

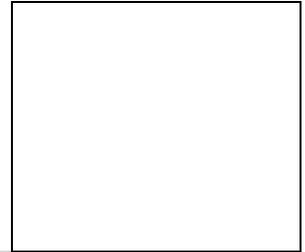


MEETING POSTING

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25

All meeting notices and agenda must be filed and time stamped with the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)



Committee/Board/s | Finance Committee

Day, Date, and Time | Tuesday, February 21, 2017 at 4:00PM

Location / Address | 4 Fairgrounds Road, PSF Community Room

Signature of Chair or Authorized Person | Julia Lindner

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

AGENDA

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

1. Call to Order
2. Public Comment
3. Approval of Minutes from Meetings on February 6 and February 13
4. Review, Discuss New Proposed Facility for Our Island Home
5. Review/Discussions/Action on Motions to Planning Board Motions for Zoning Articles
6. Review, Discuss District Improvement Financing (Article 76)
7. Review, Discuss Contract Review Committee Recommendations
8. Discussion/Action on Motions to 2017 Annual Town Meeting Warrant Articles, Including but not Limited to Articles #1-36, 91-103 (Real Estate)
9. Committee Reports
10. Date of Next Meeting: Thursday, February 23, 2017 – 4 Fairgrounds Road, PSF Community Room at 4:00PM
11. Adjournment



Town of Nantucket Finance Committee

www.nantucket-ma.gov

Committee Members: David Worth(Chair), Stephen Maury(Vice-chair), Clifford Williams, Joseph T. Grause Jr., Peter McEachern, Henry Sanford, Joanna Roche, Christopher Glowacki, Jean Grimmer

MINUTES

Monday, February 6, 2017

4 Fairgrounds Road, Community Room – 4:00 p.m.

Called to order at 4:00 p.m.

Staff in attendance: Libby Gibson, Town Manager; Brian Turbitt, Director of Finance; Julia Lindner, Financial Analyst; Terry Norton, Town Minutes Taker

Attending Members: Maury, Grause, McEachern, Roche, Glowacki, Grimmer

Absent Members: Worth, Williams, Sanford

Late Arrivals: None

Early Departures: None

Town Counsel: Brian Riley, KP Law P.C.

Documents used: January 19, 26 & 28, 2017 minutes; Warrant Articles for 2017 Annual Town Meeting.

I. ANNOUNCEMENTS

II. PUBLIC COMMENT

1. None

III. APPROVAL OF PRIOR MEETING MINUTES

1. January 19, 2017: **Motion to Approve.** (made by: McEachern) (seconded by: Glowacki) Carried 6-0
2. January 26, 2017: **Motion to Approve.** (made by: McEachern) (seconded by: Glowacki) Carried 6-0
3. January 28, 2017: **Motion to Approve.** (made by: McEachern) (seconded by: Glowacki) Carried 6-0

IV. PUBLIC HEARING: WARRANT ARTICLES FOR 2017 ANNUAL TOWN MEETING (ATM)

Public Hearing opened at 4:02 p.m.

1. Article 18 (Appropriation: Sewer Project/Additional Nantucket Harbor Shimmo Parcels and Plus Infill Parcels in Town Sewer District)

Sitting Maury, Williams, Grause, McEachern, Sanford, Roche, Glowacki, Grimmer

Discussion **John Brescher**, for Howell Trust at 2 Drew Lane – Asked the committee to incorporate into its motion the language from the 2016 ATM warrant article 18 appropriation for the Nantucket Harbor Shimmo and Plus sewer; that eliminates reference to the betterment and states that 100% of the project will be paid by the town.

Maury – These parcels were not included in last year’s article; they are adjacent parcels.

Grause – Confirmed that the intent is to ensure the additional parcels paid by Town.

2. Article 37 (Appropriation: FY2018 Community Preservation Committee)

Sitting Maury, Williams, Grause, McEachern, Sanford, Roche, Glowacki, Grimmer

Discussion **Maury** – Asked if the Academy Hill funds for the window repairs have been pulled out.

Gibson – This is a citizen article so FinCom can’t change it; however, the FinCom notes reflect the committee’s request that those funds be taken out.

3. Article 95 (Real Estate Acquisition: Nancy Ann Lane) Patricia Roggeveen
4. Article 96 (Real Estate Conveyance: Nancy Ann Lane) Patricia Roggeveen
 Sitting Maury, Grause, McEachern, Roche, Glowacki, Grimmer
 Discussion **Dave Armanetti**, Richmond Great Point Development – These are companion articles; Article 95 is for authorization to take by eminent domain by the Town and Article 96 for transfer to Richmond Development. Richmond Development will reimburse the Town 100% of the costs incurred for legal, engineering and acquisition in the taking.
5. Article 97 (Real Estate Acquisition: Mayflower Circle, Daffodil Lane) Patricia Roggeveen
6. Article 98 (Real Estate Conveyance: Mayflower Circle, Daffodil Lane) Patricia Roggeveen
 Sitting Maury, Grause, McEachern, Roche, Glowacki, Grimmer
 Discussion **Dave Armanetti**, Richmond Great Point Development – These also are companion articles for the taking and transfer of easement rights to portions of roads in the Cedar Crest 3 Subdivision. Will reimburse the Town for all costs. They are in process of reaching a final agreement with other homeowners in the subdivision about terms of overall development; hope to have the final written agreement prior to ATM. If the agreement is not ready at ATM, they will request the Town Moderator to take no action.

Public Hearing closed at 4:18 p.m.

V. COMMITTEE REPORTS/OTHER BUSINESS

1. Our Island Home Building Committee: **Maury** – Received an email with the scheduled meetings.

VI. NEXT MEETING DATE/ADJOURNMENT

Date: Monday, February 13, 2017; 4:00 p.m.; 4 Fairgrounds Road Training Room

Adjourned 4:19 p.m.

Submitted by:

Terry L. Norton



Town of Nantucket Finance Committee

www.nantucket-ma.gov

Committee Members: David Worth(Chair), Stephen Maury(Vice-chair), Clifford Williams, Joseph T. Grause Jr., Peter McEachern, Henry Sanford, Joanna Roche, Christopher Glowacki, Jean Grimmer

MINUTES

Monday, February 13, 2017

4 Fairgrounds Road, Community Room – 4:00 p.m.

Called to order at 4:00 p.m.

Staff in attendance: Brian Turbitt, Director of Finance; Julia Lindner, Financial Analyst; Terry Norton, Town Minutes Taker

Attending Members: Maury, Williams, Grause, McEachern, Sanford, Roche, Glowacki, Grimmer

Absent Members: Worth, Williams

Late Arrivals: Grause and McEachern, 4:11 p.m.

Early Departures: None

Documents used: February 6, 2017 minutes; Real Estate Assessment Committee (REC) recommendations; Warrant Articles for 2017 Annual Town Meeting(ATM).

I. ANNOUNCEMENTS

II. PUBLIC COMMENT

1. None

III. APPROVAL OF PRIOR MEETING MINUTES

1. February 6, 2017: Held

IV. REVIEW AND DISCUSS NEW PROPOSED FACILITY FOR OUR ISLAND HOME (OIH)

1. Article 14: Appropriation: New Facility for Our Island Home
- Discussion **Maury** – This was tabled to February 21, 2017. The OIH Workgroup meeting had to be postponed. There was a site visit where he learned there are only two working showers that don't hold temperature; that to him is very shocking.

V. REVIEW & DISCUSS REAL ESTATE ARTICLES AND REAL ESTATE ASSESSMENT COMMITTEE RECOMMENDATIONS

1. Article 91 (Conveyance of Easement on 30 Surfside Road to Verizon)
2. Article 92 (Conveyance of Easement on 30 Surfside Road to Nantucket Electric)
3. Article 93 (Real Estate Acquisition: Various Easements and Miscellaneous Parcels)
4. Article 94 Real Estate Conveyance: Various "Paper" Streets and Miscellaneous Parcels)
5. Article 95 (Real Estate Acquisition: Nancy Ann Lane) Patricia Roggeveen
6. Article 96 (Real Estate Conveyance: Nancy Ann Lane) Patricia Roggeveen
7. Article 97 (Real Estate Acquisition: Mayflower Circle, Daffodil Lane) Patricia Roggeveen
8. Article 98 (Real Estate Conveyance: Mayflower Circle, Daffodil Lane) Patricia Roggeveen
9. Article 99 (Real Estate Acquisition: North Road) Steven Cohen
10. Article 100 (Real Estate Conveyance: North Road) Steven Cohen
11. Article 101 (Real Estate Acquisition: Sandwich Road) Steven Cohen
12. Article 102 (Real Estate Conveyance: Sandwich Road) Steven Cohen
13. Article 103 (Real Estate Acquisition: Scott's Way) Christopher L. Ray
14. Article 104 (Real Estate Conveyance: Scotts Way) Christopher L. Ray
15. Article 108 (Real Estate Acquisition: Paper Streets – Hollister and West Quaise Roads) Lucy Dillon
16. Article 109 (Real Estate Conveyance: Paper Streets – Hollister and West Quaise Roads) Lucy Dillon

17. Article 110 (Real Estate Acquisition: Unnamed Private Ways off Low Beach Road, Sconset) Arthur Reade, Jr.
18. Article 111 (Real Estate Conveyance: Unnamed Private Ways off Low Beach Road, Sconset) Arthur Reade, Jr.
- Discussion None.

VI. REVIEW WARRANT ARTICLES FOR 2017 ANNUAL TOWN MEETING

1. Article 66 (Bylaw Amendment: Affordable Lot and Affordable Unit Requirement) Linda Holland
 Sitting Maury, Grause, McEachern, Sanford, Roche, Glowacki, Grimmer
 Discussion **Linda Holland**, sponsor – This article is to ensure housing for the Island workforce. In her
 (4:11) opinion, one cause for the housing crisis is the Island are running out of land; a lot year-round homes are being purchased and converted into summer homes. Reviewed the history and current usage of the Covenant Program; also noted the reduction of year-round residents in certain areas of the Island. The article states no subdivision are to be permitted without an affordable housing component, which would be a covenant house; subdivisions of five lots and over would have 20% of covenant homes and thus provide a definite inventory of workforce housing. The article allows for the option that if you don't want a covenant house on your site, you could provide it elsewhere. Noted that this article would be the first of its kind in the State and could meet a fair amount of opposition; she still thinks it is necessary. Pointed out that currently, much of the Island workforce is commuting on the high-speed ferries. She feels we are not going to save the Nantucket we love if we don't have the working people living here; they are the vitality of the Island.
Maury – Asked if it was her intention to make the affordability of these units created by this article under the Covenant Program; she had mentioned that but that isn't mentioned in the articles.
Holland – Her intent had been for the article to create units through the Covenant Program.
Maury – Pointed out the Covenant Program doesn't get Nantucket toward Subsidized Housing Inventory.
Grause – Confirmed that the article is for owner occupied residences, not rentals.
Holland – Yes, it is to expand the covenant inventory. If it were rented, it would still have some price control on it.
Maury – The Covenant program requires the owner live in the house 10 out of 12 months. If we make a positive recommendation, we would include the language about the Nantucket Housing meets covenant.
2. Article 67 (Bylaw Amendment: Residential Housing Size) Linda Holland
 Sitting Maury, Grause, McEachern, Sanford, Roche, Glowacki, Grimmer
 Discussion **Linda Holland**, sponsor – Chilmark voted this in 2013 and the Attorney General approved it
 (4:20) and has not been defeated in appeals. This article would limit living area not ground cover; there would have to be a new definition of living area in our bylaws. Living area gets into floor levels.
Grause – Asked the logic behind the limitation.
Holland – To limit the living area of residences and prevent the proliferation of "high rise" apartments. She believes in the Island's open space, historic character and clean environment. Pointed out that a lot of old houses are getting huge basements that emit light at night and affects the street. She believes raising the height limit to 40 feet in certain districts is the beginning of the end.
Maury – This article talks about gross living area even if it isn't visible; that means basement living space would have to be calculated.
Holland – She is concerned that basement levels could start encroaching into the water table. She hopes between now and ATM the articles will be tweaked by people in the trade. She has gotten a lot of positive public response to this article.
 Discussion about the current limitations on construction.

VII. COMMITTEE REPORTS

1. OIH: **Maury** – Nothing to add at this time.
2. Fire Station: **Maury** – He believes the bids for the panelized construction were supposed to be back in February 2017; asked for an update. **Turbitt** – It is being redesign for panelized construction then that Request for Proposal will go out under Chapter 149 Section 14. There is a contract to redesign it as stick-built. Depending on the outcome of the panelized bids, the decision will be made whether or not to go for conventional construction bids.

VIII. NEXT MEETING DATE/ADJOURNMENT

Date: Tuesday, February 21, 2017; 4:00 p.m.; 4 Fairgrounds Road Community Room

Adjourned 4:39 p.m.

Submitted by:
Terry L. Norton

PROPOSED



Presentation to the Nantucket Board of Selectmen

Preliminary Project Feasibility: Our Island Home



January 11, 2017

Purpose

This presentation is intended to provide an overview of the key assumptions being used in the financial feasibility analysis for Our Island Home's replacement facility project.

The programs, development schedules, and other data should be considered preliminary and subject to change. As is typical for projects at this stage of planning, further due diligence on construction costs, design, financial feasibility, etc. will be required.

