuant to section 53F1/2 of chapter 44 of the General Laws and referred to as the Siasconset Water Enterprise Fund and the Wannacomet Water Enterprise Fund, to the extent they are in existence as of the effective date of this act, shall hereby be consolidated into a single enterprise fund to be known as the Nantucket Water Department Enterprise Fund, which consolidated fund shall be subject to said section 53F1/2 in every respect.

SECTION 14. 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 upon the effective date of this act, shall remain in full force and effect until such time as they are amended or abolished by the board created under section 8 this act.

SECTION 15. Upon the effective date of this act, the then-applicable Memorandum of Agreement between the Nantucket Water Commission and the Siasconset Water shall be 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 16. All personnel of the water department created under the section 8 of this act are town employees, and shall be appointed by the board created under said section 8, 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 as it may be amended from time to time. Such employees shall be 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 17. As of the effective date of this act, the members of the board of water commissioners created by the provisions of chapter 404 of the acts of 1903 and chapter 476 of the acts of 1987, previously known as the Nantucket Water Commissioners, shall become the first members of the five-member board of water commissioners created under section 8 of this act. Such commissioners shall serve for the remainder of their elected terms or their sooner vacating of office. Thereafter, such offices shall be filled in accordance with said section 8. Two additional commissioners shall be elected at the first annual town election occurring no less than 64 days after the passage of this act, one for a 2-year term and one for a 3-year term. If the 2 additional positions would remain vacant for more than 4 months, the board of selectmen may, in its discretion, make temporary appointments to fill the vacancies until the annual election at which the offices may legally appear on the ballot. Thereafter, all elections and temporary appointments to the board shall be made in accordance with said section 8.

SECTION 18. Chapter 307 of the acts of 1925, chapter 436 of the acts of 1963, and chapter 476 of the acts of 1987 are hereby repealed.

SECTION 19. This act shall take effect upon passage.

ARTICLE 76
(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.

Or to take any other action related thereto.

(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.

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Board of Selectmen, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of this proposed legislation in order to secure its passage, as follows:

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.

ARTICLE 77
(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.

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Board of Selectmen, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of this proposed legislation in order to secure its passage, as follows:

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.

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Section 2. This act shall take effect upon passage.

ARTICLE 78
(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 or to take any other action related thereto.

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

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.

(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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FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Board of Selectmen, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of this proposed 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

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, 2016 and shall apply to taxes levied for fiscal years beginning on or after July 1, 2016.

ARTICLE 79
(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; or to take any other action related thereto.

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.

(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.
FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested, 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, that the General Court with the approval of the Board of Selectmen, 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.

ARTICLE 80
(Home Rule Petition: Real Estate Conveyances to Nantucket Islands Land Bank and Madaket Conservation Land Trust (MCLT)

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 "2016 Annual Town Meeting Warrant Article 80" dated January, 2016 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 "2016 Annual Town Meeting Warrant Article 80" dated January, 2016 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.
FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested, 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 "2016 Annual Town Meeting Warrant Article 80" dated January, 2016 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 "2016 Annual Town Meeting Warrant Article 80" dated January, 2016 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.

ARTICLE 81

(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 "2016 Annual Town Meeting Warrant Article 81/Land Bank-School Land Transfer Proposal" dated January, 2016 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

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were not acted upon by December 31, 2015, will expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested, 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 "2016 Annual Town Meeting Warrant Article 81" dated January, 2016 and filed with the Office of the Town Clerk, to the Town of Nantucket; and further to authorize the Nantucket Islands Land Bank to convey the respective parcels described below 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.

ARTICLE 82
(Home Rule Petition: Community Housing and Sewer Funding)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act the text of which is set forth below and to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in

the text thereto as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure passage; or to take any other action related thereto.

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

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

"Affordable Housing Restriction" is a recorded instrument held by a qualified holder which encumbers and/or restricts a real property interest so that the real property interest is perpetually or for a term of at least thirty (30) years limited to use as a residence occupied by a low or moderate income household which earns less than a specified income level, the upper limit of which may not exceed 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. Without limiting the generality of the foregoing, "Affordable Housing Restriction" includes but is not limited to any instrument which conforms to the requirements of (i) a Nantucket Housing Needs Covenant as described in Chapter 301 of the Acts of 2002 and defined in the Town of Nantucket Code.

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

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

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

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

"Real property interest", shall refer to any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property, the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a buyer or seller under a contract for purchase and sale of real property, and the transferable development rights created under chapter 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 interest.