Program Specifics

OUR ISLAND HOME

30 Skilled Nursing Beds

- 3 houses
- All private rooms with private baths

10 Level IV Rest Home Beds

- 1 house
- All private rooms with private baths

Base Assumptions

The preliminary development budget is based on the following inputs and assumptions:

- Management's FY2017 operating budget.
- Program for the Project – 30 Skilled Nursing Beds, 10 Rest Home Beds (4 houses).
- Operating Plan for the Project as developed by Management with Rabig Consulting.
- Project costs and development program as created by DG Jones International, Inc.
- Preliminary financing scenario as prepared by Management.
- OIH will remain Town managed (explored other management/ownership structures but were not feasible).

Key Operating Assumptions

Revenues:

- Stabilized occupancy
 - Skilled Nursing – 95% (28.5 out of 30 beds)
 - Rest Home – 92% (9.2 out of 10 beds)
- Fill- Up Assumptions:
 - Skilled Nursing – full upon opening (transfer of existing residents)
 - Rest Home – 10 months to achieve stabilized occupancy

Preliminary Project Budget

Daily Service Fees & Payer Mix

Unit Type/Payer Type	Payer Mix	Number of Residents	Daily Service Fees (FY2020 \$)
<u>Skilled Nursing</u>			
Private Pay	20%	5.69	\$517.73
Medicaid/MassHealth	75%	21.38	222.20
Medicare	5%	1.43	378.85
<hr/>			
Skilled Nursing Occupied Units/ Average Fees	100%	28.50	\$289.06
<hr/>			
<u>Rest Home</u>			
Private Pay	20%	0.92	\$337.65
Medicaid/MassHealth	75%	8.28	129.90
<hr/>			
Rest Home Occupied Units/ Average Fees	100%	28.50	\$289.06

Key Operating Assumptions (cont'd)

Revenues (cont'd):

➤ *Revenue Inflation Assumptions*

- Skilled Nursing:
 - Private = 3% annually
 - Medicare = 2% annually
 - Medicaid = 2% annually

- Rest Home:
 - Private = 3% annually
 - Medicaid = 2% annually

Key Operating Assumptions (cont'd)

Operating Expenses:

- OIH's existing operations used as the starting point for operating expenses (wage rates, benefits, food costs, supplies, etc.)
- *Expense Inflation Assumption:*
 - General operating expenses inflated 3% annually
 - Healthcare inflated 7.5% annually
 - Barnstable Retirement Benefit inflated 6.0% annually

Key Operating Assumptions (cont'd)

Other Financial Assumptions:

- Certified Public Expenditure Program (CPE)
 - Due to uncertainty regarding this program, the financial projections did not include any funds received from the CPE

Financing Scenarios

Key Financing Assumptions (Preliminary)

➤ Total Project Budget	\$29,928,852
➤ Interest Rate	3.50%
➤ Amortization	30 years

** As a municipally-owned and operated facility, certain rules apply to the OIH financing and operation. As such, it is important to note that the operations and financing of the project will be funded through two separate funds at the Town level.*

Summary Financial Results

Our Island Home

Projected Statements of Activities and Changes in Net Assets (Deficit)

For the Fiscal Years Ending June 30th

(in thousands of dollars)

	2021	2022	2023	2024	2025
Revenue, gains, and other support					
Net resident service revenues					
Assisted Living and Memory Care	517	529	541	553	565
Health care	3,078	3,151	3,225	3,301	3,379
Total revenue, gains, and other support	3,595	3,680	3,766	3,854	3,944
Expenses					
Wages	2,935	3,023	3,114	3,208	3,304
Benefits and other	916	986	1,059	1,141	1,228
Barnstable County Retirement	742	787	834	884	937
Utilities	192	197	203	210	216
Contractual obligations	147	151	156	160	165
Food	171	176	181	187	192
Professional services	646	666	686	706	728
Medical supplies	94	97	100	103	106
General insurance	96	99	102	105	108
Other supplies	62	64	66	68	70
Other expenses	126	129	133	137	142
Total expenses	6,127	6,375	6,634	6,909	7,196
Cash flows (losses) from operations	(2,532)	(2,695)	(2,868)	(3,055)	(3,252)
Interest expense	(949)	(907)	(864)	(819)	(773)
Principal payments on Series bonds	(1,173)	(1,214)	(1,256)	(1,300)	(1,346)
Cash flows (losses) from operations after debt service	(4,654)	(4,816)	(4,988)	(5,174)	(5,371)
Investment and interest income, net	-	-	-	-	-
Routine capital expenditures	(41)	(42)	(44)	(45)	(46)
Net cash flows before project activity below	(4,695)	(4,858)	(5,032)	(5,219)	(5,417)

Summary Financial Results (cont'd)

Comparison to Clifton Larson Allen PPD Report*

Total Operating Costs Per Patient Day	Totals
2014 Northeast 90th Percentile	182.29
2014 Northeast 50th Percentile	247.50
2014 Northeast 10th Percentile	341.87
OIH - Existing Operations	522.02
OIH - Future Operations**	394.17
OIH - Existing vs. Future Operations	(127.85)

* *The 30th Edition: Skilled Nursing Facility Cost Comparison, Clifton Larson Allen LLP, 2015*

** *Present Value of FY2021 projected costs at stabilization of new project*

Operating Plan

Directions for operational components that differ from traditional model of care.



VS



Operating Plan - Content

- ▶ Small House Model of Care – Multifaceted
- ▶ All Components are included in the plan
- ▶ Next steps – team decision making
 - ▶ Culture
 - ▶ Budget
 - ▶ People resources

Operating Plan – Major Shifts

Electronic Environment

Communication

Security

Medical records, time & attendance

Message boards

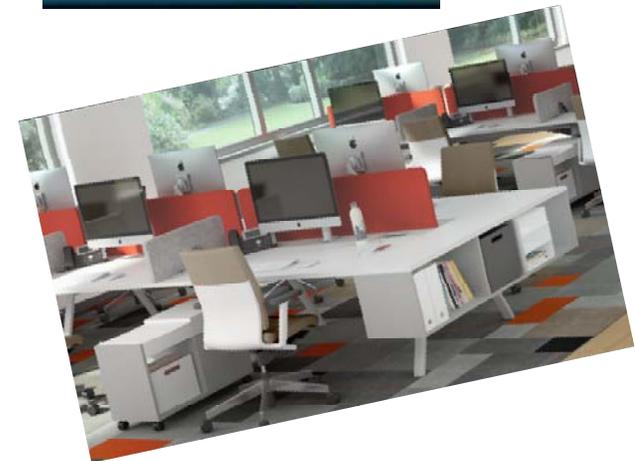


Embedded Leadership

80/20

Changes in duties & responsibilities

Universal Worker – Care Partner



Our Island Home**Analytical: Stabilized Year**

Projected Statements of Activities and Changes in Net Assets (Deficit)

For the Fiscal Years Ending June 30th

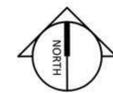
(in thousands of dollars)

	Forecasted Existing	Projected Project
	2021	2021
Revenue, gains, and other support		
Net resident service revenues		
Independent Living	\$ -	\$ -
Assisted Living and Memory Care	\$ -	517
Health care	\$ 3,154	3,078
Other support		
Total revenue, gains, and other support	3,154	3,595
Expenses		
Wages	5,219	2,935
Benefits and other	1,482	916
Barnstable County Retirement	884	742
Utilities	206	192
Repairs and maintenance	36	-
Contractual obligations	157	147
Food	183	171
Professional services	695	646
Medical supplies	102	94
General insurance	104	96
Other supplies	67	62
Other expenses	136	126
Total expenses	9,271	6,127
Cash flows (losses) from operations	(6,117)	(2,532)
Interest expense	-	(949)
Principal payments on Series bonds	-	(1,173)
Cash flows (losses) from operations after debt service	(6,117)	(4,654)
Investment and interest income, net	-	-
Routine capital expenditures	(562)	(41)
Net cash flows	(6,679)	(4,695)
Project-related financing proceeds & expenditures		
Unrestricted contributions and gifts	-	-
Issuance of long term debt	-	-
Deferred financing costs	-	-
Purchase of property and equipment	-	-
Interest cost capitalized during construction period	-	-
Sub-total project-related financing proceeds & expenditures	-	-
NET CASH FLOWS (LOSSES)	(6,679)	(4,695)



OUR ISLAND HOME
TOWN OF NANTUCKET
 NANTUCKET, MA

Existing Conditions Site Plan
 Our Island Home Property



January, 2017



ARCHITECTURE

ENGINEERING

PLANNING

INTERIORS

ENERGY

smrtinc.com



OUR ISLAND HOME
 MIACOMET ROAD
 NANTUCKET, MA

Overall Concept Plan





OUR ISLAND HOME
 MIACOMET ROAD
 NANTUCKET, MA

Small Home Concept Plan





OUR ISLAND HOME
MIACOMET ROAD
NANTUCKET, MA

Exterior Rendering
View toward Building Entry

ARCHITECTURE

ENGINEERING

PLANNING

INTERIORS

ENERGY



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OUR ISLAND HOME
MIACOMET ROAD
NANTUCKET, MA

Exterior Rendering
View from Sherburne Commons

ARCHITECTURE

ENGINEERING

PLANNING

INTERIORS

ENERGY



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OUR ISLAND HOME
MIACOMET ROAD
NANTUCKET, MA

Exterior Rendering
View toward Gathering Space

ARCHITECTURE

ENGINEERING

PLANNING

INTERIORS

ENERGY



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OUR ISLAND HOME
MIACOMET ROAD
NANTUCKET, MA

Exterior Rendering
View toward back of building

ARCHITECTURE

ENGINEERING

PLANNING

INTERIORS

ENERGY



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Our Island Home Project Cost Summary
January 6, 2017



Planning Assumptions			
	New Construction	34,611	Square Feet
	Estimated Cost Per SF	\$ 635	
	Anticipated Construction Cost	\$ 21,979,411	D.G. Jones Estimate 1/5/17
Soft Costs			
	A/E Basic Services Anticipated Fee	\$ 1,978,147	9% of construction cost
	OPM	\$ 659,382	3% of construction cost
	Furniture Fixtures and Equipment	\$ 1,450,000	
	Site Investigation and Testing	\$ 265,000	
	Administrative Costs and Fees	\$ 300,000	
Contingencies			
	Owner's Contingency (5%)	\$ 1,098,971	
	Construction Contingency (10%)	\$ 2,197,941	
Total Project Cost			
	Total Cost	\$ 29,928,852	

Notes and Assumptions:

1. Property acquisition is not included.
2. Hazardous material removal is not included.
3. Construction cost is escalated to midpoint of construction.



Trusted Guidance to the Senior Living Industry

**Consultant's Report
Financial Feasibility Analysis**

of

**Our Island Home
Nantucket, MA**

January 6, 2017

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Town of Nantucket
Our Island Home
Nantucket, MA 02554

SK Advisors (“SK”) was engaged by the Town of Nantucket (the “Town”) to conduct an independent financial analysis of Our Island Home (“OIH”), a skilled nursing facility located in Nantucket, MA. This analysis was intended for the purpose of conducting a financial feasibility for a new replacement facility for OIH.

Through extensive study, the Town has determined that the existing OIH needs to be replaced with a new, more contemporary facility to provide care and services to the elderly living on Nantucket. Over the years, the OIH physical structure has aged and does not meet the standard of care for elderly residents. In November 2016, the Board of Selectman voted to explore plans for a replacement skilled nursing facility to be located on a new site on Miacomet Road (the “Project”).

The Town engaged SK to conduct a financial feasibility analysis of the Project. Work conducted by SK included: (i) an analysis of the demographics on Nantucket, which were taken in the context of broader national trends to determine the proper size and bed mix for the Project; and, (ii) a financial feasibility analysis to project the future operations of the new facility.

SK developed a set of detailed revenue assumptions based on OIH’s current rates and utilization metrics. SK also analyzed the current expenses of OIH, and worked with OIH Management to develop a set of expense assumptions. The end result is a financial projection that illustrates the forecasted operations of OIH if it were to proceed with construction of the new facility. Overall, this report includes a summary of the financial projections and key assumptions which SK and OIH Management believe to be significant.

The projections included in this report constitute “forward-looking statements.” When used in this report, the words “estimate,” “expect,” “project,” “intend,” “anticipate,” “believe,” “may,” “will,” “continue” and similar expressions identify forward-looking statements. Any forward-looking statement is subject to uncertainty and risks that could cause actual results to differ, possibly materially, from those contemplated in such forward-looking statements. Although SK and management of OIH believe that the assumptions upon which these projections are based are reasonable, any of the assumptions could prove to be inaccurate and, as a result, the forward-looking statements based on those assumptions could also be incorrect. All phases of the operations of OIH involve risks and uncertainties, many of which are outside of OIH’s control and any one of which, or a combination of which, could materially affect the results with respect to operations.

Factors that could cause actual results to differ from those expected include, but are not limited to, general economic conditions, reduced third party reimbursement rates, changes in tax laws or governmental regulations, unanticipated expenses or delays encountered during construction and other risks.



This report is not prepared in accordance with the American Institute of Certified Public Accounting’s generally accepted accounting principles or accounting or auditing standards.

Background & Summary of the Project

Our Island Home (“OIH”) is a 45-bed skilling nursing facility located on the island of Nantucket, Massachusetts and owned and managed by the Town of Nantucket. The existing OIH facility opened in 1981 and represents a traditional/institutional care model.

As the skilled nursing industry has evolved, the preferred care model has transitioned away from the traditional/institutional model and more toward the resident-centered model (i.e. “small home” care model). This evolution has been driven by many factors, not the least of which is the understanding that the traditional/institutional model of care was not meeting the social and emotional needs of residents. Moreover, government reimbursement (Medicare and Medicaid), which is the primary revenue source for skilled nursing facilities, has been pushing reimbursement dollars away from institutional models of care.

The existing OIH physical structure is predominantly semi-private rooms with shared bathrooms and not handicapped accessible. The existing structure does not support a contemporary standard of care for elderly residents. After extensive study, the Nantucket Board of Selectman voted to explore plans for a replacement skilled nursing facility to be located on the campus of Sherburne Commons, an independent and assisted living community also located on Nantucket.

The new facility would be a 34,611 square foot structure, comprising four 10-bed houses connected by common areas. The facility would comprise a total of 40 beds, 30 designated as long-term care and 10 as Level IV Rest Home beds (also known as a Residential Care Facility). A Rest Home is a housing facility, licensed by the Massachusetts Department of Public Health, which provide 24-7 supervision and supportive services but for individuals who do not need a nursing home level of nursing or medical care.

While OIH has historically reported solid occupancy for its 45-bed facility (average of 91.2% over the past three years), two factors point to a reduction in long-term care beds: (1) there has been a general trend across the country of lower utilization of nursing home beds due to alternative care options; and, (2) an analysis of the acuity mix of OIH residents found that a certain number would be better suited for a lower level of care option, such as a rest home.

For more information on the evolution of the skilled nursing industry and the impact on OIH’s future plans, refer to report “The Future of Eldercare on Nantucket” (March 2016), prepared by SK Advisors and Rabig Consulting.

Summary of Significant Projection Assumptions

Basis of Assumptions

The assumptions utilized in the financial projections dated January 4, 2017 are based on:

- Management's fiscal 2017 budget for the existing facility;
- Program for the Project, consisting of four 10-unit small houses (one Rest Home and three Skilled Nursing houses);
- Operating plan for the Project as developed by Rabig Consulting and Management;
- Development program for the Project as developed by DG Jones International, Inc. and SMRT Architects & Engineering; and
- Management's financing scenario

OIH has historically operated at a deficit, thus requiring an annual subsidy from the Town to cover the shortfalls. The financial projections that follow on the proceeding page are intended to present the projected operations of the new project prior to any required subsidy from the Town.

Summary of Revenue Assumptions

Revenues are driven by occupancy of both the Skilled Nursing and Rest Home beds. OIH's current occupancy is approximately 92% (41.4 out of 45 beds). Stabilized occupancy for the project is assumed to be 94% (37.6 out of 40 beds). See below for detail regarding stabilized occupancy by level of care.

Stabilized Occupancy and Fill Up

Skilled Nursing:

- The proposed, new Skilled Nursing beds are forecasted to be available for occupancy in January 2019 and be full upon opening from existing OIH residents. It is assumed that OIH will reduce its skilled nursing/long-term care occupancy over a twelve month period beginning with the start of construction by allowing for natural attrition and discharges. Based on its historical rate of discharge, as analyzed over a period of five years, the natural annual attrition rate is approximately 16-19 residents.
- Stabilized occupancy of 95% (or 28.5 beds) is projected to be reached in January 2019.

Rest Home:

- The proposed, new Rest Home beds are forecasted to be available for occupancy in January 2019.
- Stabilized occupancy of 92% (or 9.2 beds) is projected to be reached by December 2019 based on a 12-month fill schedule, detailed as follows:

Rest Home Fill-Up Assumption

	Month	Beds Available	Occupied Beds	Cumulative	% Occupied
1	January-19	10.0	-	-	0.0%
2	February-19	10.0	1.0	1.0	10.0%
3	March-19	10.0	1.0	2.0	20.0%
4	April-19	10.0	1.0	3.0	30.0%
5	May-19	10.0	1.0	4.0	40.0%
6	June-19	10.0	1.0	5.0	50.0%
7	July-19	10.0	1.0	6.0	60.0%
8	August-19	10.0	1.0	7.0	70.0%
9	September-19	10.0	1.0	8.0	80.0%
10	October-19	10.0	1.0	9.0	90.0%
11	November-19	10.0	0.2	9.2	92.0%
12	December-19	10.0	-	9.2	92.0%

The first fully stabilized year of occupancy is FY2021.

Daily Service Fees and Payer Mix

It is assumed that OIH will generate its revenue by charging a Daily Service Fee (or per diem rate), as is its current practice. Management has assumed that 75% of the Skilled Nursing residents will be Medicaid/MassHealth payers, 20% will be private payers, and the remaining residents will be Medicare payers (5%).

For the Rest Home, Management has assumed that approximately 90% of the residents will be Medicaid/MassHealth payers; the remainder will pay a private pay rate. Daily service fees, payer mix, and occupied units are presented below, inflated to FY2021 dollars (the first stabilized year of operations):

Unit Type/Payer Type	Payer Mix	Number of Residents	Daily Service Fees (FY2021 \$)
Skilled Nursing			
Private Pay	20%	5.69	\$533.26
Medicaid/MassHealth	75%	21.38	215.30
Medicare	5%	1.43	386.43
Skilled Nursing Occupied Units/ Average Fees			
	100%	28.50	\$287.45
Rest Home			
Private Pay	10%	0.92	\$347.78
Medicaid/MassHealth	90%	8.28	132.50
Rest Home Occupied Units/ Average Fees			
	100%	28.50	\$154.03

Revenue Inflation Rates

The following annual revenue inflation rates are applied in July of each year:

Rest Home private pay rates	3.0%
Rest Home Medicaid rates	2.0%
Skilled nursing private pay rates	3.0%
Skilled nursing Medicaid rates	2.0%
Skilled nursing Medicare rates	2.0%

Summary of Operating Expense Assumptions

Operating expenses were generated from analysis of the FY2017 operating budget and adjusted for the small house model. Variable costs, such as utilities and food costs, are projected to fluctuate with occupancy. Staffing costs (wages and benefits) comprise 63% of total operating expenses, or approximately \$3,851,000 in FY2021. Benefits are assumed to equal 30% of wages. Historically, benefits have ranged from 22.7% to 27.6% of wages, with an average of 24.8%.

Non-staffing costs (excluding debt service) comprise 37% of total operating expenses, or approximately \$2,276,000 in FY2021. Included in this is approximately \$742,000 for Barnstable County Retirement, \$192,000 for utilities, and \$646,000 for professional services.

Most operating expenses (such as food, utilities, supplies) are assumed to increase by 3.0% annually. However, Management anticipates that certain expenses will inflate at a higher rate. Specifically, healthcare insurance benefits are assumed to increase 7.5% annually. Likewise, the Barnstable County Retirement Benefits are assumed to increase 6.0% annually.

Per Patient Day Analysis

The following illustrates the projected expenses on a per patient day (PPD) basis for FY2021:

			FY2021	
	SNF	Rest Home	Total	PPD
Beds	30	10	40	
FTEs	38.80	3.50	42.30	
Patient Days	10,403	3,358	13,761	
	28.50	9.20	37.70	
<i>Expenses</i>				
Salaries & Benefits	3,547	304	3,851	279.85
Barns Cty Rtrmt	681	61	742	53.92
Contractual Oblig	111	36	147	10.68
Utilities	145	47	192	13.95
Food	129	42	171	12.43
Prof Svcs - SNF	452	-	452	32.86
Prof Svcs - Other	147	47	194	14.08
Medical Supplies	71	23	94	6.83
General Insurance	73	23	96	6.98
Other Supplies	47	15	62	4.51
Other Expenses	95	31	126	9.16
Total Expenses	5,498	629	6,127	445.24

Routine Capital Expenditures

Routine capital expenditures are projected at \$41,000 in FY2021. Beginning in FY2022, this amount is inflated 3.0% annually.

Other Financial Assumptions

Certified Public Expenditure Program

Since 2010, OIH has participated in Massachusetts' Certified Public Expenditure program (CPE), which is a program that provides additional reimbursement for municipally owned skilled nursing facilities. There are only two municipally-owned skilled nursing facilities in Massachusetts that receive CPE funding: OIH and Taunton Nursing Home (Taunton, MA).

The timing of the CPE payments is highly inconsistent (e.g. benefits tied to 2011 were not received until 2014), and the continuation of this program is uncertain. OIH (and by extension, the Town) cannot be expected to rely on CPE as a funding source in the future. As a result, the projections do not include any funds received as part of the CPE program.

Summary of Project Budget & Financing Plan

The project budget, which includes four 10-unit small houses, totals approximately \$29.9 million. Construction is assumed to begin in September 2017 and continue for 16 months, with occupancy beginning in January 2019.

The project is proposed to be financed with long term bonds to be issued by the Town. The financing is assumed to close in September 2017. It is anticipated that the bonds would be in place for 20 years. For purposes of the projections, an interest rate on the debt of 3.50% was assumed.

A sources and uses table for the Project is provided below:

Sources and Uses of Funds (in thousands)	
Project	
Sources:	
Bonds	\$29,929
<hr/>	
Total Sources of Funds:	\$29,929
<hr/>	
Uses:	
Construction Total	\$25,627
Design & Engineering	1,978
Owner’s Contingency	1,099
Owner’s Representative	660
Miscellaneous	565
<hr/>	
Total Uses of Funds:	\$29,929

The plan of finance outlined above is for informational purposes only; however, since OIH is a municipally-owned and operated facility, certain rules apply to the financing and operation. The operations and financing will be funded through two separate funds at the Town level.

At this time, no determination on the potential future use of the existing OIH site has been made or how that may impact the projections.

Project Timeline

April 2017	Town meeting to authorize borrowing and ballot to approve debt exclusion
April 2017 - September 2017	Development activities (planning, entitlements, architecture, etc.)
May 2017	Issue Bond Anticipation Notes to fund pre-financing project costs
September 2017	Close on Financing
September 2017 - December 2018	Construction (16 months)
January 2019	Project Available for Occupancy

The above timeline is preliminary and assumes a positive vote at the April 2017 Town Meeting. Note that these dates could change due to a variety of factors, many of which are outside the control of OIH and/or the Town of Nantucket.

PROJECTED FINANCIAL STATEMENTS



Trusted Guidance to the Senior Living Industry

Our Island Home

Projected Statements of Activities and Changes in Net Assets (Deficit)

For the Fiscal Years Ending June 30th

(in thousands of dollars)

	2021	2022	2023	2024	2025
Revenue, gains, and other support					
Net resident service revenues					
Assisted Living and Memory Care	517	529	541	553	565
Health care	3,078	3,151	3,225	3,301	3,379
Total revenue, gains, and other support	3,595	3,680	3,766	3,854	3,944
Expenses					
Wages	2,935	3,023	3,114	3,208	3,304
Benefits and other	916	986	1,059	1,141	1,228
Barnstable County Retirement	742	787	834	884	937
Utilities	192	197	203	210	216
Contractual obligations	147	151	156	160	165
Food	171	176	181	187	192
Professional services	646	666	686	706	728
Medical supplies	94	97	100	103	106
General insurance	96	99	102	105	108
Other supplies	62	64	66	68	70
Other expenses	126	129	133	137	142
Total expenses	6,127	6,375	6,634	6,909	7,196
Cash flows (losses) from operations	(2,532)	(2,695)	(2,868)	(3,055)	(3,252)
Interest expense	(949)	(907)	(864)	(819)	(773)
Principal payments on Series bonds	(1,173)	(1,214)	(1,256)	(1,300)	(1,346)
Cash flows (losses) from operations after debt service	(4,654)	(4,816)	(4,988)	(5,174)	(5,371)
Investment and interest income, net	-	-	-	-	-
Routine capital expenditures	(41)	(42)	(44)	(45)	(46)
Net cash flows before project activity below	(4,695)	(4,858)	(5,032)	(5,219)	(5,417)