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

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

SECTION 2. There is hereby imposed a fee equal to one per cent (1%) of the purchase price upon the transfer of any real property interest in any real property situated in Nantucket County. Said fee shall be the liability of the seller of such real property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the seller. The fee shall be paid to the Town of Nantucket, or its designee, and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative and the seller or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Town, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Nantucket County, and the assistant recorder for the registry district of Nantucket County, shall not record or register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate executed by the Town or its designee. Failure to comply with this requirement shall not affect the validity of any instrument. The Town shall deposit all fees received hereunder with the Town treasurer. The treasurer shall deposit such fees as follows: 75% in the Affordable Housing Trust Fund and the remainder in capital project funds as determined by the Board of Selectmen, unless such allocation is changed by the affirmative vote of two-thirds of voters at an annual or special town meeting. The fee imposed hereunder shall be due simultaneously with the time of transfer of the transfer upon which it is imposed. Notwithstanding the foregoing, whenever there is a conveyance of real property interests and a conveyance of personalty related thereto at or about the same time, the allocations of payments between real estate and personalty agreed to by the purchaser and seller shall not determine the amount of the fee due pursuant to this section; instead, the Town may require payment of the fee referred to in real property interests so conveyed as determined by the Town.

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

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

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

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

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

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

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

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

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

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

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

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

the corporation's stock owned by the transferee prior to the transfer or (ii) with respect to a partnership or limited liability company, the transferee receives property (including real property interests and other property received) which is the same fraction of the property of the partnership or limited liability company as the fraction of the capital and profit interests in the transferor formerly owned by the transferee.

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

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

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

SECTION 5. (a) The Town treasurer shall keep a full and accurate account stating when, from or to whom, and on what account money has been paid or received relative to the activities of the Trust Fund and the Housing Fund. Said account shall be subject to examination by the director of accounts or his agent pursuant to section forty-four of chapter thirty-five of the General Laws.

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

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

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

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

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

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

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

(d) Sellers applying for an exemption under subsections (a) through (o) of section four shall be required at the time of application for exemption to execute an agreement legally binding on sellers and separately legally binding upon any Legal Representative of the sellers (1) assuming complete liability for any fee, plus interest and penalties if any, waived on account of an allowed exemption subsequently determined to have been invalid, and (2) submitting to the jurisdiction of the trial court of the commonwealth sitting in Nantucket County. Fees, plus interest and penalties if any, shall be calculated as of the date of the initial property transfer.

Execution of the above-described agreement shall not be required of any mortgagee, pledge, purchaser or judgment creditor unless notice of the agreement has been recorded or filed by the Town.

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

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

SECTION 8. The 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 9. If the Town has determined that a fee is due by asserting the application of the evasion of fee doctrine described in section 13, then the seller shall have the burden of demonstrating by clear and convincing evidence as determined by the Town that the transfer, or series of transfers, possessed both: (i) a valid, good faith business purpose other than avoidance of the fee set forth in section 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 Town 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 10. This act shall take effect ninety (90) days following the date of passage.

(Board of Selectmen)

VERSION 1

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce the legislation 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:

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

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

"Affordable Housing Restriction" is a recorded instrument held by a qualified holder which encumbers and/or restricts a real property interest so that the real property interest is

perpetually or for a term of at least thirty (30) years limited to use as a residence occupied by a low or moderate income household which earns less than a specified income level, the upper limit of which may not exceed 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. Without limiting the generality of the foregoing, "Affordable Housing Restriction" includes but is not limited to any instrument which conforms to the requirements of (i) a Nantucket Housing Needs Covenant as described in Chapter 301 of the Acts of 2002 and defined in the Town of Nantucket Code.

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

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

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

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

"Real property interest", shall refer to any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property, the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a buyer or seller under a contract for purchase and sale of real property, and the transferable development rights created under chapter 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 interest.

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

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

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SECTION 2. There is hereby imposed a fee equal to one per cent (1%) of the purchase price upon the transfer of any real property interest in any real property situated in Nantucket County. Said fee shall be the liability of the seller of such real property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the seller. The fee shall be paid to the Town of Nantucket, or its designee, and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative and the seller or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Town, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Nantucket County, and the assistant recorder for the registry district of Nantucket County, shall not record or register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate executed by the Town or its designee. Failure to comply with this requirement shall not affect the validity of any instrument. The Town shall deposit all fees received hereunder with the Town treasurer. The treasurer shall deposit such fees as follows: 75% in the Affordable Housing Trust Fund and the remainder in ~~capital project funds as determined by the Board of Selectmen~~ the Capital Projects Stabilization Fund, unless such allocation is changed by the affirmative vote of two-thirds of voters at an annual or special town meeting. The fee imposed hereunder shall be due simultaneously with the time of transfer of the transfer upon which it is imposed. Notwithstanding the foregoing, whenever there is a conveyance of real property interests and a conveyance of personalty related thereto at or about the same time, the allocations of payments between real estate and personalty agreed to by the purchaser and seller shall not determine the amount of the fee due pursuant to this section; instead, the Town may require payment of the fee referred to in real property interests so conveyed as determined by the Town.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. (a) The Town treasurer shall keep a full and accurate account stating when, from or to whom, and on what account money has been paid or received relative to the activities of the Trust Fund and the Housing Fund. Said account shall be subject to examination by the director of accounts or his agent pursuant to section forty-four of chapter thirty-five of the General Laws.