2017 ATM Warrant Articles - Finance Committee Motions (as of 2/13/17)						
Article Number	Description	Sponsor	Motion Drafted By	Date Voted	FinComm Motion	Action
Article 1	Receipt of Reports					
Article 2	Appropriation: Unpaid Bills		BT			
Article 3	Appropriation: Prior Year Articles		BT			
Article 4	Appropriation: Reserve Fund		LG			
Article 5	Rescind Unused Borrowing Authority		BT			
Article 6	Fiscal Year 2017 General Fund Budget Transfers		BT			
Article 7	Personnel Compensation Plans for Fiscal Year 2018		LG			
Article 8	Appropriation: Fiscal Year 2018 General Fund Operating Budget		BT			
Article 9	Appropriation: Health and Human Services		BT			
Article 10	Appropriation: General Fund Capital Expenditures		BT			
Article 11	Appropriation: Fiscal Year 2018 Enterprise Funds Operations		BT			
Article 12	Appropriation: Enterprise Funds Capital Expenditures		BT			
Article 13	Enterprise Funds: Fiscal Year 2017 Budget Transfers		BT			
Article 14	Appropriation: New Facility for Our Island Home		BT/LG			
Article 15	Appropriation: Real Property Acquisition		LG			
Article 16	Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes		LG			
Article 17	Zoning Bylaw and Zoning Map Change: Sherburne Commons		Planning/AV			
Article 18	Appropriation: Sewer Project/Additional Nantucket Harbor Shimmo Parcels and Plus Infill Parcels in Town Sewer District		LG			
Article 19	Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes		LG			
Article 20	Appropriation: Waterways Improvement Fund		BT			
Article 21	Appropriation: Ambulance Reserve Fund		BT			
Article 22	Appropriation: County Assessment		LG			
Article 23	Appropriation: Finalizing Fiscal Year 2018 County Budget		LG			
Article 24	Designation of Use of Bond Proceeds		TOWN COUNSEL			
Article 25	Appropriation: Ferry Embarkation Fee		BT			
Article 26	Appropriation: Affordable Housing Trust Fund		LG			
Article 27	Appropriation: Other Post-Employment Benefits Trust Fund		LG			
Article 28	Establishment of and Appropriation for Stabilization Fund for Airport		BT			
Article 29	Appropriation: Collective Bargaining Agreement/Laborer's Union					
Article 30	Appropriation: Collective Bargaining Agreement/Fire					
Article 31	Appropriation: Collective Bargaining Agreement/Airport Union					
Article 32	Appropriation: Collective Bargaining Agreement/Our Island Home					
Article 33	Appropriation: Collective Bargaining Agreement/Public Works					
Article 34	Appropriation: Collective Bargaining Agreement/Police					
Article 35	Appropriation: Collective Bargaining Agreement/Wannacomet Water					
Article 36	Surplus Equipment Disposition: Airport Fuel Truck		LG			
Article 37	Appropriation: FY 2018 Community Preservation Committee	Kenneth Beaugrand		1/10/2017	Motion to Adopt, with line item veto (\$256k for Academy Hill windows)	Motion Passed
Article 38	Zoning Map Change: RC to ROH - Old North Wharf, Commercial Wharf, Still Dock, Commercial Street, and Washington Street		Planning/AV			
Article 39	Zoning Map Change: RC to CDT - Old South and Straight Wharves and New Whale Street		Planning/AV			
Article 40	Zoning Bylaw Amendment: Harbor Overlay District		Planning/AV			
Article 41	Zoning Map Change: North Water Street		Planning/AV			
Article 42	Zoning Map Change: RC to CMI - Mid-Island: Sparks Avenue and Pleasant Street		Planning/AV			
Article 43	Zoning Map Change: RC to CMI - Mid-Island: Orange Street		Planning/AV			
Article 44	Zoning Map Change: RC to CN - Mid-Island: Pleasant Street, Sparks Avenue, and Williams Lane		Planning/AV			
Article 45	Zoning Map Change: R-1 to CN - Mid-Island		Planning/AV			
Article 46	Zoning Map Change: RC to CN - Nantucket Inn		Planning/AV			
Article 47	Zoning Map Change: R-20 to CN - Airport Road	Kim Glowacki	Planning/AV			
Article 48	Zoning Map Change: RC-2 to R-5 - Park Circle		Planning/AV			
Article 49	Zoning Map Change: RC-2 to R-5 - Nobadeer Farm, Hinsdale, and Sun Island Road		Planning/AV			
Article 50	Zoning Map Change: RC-2 to CMI - Airport		Planning/AV			
Article 51	Zoning Map Change: RC-2 to CTEC - Teasdale Circle		Planning/AV			
Article 52	Zoning Map Change: RC-2 to CI and/or CTEC - Airport		Planning/AV			
Article 53	Zoning Map Change: RC-2 to R-40 - Nobadeer Farm Road		Planning/AV			
Article 54	Zoning Map Change: RC-2 to R-5, R-10, and CTEC - Old South Road and Pine Crest Drive		Planning/AV			
Article 55	Zoning Map Change: RC-2 to R-5 - Nobska Way, Appleton Road, and Essex Road		Planning/AV			
Article 56	Zoning Map Change: RC-2 to CN - Essex Road		Planning/AV			
Article 57	Zoning Map Change: 3-9 South Shore Road	Arthur I. Reade, Jr.	Planning/AV			
Article 58	Zoning Map Change: 3 South Shore Road	Arthur I. Reade, Jr.	Planning/AV			
Article 59	Zoning Map Change: LUG-2 to LUG-1 - South Shore Road	Marcia Rubin	Planning/AV			
Article 60	Zoning Map Change: LUG-2 to R-40 - Evergreen Way	Lindsay Knapp	Planning/AV			
Article 61	Zoning Map Change: LUG-2 to LUG-1 - Evergreen Way	Lindsay Knapp	Planning/AV			
Article 62	Zoning Map Change: R-20 and LUG-2 to LUG-1 - Skyline Drive and Woodland Drive	Paul F. Smith	Planning/AV			

2017 ATM Warrant Articles - Finance Committee Motions (as of 2/13/17)						
Article Number	Description	Sponsor	Motion Drafted By	Date Voted	FinComm Motion	Action
Article 63	Zoning Map Change: LUG-2 to LUG-1 - Monohansett Road and Okorwaw Avenue	Barbara Clarke	Planning/AV			
Article 64	Zoning Map Change: LUG-3 to LUG-2: 7 West Miacomet Road	Charles W. Fisher	Planning/AV			
Article 65	Zoning Map Change: Miscellaneous Split Lot Corrections		Planning/AV			
Article 66	Bylaw Amendment: Affordable Lot and Affordable Unit Requirement	Linda Holland	Planning/AV			
Article 67	Bylaw Amendment: Residential Housing Size	Linda Holland	Planning/AV			
Article 68	Zoning Bylaw Amendment: Residential Commercial (RC) and Commercial Industrial (CI) Districts		Planning/AV			
Article 69	Zoning Bylaw Amendment: Village Residential (VR)	Robert M. Kucharavy	Planning/AV			
Article 70	Zoning Bylaw Amendment: Village Height Overlay District	Bradford L. Fleming	Planning/AV			
Article 71	Zoning Use Chart Amendment: Prohibition Regarding Helicopters	David D. Worth	Planning/AV			
Article 72	Zoning Bylaw Amendment: Rear Lot Subdivision		Planning/AV			
Article 73	Zoning Bylaw Amendment: Moorlands Management District		Planning/AV			
Article 74	Zoning Bylaw Amendment: Secondary Lots		Planning/AV			
Article 75	Zoning Bylaw Amendment: Technical Amendments		Planning/AV			
Article 76	Bylaw Amendment: District Improvement Financing		TOWN COUNSEL			
Article 77	Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes	Steven Cohen	LG			
Article 78	Revolving Accounts Bylaw		LG			
Article 79	Revolving Accounts: Spending Limits for FY 2018		BT			
Article 80	Local Option Tax on Sale of Recreational Marijuana		LG			
Article 81	Licenses and Permits of Delinquent Taxpayers - Bylaw Amendment		LG			
Article 82	Acceptance of Massachusetts General Law: Authority to Set Local Speed Limits		LG			
Article 83	Acceptance of Massachusetts General Law: Amendments to OPEB Trust Fund		LG			
Article 84	Acceptance of Massachusetts General Law Chapter 48, Section 42	Jeffrey M. Allen	LG	1/10/2017	<i>Motion not to Adopt</i>	<i>Motion Passed</i>
Article 85	Reaffirmation of Separate Fire and Police Departments	Jeffrey M. Allen	LG	1/10/2017	<i>Motion not to Adopt</i>	<i>Motion Passed</i>
Article 86	Home Rule Petition: Charter Amendment/Appointment of Finance Committee, and Bylaw Amendment: Committees/Finance Committee Changes	Michael A. Glowacki	LG	1/10/2017	<i>Motion not to Adopt</i>	<i>Motion Passed</i>
Article 87	Home Rule Petition: Merger of Nantucket Water Commission and Siasconset Water Commission		LG			
Article 88	Home Rule Petition: Community Housing Bank Real Estate Transfer Fee		LG			
Article 89	Home Rule Petition: Amending Special Act Authorizing Affordable Housing Covenants		LG			
Article 90	Amendments to Chapter 100 of the Code of the Town of Nantucket		LG			
Article 91	Conveyance of Easement on 30 Surfside Road to Verizon		LG			
Article 92	Conveyance of Easement on 30 Surfside Road to Nantucket Electric		LG			
Article 93	Real Estate Acquisition: Various Easements and Misc. Parcels		LG			
Article 94	Real Estate Conveyance: Various "Paper" Streets and Misc. Parcels		LG			
Article 95	Real Estate Acquisition: Nancy Ann Lane	Patricia Roggeveen	LG	2/13/2017	<i>Move to Adopt</i>	<i>Motion Passed</i>
Article 96	Real Estate Conveyance: Nancy Ann Lane	Patricia Roggeveen	LG	2/13/2017	<i>Move to Adopt</i>	<i>Motion Passed</i>
Article 97	Real Estate Acquisition: Mayflower Circle, Daffodil Lane	Patricia Roggeveen	LG	2/13/2017	<i>Move to Adopt</i>	<i>Motion Passed</i>
Article 98	Real Estate Conveyance: Mayflower Circle, Daffodil Lane	Patricia Roggeveen	LG	2/13/2017	<i>Move to Adopt</i>	<i>Motion Passed</i>
Article 99	Real Estate Acquisition: North Road	Steven Cohen	??	2/13/2017	<i>Move to Adopt</i>	<i>Motion Passed</i>
Article 100	Real Estate Conveyance: North Road	Steven Cohen	??	2/13/2017	<i>Move to Adopt</i>	<i>Motion Passed</i>
Article 101	Real Estate Acquisition: Sandwich Road	Steven Cohen	??	2/13/2017	<i>Move to Adopt</i>	<i>Motion Passed</i>
Article 102	Real Estate Conveyance: Sandwich Road	Steven Cohen	??	2/13/2017	<i>Move to Adopt</i>	<i>Motion Passed</i>
Article 103	Real Estate Acquisition: Scott's Way	Christopher L. Ray	??	2/13/2017	<i>Move to Adopt</i>	<i>Motion Passed</i>
Article 104	Real Estate Conveyance: Scott's Way	Christopher L. Ray	??	2/13/2017	<i>Move to Adopt</i>	<i>Motion Passed</i>
Article 105	Real Estate Conveyance: 131, 135 Pleasant Street	Catherine Flanagan Stover	??			
Article 106	Real Estate Conveyance: 2,4,6,8 Ticcoma Way	Catherine Flanagan Stover	??			
Article 107	Real Estate Conveyance: 9 East Creek Road	Catherine Flanagan Stover	??			
Article 108	Real Estate Acquisition: Paper Streets - Hollister and West Quaise Roads	Lucy Dillon	??	2/13/2017	<i>Move to Adopt</i>	<i>Motion Passed</i>
Article 109	Real Estate Conveyance: Paper Streets - Hollister and West Quaise Roads	Lucy Dillon	??	2/13/2017	<i>Move to Adopt</i>	<i>Motion Passed</i>
Article 110	Real Estate Acquisition: Unnamed Private Ways off Low Beach Road, Sconset	Arthur I. Reade, Jr.	??	2/13/2017	<i>Move to Adopt</i>	<i>Motion Passed</i>
Article 111	Real Estate Conveyance: Unnamed Private Ways off Low Beach Road, Sconset	Arthur I. Reade, Jr.	??	2/13/2017	<i>Move to Adopt</i>	<i>Motion Passed</i>
Article 112	Appropriation: Stabilization Fund		LG			
Article 113	Appropriation: Free Cash		LG			
	FinComm Action Taken					18
	Waiting additional information					

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET**



WARRANT FOR

**2017 ANNUAL TOWN MEETING
Nantucket High School
Mary P. Walker Auditorium
Saturday, April 1, 2017 - 9:00 AM**

AND

**ANNUAL TOWN ELECTION
Nantucket High School
Tuesday, April 11, 2017
7:00 AM - 8:00 PM**

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

To the Constables of the Town of Nantucket:

GREETING:

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

**SATURDAY, APRIL 1, 2017 AT 9:00 AM,
THEN AND THERE TO ACT ON THE ARTICLES
CONTAINED WITH THE ENCLOSED WARRANT:**

**SENSE OF THE MEETING REQUEST
REGARDING SMALL MESH FISHING GEAR CLOSURE**

In the continuing efforts to be excellent stewards of the waters and fisheries around Nantucket Island the citizens of Nantucket are requesting improved management of our waters for present and future generations. Protection of spawning squid and squid mops, river herring, and sea herring are critical components to managing these resources. To that end Nantucket is requesting equivalent protection to the other 90% of Massachusetts coastal communities as shown on the attached map. This map shows 70 coastal communities in Massachusetts, 63 of which have a great level of habitat and fisheries protection. Nantucket has not been afforded such protection to date. The citizens of Nantucket are all taxpayers in the Commonwealth of Massachusetts like the other coastal communities on the attached map and should be afforded the same protection as the majority of the Commonwealth's coastal communities.

The citizens of Nantucket are requesting a mobile gear closure (bottom and midwater draggers and hydraulic and regular clam dredges) with no waivers, letters of authorization or other means of waving the closure. This area would extend out to 3 miles from the Nantucket archipelago including Nantucket ,Tuckernuck and Muskeget from May 1 thru October 31.

(Board of Selectmen)

**ARTICLE 1
(Receipt of Reports)**

To receive the reports of various departments and committees as printed in the Fiscal Year 2016 Annual Town Report or as may come before this meeting; or to take any other action related thereto.

(Board of Selectmen)

**ARTICLE 2
(Appropriation: Unpaid Bills)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds for the payment, pursuant to Chapter 44 section 64 of the Massachusetts General Laws, of unpaid bills

from previous fiscal years, including any bills now on overdraft; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 3
(Appropriation: Prior Year Articles)

To see what sums the Town will vote to appropriate and transfer from available funds previously appropriated pursuant to Articles voted in prior years; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 4
(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 2018; said sum not to exceed five (5) percent of the Fiscal Year 2017 tax levy; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 5
(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)

ARTICLE 6
(Fiscal Year 2017 General Fund Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2017 General Fund operating budget from other line items of said budget and from other available funds; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 7
(Personnel Compensation Plans for Fiscal Year 2018)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2018:

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
Registered Nurse/Our Island Home (Per Diem - hourly)	35.00
Registrar of Voters (yearly)	600.00
Registrar, Temporary Assistant (hourly)	15.00
Seasonal Assistant Harbormaster (hourly)	30.00
Seasonal Maintenance Supervisor/Public Works (hourly)	21.00
Seasonal Health Inspector	30.00
Temporary Employee	various rates of pay
Veterans' Agent (hourly)	16.00

Schedule B - Seasonal Employee Compensation Schedule

(Spring, Summer, Fall, Winter/Effective April 2, 2017 - April 1, 2018)

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$15.50	\$16.50	\$17.50	\$18.50
B-Hourly*	\$16.50	\$17.50	\$18.50	\$19.50
C-Hourly*	\$17.50	\$18.50	\$19.50	\$20.50
D-Hourly*	\$19.50	\$20.00	\$20.50	\$21.00

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

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

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

Moderator	\$175 per year
Selectman, Chair	\$5,000/per year
Selectmen	\$3,500/per year
Town Clerk	\$99,138

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

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 8

(Appropriation: Fiscal Year 2018 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 2018; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 9

(Appropriation: Health and Human Services)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the Council for Human Services to be used by the Council to contract with various health and human services, not-for-profit corporations to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket; further, that all such sums be expended on the condition that grant agreements be executed by and between the Board of Selectmen and the respective private, not-for-profit agency for Fiscal Year 2018, which grant agreements shall stipulate mutually agreed upon terms and conditions; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 10

(Appropriation: General Fund Capital Expenditures)

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

(Board of Selectmen)

ARTICLE 11

(Appropriation: Fiscal Year 2018 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 2018, out of anticipated revenues of the designated funds, for the purposes set forth above; or to take any other action related thereto.

(Board of Selectmen for the Various Departments Indicated)

ARTICLE 12

(Appropriation: Enterprise Funds Capital Expenditures)

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

(Board of Selectmen for the Various Departments Indicated)

ARTICLE 13

(Enterprise Funds: Fiscal Year 2017 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2017 Enterprise Fund operating budgets from other line items of said budgets and/or from Enterprise Surplus Reserve Funds; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 14

(Appropriation: New Facility for Our Island Home)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, for the purpose of constructing a new facility for Our Island Home to be located at 44 and 48 Miacomet Road, and a portion of the abutting parcel located at 21 South Shore Road presently owned by the Town and leased to the Residences at Sherburne Commons, Inc., including the costs of professional services for design, permitting, engineering, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 15

(Appropriation: Real Property Acquisition)

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 a parcel of land located at 44 and 48 Miacomet Road, consisting of 2.6 acres, more or less, as described in deeds recorded with the Nantucket Registry of Deeds in Book 314, Page 141 and Book 503, Page 106, to be acquired and held by the Board of Selectmen for general municipal purposes, housing and/or the purpose of a nursing home and residential facility and other ancillary purposes; and further 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 acquire said parcels and any other costs incidental and related thereto; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 16

(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 properties to the Town Sewer District.

Map	Lot	Number	Street
80	1.3	44	Miacomet Road
80	1.2	48	Miacomet Road

All as shown on maps entitled “2017 Annual Town Meeting Warrant Article 16 Sewer District Map Changes” dated January, 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen/Sewer Commissioners)

ARTICLE 17

(Zoning Bylaw and Zoning Map Change: Sherburne Commons)

To see if the Town will vote to take the following actions:

1. Amend the Zoning Map of the Town of Nantucket as follows:
 - a. Placing the following properties currently located in the Assisted Living Facility (ALC) district in the Residential 40 (R-40) district:

Map	Lot	Number	Street
80	1 (portion of)	143	Sherburne Commons Lane

- b. Placing the following properties currently located in the Assisted Living Facility (ALC) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
80	1 (portion of)	143	Sherburne Commons Lane

- c. Placing the following properties currently located in the Limited Use General 2 (LUG-2) district in the Residential (R-40) district:

Map	Lot	Number	Street
80	1.2	48	Miacomet Road
80	1.3	44	Miacomet Road

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

- a. Amend section 2A as follows:

ELDER HOUSING FACILITIES

One or more structures used for independent living, assisted living, skilled nursing care, hospice care, and other long-term residential care for persons 55 or older or the disabled. Such structures may be detached dwelling units, attached dwelling units, integrated dwelling units, and/or multiple-bedroom long-term care facilities, as well as associated and ancillary facilities and services. **Elder housing facilities shall not be subject to §139-7B(1).**

- b. Amend section 3E by deleting “Assisted/Independent Living Community ALC”.
- c. Amend section 4E by placing the following properties currently located in the Country Overlay District (COD) in the Town Overlay District (TOD) district:

Map	Lot	Number	Street
80	1.2	48	Miacomet Road
80	1.3	44	Miacomet Road

- d. Amend section 14 as follows:

§ 139-14 Special Districts: Our Island Home (OIH), and ~~Assisted/Independent Living Community District (ALC).~~

A. Permitted uses in all districts:

- (1) Apartments for occupants age 55 or older or disabled.
- (2) Elder housing facility (nursing home);

- (3) Services and facilities for the benefit of the elderly, long-term care residents, disabled persons, and/or others for whom social-welfare programs may be provided.

~~B. (Reserved)~~

~~C. The following additional uses are permitted in the ALC District through the issuance of a special permit by the Planning Board:~~

- ~~(1) Elder housing facility.~~
- ~~(2) Employee housing;~~
- ~~(3) Affordable housing.~~

~~D. Additional requirements of the ALC District.~~

- ~~(1) Open area free from impervious surfaces: at least 20% as defined in § 139-16E;~~
- ~~(2) Minimum vegetative buffer area: 50 feet from all lot lines, 75 feet from street lines (except as necessary for entrance drives and utilities);~~
- ~~(3) Maximum number of units (excluding employee housing and affordable housing): 75 dwelling units;~~
- ~~(4) The requirement for off-street parking and loading facilities shall be established by the Planning Board.~~
- ~~(5) The requirements of this § 139-14D may be waived through the issuance of special permit by the Planning Board based upon a finding that the requested relief is not substantially more detrimental to the neighborhood than the existing conditions.~~

All as shown on a map entitled "2017 Annual Town Meeting Warrant Article 17 Sherburne Commons" dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 18

(Appropriation: Sewer Project/Additional Nantucket Harbor Shimmo Parcels and 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 for needs areas established in the Comprehensive Wastewater Management Plan Update adopted June 3, 2015 and described as #2 Drew Lane, #4 Drew Lane, #11 Gardner Road, and #7 Shawkemo Road in the planned "Nantucket Harbor Shimmo" (formerly titled "Monomoy") sewer extension and for #6 Marsh Hawk Lane and #8 Marsh Hawk Lane in

the planned “Plus Parcels - Infill in Town Sewer District” sewer extension 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; or to take any other action related thereto.

(Board of Selectmen/Sewer Commissioners)

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 adjacent to or 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
43	209	2	Drew Lane
44	23.1	4	Drew Lane
43	6	11	Gardner Road
43	5	7	Shawkemo 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	396	6	Marsh Hawk Lane
56	395	8	Marsh Hawk Lane

All as shown on maps entitled “2017 Annual Town Meeting Warrant Article 19 Sewer District Map Changes” dated January, 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen/Sewer Commissioners)

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

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 21

(Appropriation: Ambulance Reserve Fund)

To see what sum the Town will vote to appropriate from the Ambulance Reserve Fund for the purchase of ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for three (3) ambulances, and other such related costs to operate the Town's ambulance services, including up to six (6) full-time firefighter/EMT positions. All expenditures to be made by the Fire Department, subject to the approval of the Town Manager; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 22

(Appropriation: County Assessment)

To see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to pay the County of Nantucket such assessment as is required for Fiscal Year 2018, 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 Two Hundred One Dollars (\$170,201); or to take any other action related thereto.

Or to take any other action related thereto.

(Board of Selectmen/County Commissioners)

ARTICLE 23

(Appropriation: Finalizing Fiscal Year 2018 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 2018 by appropriating a sum of money for such County budget and authorizing the expenditure of estimated County revenues, County reserve funds, County deed excise fees or other available County funds including the Town assessment for County purposes; further, to see if the Town will vote to overturn any denial by the Nantucket County Review Committee of the establishment of a County Reserve Fund, from which transfers may be made to meet extraordinary or unforeseen expenditures with the approval of the County Commissioners acting as the County Advisory Board Executive Committee within the meaning of Chapter 35 section 32 of the Massachusetts General Laws; or to take any other action related thereto.

(Board of Selectmen/County Commissioners)

ARTICLE 24

(Designation of Use of Bond Proceeds)

To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or to take any action relative thereto.

(Board of Selectmen)

ARTICLE 25

(Appropriation: Ferry Embarkation Fee)

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

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 26

(Appropriation: Affordable Housing Trust Fund)

To see if the Town will vote to appropriate the sum of \$500,000 from Free Cash, to deposit into the Affordable Housing Trust Fund established pursuant to Mass. General Law c. 44, section 55C for Fiscal Year 2018.

Or, to take any other action related thereto.

(Board of Selectmen)

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 2018.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 28

(Establishment of and Appropriation for Stabilization Fund for Airport)

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

(Board of Selectmen for Airport Commission)

ARTICLE 29

(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 2018 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and Laborer's union employees (represented by the Massachusetts Laborer's District Council Nantucket Public Employees' Local Union, the Laborer's International Union of North America, Local 1060) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 30

(Appropriation: Collective Bargaining Agreement/Fire)

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 2018 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Fire Department union employees (represented by the Nantucket Professional Firefighters Local 2509) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 31

(Appropriation: Collective Bargaining Agreement/Airport 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 2018 in a collective bargaining contract between the Town of Nantucket (represented by the Airport Commission) and Airport union employees (represented by the Massachusetts Laborer's District Council of the Nantucket Memorial Airport Employees of the Laborer's International Union of North America, Local 1060) 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 for Airport Commission)

ARTICLE 32

(Appropriation: Collective Bargaining Agreement/Our Island Home)

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 2018 in collective bargaining contracts between the Town of Nantucket (represented by the Board of Selectmen) and Our Island Home union employees (represented by the Service Employees Union International, Local 1199) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 33

(Appropriation: Collective Bargaining Agreement/Public Works)

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 2018 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and Public Works union employees (represented by the American Federation of State, County and Municipal Employees (AFSCME) Council 93, Local 2346) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 34

(Appropriation: Collective Bargaining Agreement/Police)

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 2018 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and Police Department union employees (represented by the Massachusetts Coalition of Police, Locals 330 and 330a, International Association of Police Associations (IAPA), and American Federation of Labor - Congress of Industrial Organizations (AFL-CIO)) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 35

(Appropriation: Collective Bargaining Agreement/Wannacomet Water)

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 2018 in a collective bargaining contract between the Town of Nantucket (represented by the Nantucket Water Commission) and Wannacomet Water union employees (represented by the Utility Workers of America, American Federation of Labor - Congress of Industrial Organizations (AFL-CIO), Local Union 359) 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 for Nantucket Water Commission)

ARTICLE 36

(Surplus Equipment Disposition: Airport Fuel Truck)

To see if the Town will vote to authorize the Nantucket Memorial Airport Commission to dispose of by sale, a 2006 Isuzu Refueler, valued between \$25,000 and \$35,000, pursuant to M.G.L., c. 30B, and guidelines established under Chapter 38-2 (Obsolete Town Equipment - Disposition) of the Code of the Town of Nantucket.

Or to take any other action related thereto.

(Board of Selectmen for Airport Commission)

ARTICLE 37

(Appropriation: FY 2018 Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2018 Community Preservation Budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year.