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

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

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

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

SECTION 7. (a) The Town shall notify the purchaser and the seller by registered or certified mail of any failure to discharge in full the amount of the fee due under this Act and any penalty or interest assessed. The Town shall grant a hearing on the matter of the imposition of said fee, or of any penalty or interest assessed, if a petition requesting such hearing is received by the Town within thirty days after the mailing of said notice. The Town shall notify the purchaser

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

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

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

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

In any case where there has been a refusal or neglect to pay any fee, interest or penalties imposed by this act, whether or not levy has been made, the Town, in addition to other modes of relief, may direct a civil action to be filed in a district or superior court of the commonwealth

to enforce the lien of the Town under this section with respect to such liability or to subject any property of whatever nature, of the delinquent, or in which he has any right, title or interest, to the payment of such liability.

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

SECTION 8. The 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 9. If the Town has determined that a fee is due by asserting the application of the evasion of fee doctrine described in section 13, then the seller shall have the burden of demonstrating by clear and convincing evidence as determined by the Town that the transfer, or series of transfers, possessed both: (i) a valid, good faith business purpose other than avoidance of the fee set forth in section 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 Town 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 10. This act shall take effect ninety (90) days following the date of passage.

VERSION 2 - REMOVES ALL REFERENCES TO CAPITAL PROJECTS

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce the legislation 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:

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

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

"Affordable Housing Restriction" is a recorded instrument held by a qualified holder which encumbers and/or restricts a real property interest so that the real property interest is perpetually or for a term of at least thirty (30) years limited to use as a residence occupied by a low or moderate income household which earns less than a specified income level, the upper limit of which may not exceed 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. Without limiting the generality of the foregoing, "Affordable Housing Restriction" includes but is not limited to any instrument which conforms to the requirements of (i) a Nantucket Housing Needs Covenant as described in Chapter 301 of the Acts of 2002 and defined in the Town of Nantucket Code.

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

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

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

"Real property interest", shall refer to any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property, the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a buyer or seller under a contract for purchase and sale of real property, and the transferable development rights created under chapter 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 interest.

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

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

SECTION 2. There is hereby imposed a fee equal to one per cent (1%) of the purchase price upon the transfer of any real property interest in any real property situated in Nantucket County. Said fee shall be the liability of the seller of such real property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the seller.

The fee shall be paid to the Town of Nantucket, or its designee, and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative and the seller or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Town, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Nantucket County, and the assistant recorder for the registry district of Nantucket County, shall not record or register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate executed by the Town or its designee. Failure to comply with this requirement shall not affect the validity of any instrument. The Town shall deposit all fees received hereunder with the Town treasurer. The treasurer shall deposit such fees ~~as follows: 75%~~ in the Affordable Housing Trust Fund ~~and the remainder in the Capital Stabilization Fund, unless such allocation is changed by the affirmative vote of two-thirds of voters at an annual or special town meeting~~. The fee imposed hereunder shall be due simultaneously with the time of transfer of the transfer upon which it is imposed. Notwithstanding the foregoing, whenever there is a conveyance of real property interests and a conveyance of personalty related thereto at or about the same time, the allocations of payments between real estate and personalty agreed to by the purchaser and seller shall not determine the amount of the fee due pursuant to this section; instead, the Town may require payment of the fee referred to in real property interests so conveyed as determined by the Town.

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

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

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

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

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

descendant, or the lineal ancestor of the seller, by blood or adoption, and otherwise it shall be presumed that consideration was paid in an amount equal to the fair market value of the real property interest transferred, at the time of transfer.

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. (a) The Town treasurer shall keep a full and accurate account stating when, from or to whom, and on what account money has been paid or received relative to the activities of the Trust Fund and the Housing Fund. Said account shall be subject to examination by the director of accounts or his agent pursuant to section forty-four of chapter thirty-five of the General Laws.

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

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

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

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

SECTION 7. (a) The Town shall notify the purchaser and the seller by registered or certified mail of any failure to discharge in full the amount of the fee due under this Act and any penalty or interest assessed. The Town shall grant a hearing on the matter of the imposition of said fee, or of any penalty or interest assessed, if a petition requesting such hearing is received by the Town within thirty days after the mailing of said notice. The Town shall notify the purchaser and the seller in writing by registered or certified mail of its determination concerning the deficiency, penalty or interest within fifteen days after said hearing. Any party aggrieved by a determination of the Town concerning a deficiency, penalty or interest may, after payment of said deficiency, appeal to the district or superior court within three months after the mailing of notification of the determination of the Town. Upon the failure to timely petition for a hearing, or appeal to said courts, within the time limits hereby established, the purchaser and seller shall be bound by the terms of the notification, assessment or determination, as the case may be, and shall be barred from contesting the fee, and any interest and penalty, as determined by the Town. All decisions of said courts shall be appealable. Every notice to be given under this section by the Town shall be effective if mailed by certified or registered mail to the purchaser or the seller at the address stated in a recorded or registered instrument by virtue of which the

purchaser holds any interest in land, the transfer of which gives rise to the fee which is the subject of such notice; and if no such address is stated or if such transfer is not evidenced by an instrument recorded or registered in the public records in Nantucket County, such notice shall be effective when so mailed to the purchaser or seller in care of any person appearing of record to have a fee interest in such land, at the address of such person as set forth in an instrument recorded or registered in Nantucket County.

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

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

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

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

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

SECTION 8. The 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 9. If the Town has determined that a fee is due by asserting the application of the evasion of fee doctrine described in section 13, then the seller shall have the burden of demonstrating by clear and convincing evidence as determined by the Town that the transfer, or series of transfers, possessed both: (i) a valid, good faith business purpose other than avoidance of the fee set forth in section 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 Town 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 10. This act shall take effect ninety (90) days following the date of passage.

ARTICLE 83
(Home Rule Petition: Retired Police Officers to Serve as Special Police Officers)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation seeking a special act in the form set forth below and to authorize the General Court, 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 passage; or to take any other action related thereto.

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 the 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.

Or to take any other action related thereto.

(Board of Selectmen)
FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce special legislation seeking a special act in the form set forth below and to authorize the General Court, 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 passage:

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 the 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.

ARTICLE 84
(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 General Court, with the approval of the Board of Selectmen to make constructive

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changes in the text thereof as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure passage; or to take any other action related thereto.

AN ACT AMENDING THE NANTUCKET ISLANDS LAND BANK ACT

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

Or to take any other action related thereto.

(Board of Selectmen for Nantucket Islands Land Bank Commission)
FINANCE COMMITTEE MOTION: Moved that the Town's representatives in the General Court are hereby requested to introduce legislation amending the Nantucket Islands Land Bank Act as set forth below and to authorize the General Court, 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 passage:

AN ACT AMENDING THE NANTUCKET ISLANDS LAND BANK ACT

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

ARTICLE 85
(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)
FINANCE COMMITTEE MOTION: Moved that pursuant to the provisions of G.L. c.43B, §10 that the Town Charter be amended 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.

(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)

Quantum of vote required for passage of the motion is 2/3

ARTICLE 86
(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)
FINANCE COMMITTEE MOTION: Moved that Nantucket's representatives in the General Court be requested 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.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 87
(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 3808; 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 87 Airport Property" dated January, 2016 and filed herewith at the office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized 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 3808; 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 a "One Big Beach" easement and may include the reservation of any other easements and restrictions on said land.

As shown on a map entitled "2016 Annual Town Meeting Warrant Article 87 Airport Property" dated January, 2016.

ARTICLE 88
(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)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized 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.**

ARTICLE 89
(Real Estate Acquisition: 42 Nobadeer 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 interest in a parcel identified as Assessor Map 88, Parcel 5, 42 Nobadeer Avenue for open space, conveyance and/or general municipal purposes and to see if the Town will vote to appropriate, borrow pursuant to applicable statute or transfer

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from available funds a sum of money for such purpose; or to take any other action related thereto.

(Board of Selectmen)
FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain the fee or lesser interest in a parcel identified as Assessor Map 88, Parcel 5, 42 Nobadeer Avenue for open space, conveyance and/or general municipal purposes.

ARTICLE 90
(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)
FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized 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,

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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.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 91
(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)
FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized 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.

ARTICLE 92
(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)
FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized 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

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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.