Purpose	Amount
Historic Preservation	
Nantucket Historical Association First phase of digitizing the Nantucket Whaling logbooks and Journals	\$40,000
Museum of African American History Fifth phase of restoration; interior carpentry, painting and floor finishes and exterior painting of Boston Higginbotham House, restoration of garage and restoration of driveway and accessible paths.	\$225,735
St. Paul's Church Restoration of Bell Tower	\$100,000
Nantucket Preservation Trust in collaboration with Preservation Institute Nantucket Completion of database and properties summary for Nantucket interiors inventory	\$23,600
American Legion Post 82 Second phase of conservation and restoration of exterior brick walls on east and north facades	\$93,000
Nantucket Atheneum First phase, conservation of four historic paintings	\$17,500
Nantucket Island School of Design & the Arts Preservation and restoration of two silos and stabilization of long barn	\$132,856

St Mary, Our Lady of the Isle Restoration of exterior doorways and entryways, exterior painting of all wood trim and foundation and brick repair , and detail carpentry	\$55,000
Town of Nantucket, Department of Public Works Restoration and erection of the base of the Sconset Flag Pole	\$45,000
Nantucket Town Clerk Phase one of the restoration and microfilming of the Lewis funeral ledgers and burial records	\$50,000
Sub-total	\$782,691
\$55,000 of the funds utilized for this category is from the Reserve for Historic Preservation with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.	
Community Housing	
Nantucket Affordable Housing Trust Fund Allocation to the fund subject to the fund obtaining approval from the CPC commissioners before the grant funds are expended on each particular project for affordable housing	\$400,000
Nantucket Interfaith Council Housing and rental assistance program	\$110,000
Habitat for Humanity Nantucket Inc. Construct additional houses at Sachem's Path and Ticcoma Way	\$200,000
Housing Nantucket Rehabilitation of community housing units created with CPA funds	\$ 94,204
Sachem's Path Nantucket, LLC Phase two infrastructure	\$250,000
HallKeen Management Restoration of the east and south windows in Academy Hill Apartment building	\$250,600
Town of Nantucket Funds to pay the interest and principal 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	\$1,416,600
\$8,500 of the funds utilized in 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
Linda Loring Foundation Funds to create a shed and for invasive species removal	\$16,500
Sustainable Nantucket Community Farm Institute, phase 2 Funds to enclose and prepare and additional 6.5 acres for farming	\$85,400
Preservation Institute Nantucket Document historic Nantucket waterfront, identify vulnerable areas, streets, properties and resources and time frame of increased flooding and create tools to assist the community to make informed decisions about protection and adaptation.	\$72,105
Sub-total	\$299,005
\$60,000 of the funds utilized in this category is from the Open Space reserves with the balance of the funds to be used in this category 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 are from the Community Preservation surcharge, interest and the State matching funds.	
TOTAL	\$2,618,500
All amounts to be appropriated from the following sources:	
SOURCES	AMOUNT
Raised and appropriated from FY 2018 Community Preservation Surcharge	\$2,087,000
From State matching funds for FY 2017, to be received in 2018	\$ 395,000

From Interest	\$ 13,000
From Designated Reserves for Historic Preservation	\$ 55,000
From Designated Reserves for Open Space	\$ 60,000
From Designated Reserves for Community Housing	\$ 8,500
Total Revenues	\$ 2,618,500

For fiscal year 2018 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.

Provided however, that the above expenditures may be conditional on the recording of appropriate historic preservation restrictions for historic resources, open space restrictions for open space resources, recreational restrictions for recreational resources and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures; meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.

(Kenneth Beaugrand, et al)

ARTICLE 38

(Zoning Map Change: RC to ROH - Old North Wharf, Commercial Wharf, Still Dock, Commercial Street, and Washington Street)

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 Residential Old Historic (ROH) district:

Map	Lot	Number	Street
42.3.1	19	6	Old North Wharf
42.3.1	82	7	Old North Wharf
42.3.1	20	8	Old North Wharf
42.3.1	22		Old North Wharf
42.3.1	21	10	Old North Wharf
42.3.1	23	10	Old North Wharf
42.3.1	24	11	Old North Wharf
42.3.1	251	12	Old North Wharf
42.3.1	252	14	Old North Wharf
42.3.1	26	15	Old North Wharf
42.3.1	253	16	Old North Wharf
42.3.1	27	17	Old North Wharf
42.3.1	254	18	Old North Wharf
42.3.1	255	10	Old North Wharf
42.3.1	28	21	Old North Wharf

42.3.1	256	22	Old North Wharf
42.3.1	225	23	Old North Wharf
42.3.1	257	24	Old North Wharf
42.3.1	262	25	Old North Wharf
42.3.1	258	26	Old North Wharf
42.3.1	261	27	Old North Wharf
42.3.1	259	28	Old North Wharf
42.3.1	225.3	29A	Old North Wharf
42.3.1	225.1	29B	Old North Wharf
42.3.1	225.2	29C	Old North Wharf
42.3.1	260	30	Old North Wharf
42.3.1	83	10	Still Dock
42.3.1	84.5	14	Still Dock
42.3.1	84.1	14B	Still Dock
42.3.1	84.2	14C	Still Dock
42.3.1	84.3	14D	Still Dock
42.3.1	84.4	14E	Still Dock
42.3.1	85	18	Still Dock
42.2.4	6	21	Commercial Wharf
42.2.4	5	23	Commercial Wharf
42.2.4	4	25	Commercial Wharf
42.2.4	3	29	Commercial Wharf
42.3.1	38	3	Commercial Street
42.3.1	38	3	Commercial Street
42.2.4	10	13	Commercial Street
42.2.4	9	15	Commercial Street
42.3.2	22	24	Washington Street
42.3.2	23	26	Washington Street

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 38 RC to ROH” dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

**ARTICLE 39
(Zoning Map Change: RC to CDT - Old South
and Straight Wharves and New Whale Street)**

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 Downtown (CDT) district:

Map	Lot	Number	Street
42.2.4	2		Old South Wharf
42.2.4	14	11	New Whale Street
42.2.4	12	9	New Whale Street
42.2.4	13	7	New Whale Street
42.3.1	36		New Whale Street
42.2.4	1		Straight Wharf
42.4.4	15		Straight Wharf

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 39 RC to CDT” dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 40

(Zoning Bylaw Amendment: Harbor Overlay District)

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

1. By adding a new subsection 4H as follows:
The Harbor Overlay District (§139-12I) is shown on a map entitled “Harbor Overlay District,” as may be amended from time to time.
2. By amending section 4H by adding the following parcels to the map entitled “Harbor Overlay District”.

Map	Lot	Number	Street
42.3.1	135	2	Straight Wharf
42.3.1	136	6	Straight Wharf
42.3.1	137	10	Straight Wharf
42.3.1	138	12	Straight Wharf
42.3.1	139	16	Straight Wharf
42.3.1	86	20	Straight Wharf
42.3.1	80	1	Old North Wharf
42.3.1	81	3	Old North Wharf
42.3.1	82	7	Old North Wharf
42.3.1	24	11	Old North Wharf
42.3.1	26	15	Old North Wharf

42.3.1	27	17	Old North Wharf
42.3.1	28	21	Old North Wharf
42.3.1	83	10	Still Dock
42.3.1	84	14B	Still Dock
42.3.1	85	18	Still Dock
42.3.1	16	6	Easy Street
42.3.1	78	10	Easy Street
42.3.1	13	14	Easy Street
42.4.2	23	26	Easy Street
42.4.2	16	31	Easy Street
42.3.1	12	17	S. Water Street
42.3.1	11.1	17	S. Water Street

3. By amending section 12I as follows:

I. Harbor Overlay District (HOD).

- (1) ~~The Harbor Overlay District shall be located as depicted on the map entitled "Harbor Overlay District," dated January 2008 incorporated by reference and made a part hereof. The district as shown on said map shall be considered an overlay district to be superimposed on the Zoning Map of the Town of Nantucket, Massachusetts.~~
- (2) The purposes of the Harbor Overlay District are to ensure that:
 - (a) Existing water-dependent uses are not displaced by nonwater-dependent uses;
 - (b) Harbor waters and the immediate shoreline and pier areas are zoned to protect water-dependent uses;
 - (c) Commercial **and residential** uses allowed by the underlying district regulations are compatible with, support, or otherwise do not interfere with water-dependent uses of the district; and
 - (d) In new structures, replacement of commercial use with residential use is limited, **except where the lot(s) is located within a residential zoning district.**
- (3) Uses allowed or permitted in this overlay district are the same as those uses allowed or permitted in the underlying district except as modified by the following:
 - (a) No new nonwater-dependent use or extension of an existing nonwater-dependent use **on shorefront land** shall:
 - [1] Displace or significantly disrupt an existing water-dependent use;

- [2] Unreasonably diminish the capacity of the site to accommodate future water-dependent uses;
- [3] Impede or infringe upon existing public access.
- (b) In new structures located on shorefront land within a commercial zoning district, residential uses shall only be allowed above the first floors except for stairways and other mechanical or accessory functions related thereto;
- (c) New residential uses shall not be established on pile-supported structures over coastal waters with access from the HOD, except where the lot is located within a residential zoning district;
- (d) Any new structure shall be set back a minimum of 25 feet from the mean high water line.
- (e) Any new nonwater-dependent use shall be limited to a maximum ground cover ratio of 50%.
- (f) New structures located on shorefront land within a commercial zoning district, which in this subsection shall include extensions of existing structures, shall contain the following water-dependent uses and/or uses accessory to these water-dependent uses or provide these on the lot:
 - [1] Recreational boating-related: commercial marina; boat ramp or other public boating access facilities; boat haul-out facilities; boat repair and maintenance or waterfront facilities associated with inland sites providing these services; launch service; fuel and pump-out services; upland boat storage; services such as ice, laundry, bait, provisions; businesses such as ship chandlery, fishing outfitter; parking.
 - [2] Commercial fishing related: berthing; loading/unloading areas; gear storage facilities; parking; seafood wholesaler, retail fish market.
 - [3] Commercial charter boat: berthing, support facilities.
 - [4] Waterfront public access and amenities (as an enhancement to all other uses, except where water-dependent operations would present a safety concern): public restrooms, seating, physical access or view easement.
 - [5] Passenger and cargo ferry pier and facilities.
- (g) Existing structures located within a commercial zoning district and used for residential purposes are exempt from Subsection (f) and may be altered or extended, provided that the existing ground cover of the structure(s), as of the date of the vote on this motion at Town Meeting April 1, 2017, is not increased by a total of more than 100 square feet.

- (4) Additional requirements within the HOD.
 - (a) Notwithstanding the provisions of § 139-23H(3) and 139-23I, all new commercial uses or extensions of commercial uses that increase the ground cover ratio of the lot or parking requirements, and which are not otherwise subject to major site plan review, shall be subject to minor site plan review by the Director of Planning designated by the Planning Board for site plan review purposes, and such professional planning staff to whom the Director of Planning shall delegate this responsibility, for all uses and expansions up to, and including, 3,999 square feet of gross commercial floor area (including roofed over area).
 - (b) The Planning Board shall be the special permit granting authority for all commercial uses requiring a special permit within the HOD.
 - (c) In reviewing a use or expansion requiring either a minor or major site plan review within the HOD, the Planning Board and/or the Director of Planning or his designee shall make a determination that the proposed use or improvements are generally consistent with site plan review standards contained in § 139-23, and with the standards set forth in § 139-12I.
- (5) The following uses are prohibited in the Harbor Overlay District:
 - (a) Cruise ship terminals or support facilities owned or operated in conjunction with vessels moored outside of the Harbor.
 - (b) Personal watercraft rental.
 - (c) Private docks unless allowed in § 139-22C and D.

(Board of Selectmen for Planning Board)

**ARTICLE 41
(Zoning Map Change: North Water Street)**

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 Commercial Neighborhood (CN) district in the Commercial Downtown (CDT) district:

Map	Lot	Number	Street
42.4.2	3 (a portion of)	19	N Water Street
Shown as Lot 15 on a plan entitled "Lot Consolidation Plan, 29 North Water Street, 72 Easton Street, and 19 North Water Street, Nantucket Mass.," prepared by Feldman Land Surveyors, dated October 8, 2015.			

All as shown on a map entitled "2017 Annual Town Meeting Warrant Article 41 CN to CDT" dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 42

(Zoning Map Change: RC to CMI - Mid-Island: Sparks Avenue and Pleasant Street)

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	266	51	Sparks Avenue
55	912	109	Pleasant Street

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 42 RC to CMI” dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 43

(Zoning Map Change: RC to CMI - Mid-Island: Orange Street)

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	301.1	118A	Orange Street
55	301.2	118B	Orange Street
55	301.3	118C	Orange Street
55	301.4	118D	Orange Street
55	301.5	118E	Orange Street
55	301.6	118F	Orange Street
55	301.7	118	Orange Street

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 43 RC to CMI” dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 44

(Zoning Map Change: RC to CN - Mid-Island: Pleasant Street, Sparks Avenue, and Williams Lane)

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

Map	Lot	Number	Street
55	141	89	Pleasant Street
55	142	87	Pleasant Street
55	143	61	Sparks Avenue
55	416	85	Pleasant Street
55	417	2	Williams Lane

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 44 RC to CN” dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 45

(Zoning Map Change: R-1 to CN - Mid-Island)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential 1 (R-1) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
55	133	26	Atlantic Avenue
55	133.1	24	Atlantic Avenue
55	133.2	17	Williams Lane

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 45 R-1 to CN” dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 46

(Zoning Map Change: RC to CN - Nantucket Inn)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing that portion of the following properties located upon Lot 8 shown on Land Court Plan 13614-E currently located in the Residential Commercial (RC) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
68	800	100	Nantucket Inn
68	801	101	Nantucket Inn
68	802	102	Nantucket Inn
68	803	103	Nantucket Inn
68	804	104	Nantucket Inn
68	805	106	Nantucket Inn
68	806	107	Nantucket Inn
68	808	108	Nantucket Inn
68	809	109	Nantucket Inn
68	810	110	Nantucket Inn
68	811	111	Nantucket Inn
68	812	112	Nantucket Inn
68	814	114	Nantucket Inn
68	815	115	Nantucket Inn
68	816	116	Nantucket Inn
68	817	117	Nantucket Inn
68	818	118	Nantucket Inn
68	819	119	Nantucket Inn
68	820	120	Nantucket Inn
68	821	121	Nantucket Inn
68	822	122	Nantucket Inn
68	823	123	Nantucket Inn
68	824	124	Nantucket Inn
68	825	125	Nantucket Inn
68	826	126	Nantucket Inn
68	827	127	Nantucket Inn
68	828	128	Nantucket Inn
68	829	129	Nantucket Inn
68	830	130	Nantucket Inn
68	831	131	Nantucket Inn
68	832	132	Nantucket Inn
68	833	133	Nantucket Inn
68	834	134	Nantucket Inn
68	835	135	Nantucket Inn
68	836	136	Nantucket Inn
68	837	137	Nantucket Inn
68	838	138	Nantucket Inn
68	839	139	Nantucket Inn
68	840	140	Nantucket Inn
68	841	141	Nantucket Inn

68	842	142	Nantucket Inn
68	843	143	Nantucket Inn
68	844	144	Nantucket Inn
68	845	145	Nantucket Inn
68	846	146	Nantucket Inn
68	847	147	Nantucket Inn
68	848	148	Nantucket Inn
68	849	150	Nantucket Inn
68	850	151	Nantucket Inn
68	851	152	Nantucket Inn
68	852	153	Nantucket Inn
68	853	200	Nantucket Inn
68	900	201	Nantucket Inn
68	901	202	Nantucket Inn
68	902	203	Nantucket Inn
68	903	204	Nantucket Inn
68	904	204	Nantucket Inn
68	905	205	Nantucket Inn
68	906	206	Nantucket Inn
68	907	207	Nantucket Inn
68	908	208	Nantucket Inn
68	909	209	Nantucket Inn
68	910	210	Nantucket Inn
68	911	211	Nantucket Inn
68	912	212	Nantucket Inn
68	914	214	Nantucket Inn
68	915	215	Nantucket Inn
68	916	216	Nantucket Inn
68	917	217	Nantucket Inn
68	918	218	Nantucket Inn
68	919	219	Nantucket Inn
68	920	220	Nantucket Inn
68	921	221	Nantucket Inn
68	924	224	Nantucket Inn
68	925	225	Nantucket Inn
68	926	226	Nantucket Inn
68	927	227	Nantucket Inn
68	928	228	Nantucket Inn
68	929	229	Nantucket Inn
68	930	230	Nantucket Inn
68	931	231	Nantucket Inn

68	932	232	Nantucket Inn
68	933	233	Nantucket Inn
68	934	234	Nantucket Inn
68	935	235	Nantucket Inn
68	936	236	Nantucket Inn
68	937	237	Nantucket Inn
68	938	238	Nantucket Inn
68	941	241	Nantucket Inn
68	942	242	Nantucket Inn
68	943	243	Nantucket Inn
68	944	244	Nantucket Inn
68	945	245	Nantucket Inn
68	946	246	Nantucket Inn
68	947	247	Nantucket Inn
68	948	248	Nantucket Inn
68	949	249	Nantucket Inn
68	950	250	Nantucket Inn
68	951	251	Nantucket Inn

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 46 RC to CN” dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 47

(Zoning Map Change: R-20 to CN - 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 Residential 20 (R-20) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
68	48	1	Airport Road

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article ___ R-20 to CN” dated November 18, 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Kim Glowacki, et al)

ARTICLE 48

(Zoning Map Change: RC-2 to R-5 - Park Circle)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

Map	Lot	Number	Street
69	226	1A	Park Circle
69	225	1B	Park Circle
69	224	2A	Park Circle
69	223	2B	Park Circle
69	222	3A	Park Circle
69	221	3B	Park Circle
69	220	4A	Park Circle
69	219	4B	Park Circle
69	218	5A	Park Circle
69	217	5B	Park Circle
69	216	6A	Park Circle
69	215	6B	Park Circle
69	213	7A	Park Circle
69	214	7B	Park Circle
69	210	9A	Park Circle
69	211	9B	Park Circle
69	208	10A	Park Circle
69	209	10B	Park Circle
69	206	11A	Park Circle
69	207	11B	Park Circle
69	205	12A	Park Circle
69	204	12B	Park Circle
69	203	13A	Park Circle
69	202	13B	Park Circle
69	200	14A	Park Circle
69	201	14B	Park Circle
69	235	15A	Park Circle
69	236	15B	Park Circle
69	237	16A	Park Circle
69	238	16B	Park Circle
69	233	17A	Park Circle
69	234	17B	Park Circle
69	240	18A	Park Circle
69	239	18B	Park Circle
69	231	19A	Park Circle

69	232	19B	Park Circle
69	242	20A	Park Circle
69	241	20B	Park Circle
69	229	21A	Park Circle
69	230	21B	Park Circle
69	248	22A	Park Circle
69	247	22B	Park Circle
69	227	23A	Park Circle
69	228	23B	Park Circle
69	245	24A	Park Circle
69	246	24B	Park Circle
69	243	25A	Park Circle
69	244	25B	Park Circle

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 48 RC-2 to R-5” dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 49

(Zoning Map Change: RC-2 to R-5 - Nobadeer Farm, Hinsdale, and Sun Island Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

Map	Lot	Number	Street
69	269.1	16A	Nobadeer Farm Road
69	269.2	16B	Nobadeer Farm Road
69	269.3	16C	Nobadeer Farm Road
69	28	18	Nobadeer Farm Road
69	26	20	Nobadeer Farm Road
69	32.1	40A	Nobadeer Farm Road
69	32.2	40B	Nobadeer Farm Road
69	33.1	42C	Nobadeer Farm Road
69	33.2	42D	Nobadeer Farm Road
69	32.3	42E	Nobadeer Farm Road
69	32.4	42F	Nobadeer Farm Road
69	33.3	42G	Nobadeer Farm Road
69	33.4	42H	Nobadeer Farm Road
69	24.4	95	Hinsdale Road
69	27.1	98A	Hinsdale Road

69	27.2	98B	Hinsdale Road
69	27.3	98C	Hinsdale Road
69	27.4	98D	Hinsdale Road
69	270.4	3A	Sun Island Road
69	270.3	3B	Sun Island Road
69	270.2	3C	Sun Island Road
69	270.1	3D	Sun Island Road

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 49 RC-2 to R-5” dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 50

(Zoning Map Change: RC-2 to CMI - Airport)

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

Map	Lot	Number	Street
69	258	12	Hanabea Lane
69	257	10	Hanabea Lane
69	256	8	Hanabea Lane
69	255	6	Hanabea Lane
69	15	4	Hanabea Lane
69	50	137	Old South Road

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 50 RC-2 to CMI” dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 51

(Zoning Map Change: RC-2 to CTEC - Teasdale Circle)

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

Map	Lot	Number	Street
69	76	1	Teasdale Circle
69	77	2	Teasdale Circle

69	75	3	Teasdale Circle
69	74	5	Teasdale Circle
69	78	6	Teasdale Circle
69	73	7	Teasdale Circle
69	72.1	9A #1	Teasdale Circle
69	72.2	9B #2	Teasdale Circle
69	72.3	9C #3	Teasdale Circle
69	72.4	9D #4	Teasdale Circle
69	260	11A #A	Teasdale Circle
69	261	11B #B	Teasdale Circle
69	262	11C #C	Teasdale Circle
69	263	11D #D	Teasdale Circle
69	70	13	Teasdale Circle
69	69	15	Teasdale Circle
69	79	16	Teasdale Circle
69	68	17	Teasdale Circle
69	67	19	Teasdale Circle
69	80	20	Teasdale Circle

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 51 RC-2 to CTEC” dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 52

(Zoning Map Change: RC-2 to CI and/or CTEC- Airport)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Industrial (CI) district and/or Commercial Trade Entrepreneurship and Craft (CTEC) districts:

Map	Lot	Number	Street
69	241	6	Daisy Way
69	49	8B	Daisy Way
69	46.7	5	Daisy Way
69	46.8	7	Daisy Way
69	46.9	9	Daisy Way
69	240	11	Daisy Way
69	46.2	127	Old South Road
69	46.3	129	Old South Road

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 52 RC-2 to CI and/or CTEC” dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 53

(Zoning Map Change: RC-2 to R-40 - Nobadeer Farm Road)

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

Map	Lot	Number	Street
69	81	23	Nobadeer Farm Road
69	82	21	Nobadeer Farm Road
69	83	19	Nobadeer Farm Road
69	84	17	Nobadeer Farm Road
69	85	15	Nobadeer Farm Road
69	86	13	Nobadeer Farm Road
69	87	11	Nobadeer Farm Road
69	88	9	Nobadeer Farm Road

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 53 RC-2 to R-40” dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 54

(Zoning Map Change: RC-2 to R-5, R-10, and CTEC - Old South Road and Pine Crest Drive)

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 5 (R-5) district:

Map	Lot	Number	Street
68	430 (portion of)	7	Pine Crest Drive
68	418 (portion of)	11	Pine Crest Drive
68	993 (portion of)	13	Pine Crest Drive
68	431 (portion of)	14	Pine Crest Drive

68	435 (portion of)	15	Pine Crest Drive
68	432 (portion of)	18	Pine Crest Drive
68	963 (portion of)	19	Pine Crest Drive
68	433 (portion of)	23	Pine Crest Drive

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

Map	Lot	Number	Street
68	420 (portion of)	8	Pine Crest Drive
68	421 (portion of)	39 and 41	Pine Crest Drive
68	422 (portion of)	35	Pine Crest Drive
68	423 (portion of)	31	Pine Crest Drive
68	424 (portion of)	27	Pine Crest Drive
68	425 (portion of)	22	Pine Crest Drive
68	426 (portion of)	26	Pine Crest Drive
68	431 (portion of)	14	Pine Crest Drive
68	432 (portion of)	18	Pine Crest Drive
68	433 (portion of)	23	Pine Crest Drive
68	963 (portion of)	19	Pine Crest Drive

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

Map	Parcel	Number	Street
68	418	11	Pine Crest Drive
68	419 (portion of)	4A	Pine Crest Drive
68	420 (portion of)	8	Pine Crest Drive
68	421 (portion of)	39 and 41	Pine Crest Drive
68	422 (portion of)	35	Pine Crest Drive
68	423 (portion of)	31	Pine Crest Drive
68	424 (portion of)	27	Pine Crest Drive
68	425 (portion of)	22	Pine Crest Drive
68	426 (portion of)	26	Pine Crest Drive
68	427 (portion of)	3 and 5	Pine Crest Drive
68	428 (portion of)	96A	Pine Crest Drive
68	429 (portion of)	98	Old South Road
68	430 (portion of)	7	Pine Crest Drive
68	431 (portion of)	14	Pine Crest Drive
68	432 (portion of)	18	Pine Crest Drive
68	433 (portion of)	23	Pine Crest Drive

68	963 (portion of)	19	Pine Crest Drive
68	993 (portion of)	13	Pine Crest Drive

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 54 RC-2 to R-5, R-10, and CTEC” dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 55

(Zoning Map Change: RC-2 to R-5 - Nobska Way, Appleton Road, and Essex Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

Map	Lot	Number	Street
66	25	3	Nobska Way
66	22	4	Nobska Way
66	26	5	Nobska Way
66	21	6	Nobska Way
67	100	7	Nobska Way
67	100.1	7A	Nobska Way
67	101	8	Nobska Way
67	99	9	Nobska Way
67	102	10	Nobska Way
67	98	11	Nobska Way
67	103	12	Nobska Way
67	98.1	13	Nobska Way
66	431	20	Nobska Way
66	23	22	Appleton Road
66	24	24	Appleton Road
67	620	41	Essex Road

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 55 RC-2 to R-5” dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 56

(Zoning Map Change: RC-2 to CN - Essex Road)

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

Map	Lot	Number	Street
67	600	1	Essex Road
67	601	3	Essex Road
67	602	5	Essex Road
67	603	7	Essex Road
67	604	9	Essex Road
67	605	11	Essex Road
67	639	10	Essex Road
67	640	8	Essex Road
67	599.1	6C	Essex Road
67	599.2	6D	Essex Road
67	598.1	6	Essex Road
67	598.2	6A	Essex Road
67	598.3	6B	Essex Road
67	606	13	Essex Road

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 56 RC-2 to CN” dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 57

(Zoning Map Change: 3-9 South Shore 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	Parcel	Number	Street
67	336	3	South Shore Road
67	336.9	5	South Shore Road
67	336.8	7	South Shore Road
67	336.7	9	South Shore Road

or to take any other action related thereto.

(Arthur I. Reade, Jr., et al)

ARTICLE 58

(Zoning Map Change: 3 South Shore Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing that portion of the land shown on Map 67, Parcel 336, situated at 3 South Shore Road, which is currently located in the Country Overlay District, in the Town Residential District; or to take any other action related thereto.