ARTICLE 93
(Long-term Lease Authorization: Airport Delta Property)

To see if the Town will vote to authorize the Airport Commission pursuant to Chapter 90, Section 51F of the Massachusetts General Laws to lease for a term not to exceed thirty (30) years, a portion of the following Town-owned property located between Milestone Road and Nobadeer Farm Road, and being a portion of land shown on Assessor's Map 69 as Parcel 31, and known as the Delta area, subject to Chapter 30 B of the Massachusetts General Laws;

Or to take any other action related thereto.

(Board of Selectmen for Airport Commission)
FINANCE COMMITTEE MOTION: Moved that pursuant to Chapter 90, Section 51F of the Massachusetts General Laws, the Airport Commission is hereby authorized to lease for a term not to exceed thirty (30) years, a portion of the following Town-owned property located between Milestone Road and Nobadeer Farm Road, and being a portion of land shown on Assessor's Map 69 as Parcel 31, and known as the Delta area, subject to Chapter 30 B of the Massachusetts General Laws.

ARTICLE 94
(Long-term Lease Authorization: 10 Sun Island Road)

To see if the Town will vote to authorize the Airport Commission, pursuant to Chapter 90, Section 51F of the Massachusetts General Laws to lease for a term not to exceed thirty (30) years, a portion of the following Town-owned property located at 10 Sun Island Road, and being a portion land shown on Assessor's Map 69 as Parcel 31, known as Sun Island parcels, subject to Chapter 30B of the Massachusetts General Laws;

Or to take any other action related thereto.

(Board of Selectmen for Airport Commission)
FINANCE COMMITTEE MOTION: Moved that pursuant to Chapter 90, Section 51F of the Massachusetts General Laws, the Airport Commission is hereby authorized to lease for a term not to exceed thirty (30) years, a portion of the following Town-owned property located at 10 Sun Island Road, and being a portion land shown on Assessor's Map 69 as Parcel 31, known as Sun Island parcels, subject to Chapter 30B of the Massachusetts General Laws.

ARTICLE 95
(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)
FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized 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.

ARTICLE 96
(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)
FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby be authorized 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 shall include an eight (8) foot wide path at the centerline of said way and may include other reservation of easements and restrictions.

ARTICLE 97
(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)
FINANCE COMMITTEE MOTION: Moved not to adopt the article.

ARTICLE 98
(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)
FINANCE COMMITTEE MOTION: Moved not to adopt the article.

ARTICLE 99
(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)
FINANCE COMMITTEE MOTION: Moved not to adopt the article.

FINANCE COMMITTEE COMMENT: The Committee has concerns about the costs associated with acquisition of this property as well as how such costs would be funded. Until there is more information as to the future use of the property, including a business plan with a description of the non-profit entity including articles of incorporation and financial statements; and, how such future use relates to the Town, the Committee cannot support the article.

ARTICLE 100
(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)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized 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.

ARTICLE 101
(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)

FINANCE COMMITTEE: Moved that the Board of Selectmen is hereby authorized 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.

ARTICLE 102
(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)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized 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.

ARTICLE 103
(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)
FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized 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.

ARTICLE 104
(Municipal Aggregation)

To see if the Town will vote to:

1. Authorize the initiation of a municipal aggregation program to aggregate the electrical load of interested consumers in Nantucket pursuant to M.G.L. c. 164, § 134, or any other enabling authority; and

2. Authorize the Board of Selectmen to (i) enter into an agreement with a municipal aggregation consultant to assist, at no cost to the Town, with the development, implementation and administration of such aggregation program for a term of more than three years, and (ii) take any actions and execute any other documents necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer the aggregation program and agreement, which agreement and documents shall be on such terms and conditions as the Board of Selectmen deems in the best interests of the Town.

Or to take any other action related thereto.

(Board of Selectmen)
FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to:

1. Initiate a municipal aggregation program to aggregate the electrical load of interested consumers in Nantucket pursuant to M.G.L. c. 164, § 134, or any other enabling authority; and

2. To (i) enter into an agreement with a municipal aggregation consultant to assist, at no cost to the Town, with the development, implementation and administration of such aggregation program for a term of more than three years, and (ii) take any actions and execute any other documents necessary, convenient, or appropriate to accomplish the foregoing and to

implement and administer the aggregation program and agreement, which agreement and documents shall be on such terms and conditions as the Board of Selectmen deems in the best interests of the Town.

ARTICLE 105
(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)
FINANCE COMMITTEE MOTION: Moved that Two Hundred Fifty Thousand Dollars ($250,000) be transferred from Free Cash in the Treasury of the Town to the Capital Projects Stabilization Fund.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 106
(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)
FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

ARTICLE 107
(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.

(Board of Selectmen)
FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

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