(Arthur I. Reade, Jr., et al)

ARTICLE 59

(Zoning Map Change: LUG-2 to LUG-1 - South Shore 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 to Limited Use General 1 (LUG-1) district:

Map	Lot	Number	Street
80	308	59	South Shore Road
80	307	61	South Shore Road
80	306	63	South Shore Road
80	305	65	South Shore Road
80	304	67	South Shore Road
80	303	69	South Shore Road

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article __ LUG-2 to LUG-1” dated October 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Marcia Rubin, et al)

ARTICLE 60

(Zoning Map Change: LUG-2 to R-40 - Evergreen 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 Limited Use General 2 (LUG-2) district in the Residential 40 (R-40) district:

Map	Lot	Number	Street
68	721	9	Evergreen Way
68	720	11	Evergreen Way
68	718	13	Evergreen Way

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article ___ LUG-2 to R-40” dated October 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Lindsey Knapp, et al)

ARTICLE 61

(Zoning Map Change: LUG-2 to LUG-1 - Evergreen 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 Limited Use General 2 (LUG-2) district in the Limited Use General 1 (LUG-1) district:

Map	Lot	Number	Street
68	708	18	Evergreen Way
68	707	16	Evergreen Way
68	706	14	Evergreen Way
68	705	12	Evergreen Way
68	704	10	Evergreen Way
68	703	8	Evergreen Way
68	702	6	Evergreen Way
68	701.2	4A	Evergreen Way
68	701.1	4	Evergreen Way
68	700	2	Evergreen Way

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article ___ LUG-2 to LUG-1” dated November 18, 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Lindsey Knapp, et al)

ARTICLE 62

(Zoning Map Change: R-20 and LUG-2 to LUG-1 - Skyline Drive and Woodland Drive)

To see if the Town will vote to amend the Zoning map of the Town of Nantucket as follows:

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

Map	Lot	Number	Street
79	8	13A	Woodland Drive
79	208 (portion of)	13	Woodland Drive

2. By placing the following properties currently located in the Limited Use General 2 (LUG-2) district in the Limited Use General 1 (LUG-1) district:

Map	Lot	Number	Street
79	208 (portion of)	13	Woodland Drive
79	208.1	30	Skyline Drive
79	39	36	Skyline Drive

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article ___ R-20 and LUG-2 to LUG-1” dated October 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Paul F. Smith, et al)

ARTICLE 63

(Zoning Map Change: LUG-2 to LUG-1 - Monohansett Road and Okorwaw Avenue)

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 Limited Use General 1 (LUG-1) district:

Map	Lot	Number	Street
79	63	50	Okorwaw Avenue
Includes Parcel E shown on Plan No. 2012-14			
79	113	50R	Okorwaw Avenue
79	112	25	Monohansett Road
Lots 125A, C, F1, G, and Q shown on Plan No. 2012-24 (portion of and proposed additions to 31 Monohansett Road)			

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article ___ LUG-2 to LUG-1” dated October 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Barbara Clarke, et al)

ARTICLE 64

(Zoning Map Change: LUG-3 to LUG-2; 7 West Miacomet Road)

To see if the Town of Nantucket will vote to amend the zoning classification of the real estate situated at and known and numbered as 7 West Miacomet Road, Nantucket, Massachusetts (Lot A4, Land Court Plan No. 17368-A; containing 169,594+ sq.ft.) from Limited Use General - 3 (LUG-3) to Limited Use General - 2 (LUG-2).

(Charles W. Fisher, et al)

ARTICLE 65

(Zoning Map Change: Miscellaneous Split Lot Corrections)

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

1. By placing the following property currently located in the Limited Use General 3 (LUG-3) district and in the Limited Use General 1 (LUG-1) district, entirely within the Limited Use General 1 (LUG-1) district:

Map	Lot	Number	Street
12	36	98	Squam Road

2. By placing the following properties currently located in the Limited Use General 2 (LUG-2) district and in the Residential 20 (R-20) district, entirely within the Village Residential (VR) district:

Map	Lot	Number	Street
83	4	289	Hummock Pond Road
83	39	287	Hummock Pond Road
83	6	283	Hummock Pond Road
83	41	281	Hummock Pond Road
83	42.8	7	Mothball Way
83	42.7	5	Mothball Way
83	42.6	3	Mothball Way
83	42.4	1	Mothball Way

3. By placing the following properties currently located in the Residential 20 (R-20) district in the Village Residential (VR) district:

Map	Lot	Number	Street
83	3	273	Hummock Pond Road
83	42.1		Mothball Way
83	42.2		Mothball Way

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 65 Miscellaneous Split Lot Corrections” dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 66

(Bylaw Amendment: Affordable Lot and Affordable Unit Requirement)

To see if the Town will vote to amend the Code of the Town of Nantucket, Chapter 139 (Zoning) by amending the following sections: 2A (Definitions), 7B (Prohibited Uses), 8 (Residential Development Options), and 16 (Intensity Regulations) to provide that any lot division shall create a minimum of one dwelling unit of affordable housing and that lot divisions creating five or more lots shall require dedication of at least 20% of said lots for affordable housing, which may be provided on a noncontiguous lot or lots; amendment of the listed sections may define terms used herein, provide standards, define applicability, provide exceptions, identity a process or procedures or to take any other action related thereto.

(Linda Holland, et al)

ARTICLE 67

(Bylaw Amendment: Residential Housing Size)

To see if the Town will vote to amend the Code of the Town of Nantucket, Chapter 139 (Zoning) by amending the following sections: 2A (Definitions), 7B (Prohibited Uses), 16 (Intensity Regulations), 23 (Site Plan Review), and 30 (Special Permits) to provide for a maximum living area of 3,000 square feet by-right and up to 5,000 square feet by special permit for the LUG-1, LUG-2, LUG-3, and MMD districts and a living area of 2,000 square feet by-right and up to 5,000 by special permit in the VR district. Amendment of the listed sections may define terms used herein, provide standards, define applicability, provide exceptions, identify a process or procedures which may include site plan review, identify the special permit granting authority, or to take any other action related thereto.

(Linda Holland, et al)

ARTICLE 68

(Zoning Bylaw Amendment: Residential Commercial (RC) and Commercial Industrial (CI) Districts)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, subsection 16A, by increasing the required frontage in the Residential Commercial (RC) zoning district from 40 feet to 50 feet and by eliminating the side yard setback requirement in the Commercial Industrial (CI) zoning district.

(Board of Selectmen for Planning Board)

ARTICLE 69

(Zoning Bylaw Amendment: Village Residential (VR))

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 7A (Use Chart) as follows:
By deleting "A" in the "V-R" column and the "Swimming Pool-Residential" row and replacing it with "N."

Or to take any other action related thereto.

(Robert M. Kucharavy, et al)

ARTICLE 70

(Zoning Bylaw Amendment: Village Height Overlay District)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 4-F (Village Height Overlay District) by placing the following additional parcels currently located in the Madaket Area Plan into the Village Height Overlay District:

MAP LOT NUMBER STREET: See Attached List[*]

All as shown on a map entitled Zoning Bylaw Amendment: Village Height Overlay District and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Bradford L. Fleming, et al)

[*List of parcels available at Town Clerk's office and Town website.]

ARTICLE 71

(Zoning Use Chart Amendment: Prohibition Regarding Helicopters)

To see if the Town will vote to amend the Town of Nantucket's zoning use chart to prohibit the taking off or landing of airplanes, helicopters and any other kind of aircraft as a principal or accessory use in any residential or business zone except in emergencies, at the Nantucket Memorial Airport, at the designated landing area at the Nantucket Cottage Hospital or as directed by federal, state or local government officials or their authorized agents in the exercise of governmental responsibilities.

Or to take any other action related thereto.

(David D. Worth, et al)

ARTICLE 72

(Zoning Bylaw Amendment: Rear Lot Subdivision)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, by adding a new subsection 8E 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):*

(E) Special permit to create rear lot subdivisions.

1. Purpose: to provide a residential infill development option that allows for the same density that could be created by a conventional subdivision, but that does not create unnecessary un-taxed roadway lots.
2. Rear lots may be permitted in the following zoning districts: R-5, R-10, R-20, R-40, and LUG-1.
3. As authorized by MGL c. 40A, §9, Paragraph 2, the Planning Board, acting as the special permit granting authority, may issue a special permit authorizing the division of a lot into two or more lots, provided the following requirements and/or conditions shall apply:
 1. A minimum frontage of 20 feet shall apply to each lot;
 2. The ground cover ratio, front setback, and side and rear setback requirements of the underlying zoning district shall apply to each lot;
 3. The regularity formula prescribed in §139-16D shall not apply to lots created pursuant to this subsection;

4. The number of buildings lots shall not exceed the number which may have otherwise been created on a conventional subdivision plan meeting all dimensional and upland requirements of the Zoning Bylaw and consistent with the requirements contained within the "Rules and Regulations Governing the Subdivision of Land," as may be amended from time to time, as demonstrated by the submission of a dimensioned lotting plan.

(Board of Selectmen for Planning Board)

ARTICLE 73

(Zoning Bylaw Amendment: Moorlands Management District)

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

1. **§ 139-13 Moorlands Management District MMD.**
 - A. Purpose. The Moorlands Management District is established ~~pursuant to the Town's goals and objectives for balanced growth adopted by Town Meeting as the island's long-range comprehensive growth policy. More specifically, it is the purpose of the Moorlands Management District~~ to protect areas of the island known to be excellent examples of temperate zone heath. Heaths and moorlands on Nantucket Island represent an extremely fragile and unique environment, and are a rare and endangered landform of North America. Along coastal areas, they may also include flood-prone areas, glacial valleys and coastal pond systems. It is the intention of this district to permit a type and integrity of use which is consistent with the long-term integrity of these special ecological systems.
 - B. Permitted uses:
 - (1) Conservation and recreation, including structures and uses accessory thereto.
 - (2) One single-family dwelling unit not exceeding 800 square feet of ground coverage, plus not more than 400 square feet area in the aggregate devoted to decks, covered porches, accessory buildings, or other impervious surfaces.
 - C. Uses allowed by special permit with ~~minor~~ site plan review. The Planning Board is hereby designated the sole special permit granting authority for all uses, structures and extension or alteration of uses or structures within the Moorlands Management District, including, but not limited to the following:
 - (1) One single-family dwelling unit exceeding 800 square feet of ground coverage, including structures and uses normally considered accessory

thereto, may be allowed, provided that each special permit granted shall include conditions requiring the siting of structures and uses in a manner which minimizes potentially adverse effects on the moorlands environment and its scenic integrity.

- (2) Subdivision of properties located within the Moorlands Management District shall require a special permit.
 - (a) The issuance of a special permit for subdivision in the Moorlands Management District shall include conditions as to the layout of lots, the design and location of public improvements, and the establishment of permitted building envelopes, so as to minimize potentially adverse effects on the moorlands environment and its scenic integrity.
 - (b) The Planning Board shall have the authority to require clustering of lots pursuant to ~~§ 139-7B~~ of this chapter as a condition for the issuance of the special permit in order to accomplish the above-stated objectives.

D. Site plan approval. Prior to the issuance of a building permit for structures or uses permitted as a matter of right or by special permit in the Moorlands Management District, the Planning Board shall have the authority to review and approve the siting of said structure(s) on the lot in accordance with the following performance standards:

- (1) To maximize the protection of endangered plant and animal species through the siting of structures and uses a maximum distance away from known or suspected habitats of such species, even when such habitats are located off-site; to minimize disturbance to such species by limiting construction activities to certain times of the year.
- (2) To maximize the protection of scenic views through the siting of structures on lower elevations, and clustering of structures near other structures located off-site.
- (3) To maximize protection of moorlands and heath-land vegetation and landforms through the use of various measures, including, but not limited to, limitations on grading, fencing, landscaping, driveway and parking facilities, and other physical disruptions to indigenous natural systems.
- (4) The Planning Board may include conditions as part of the approval of such a site plan in order to assure conformance with the standards.

E. Procedures.

- (1) ~~In cases involving building or use permit applications for structures or uses~~

~~permitted as a matter of right in the Moorlands Management District, applicants shall obtain site plan approval from the Planning Board prior to submitting a building permit application to the Building Inspector. Site plan review applications shall be submitted directly to the Planning Board and shall include such submission requirements as may be prescribed by the Planning Board in its regulations.~~

- (a) Failure of the Planning Board to notify the Building Inspector of its action with respect to such application within 20 days of the application filing date shall be deemed approval of the application by the Planning Board.
- (b) The Building Inspector shall not accept **issue** a building or use permit application for land in the Moorlands Management District unless it contains either:
 - [1] The Planning Board's decision on the site plan review application; or
 - [2] Documentation in a form satisfactory to the Building Inspector that 20 days have elapsed from the date of submission of the site plan review application to the Planning Board without said Board having rendered a decision.
- (2) ~~No building or use permit shall be issued by the Building Commissioner for structures or uses located in the Moorlands Management District without site plan approval by the Planning Board. If conditions have been attached to site plan approval by the Planning Board, the Building Commissioner shall require the applicant to amend his application accordingly, and comply with said conditions.~~
- (3) ~~In cases involving a building or use permit application for structures or uses permitted by special permit, the Planning Board shall consider and decide upon site plan review and approval during the public hearing process required for special permits by § 139-30, at which time it shall also consider whether or not the proposed use or structure is in harmony with the general purpose and intent of this chapter.~~

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 74

(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, section 8C(3), 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):

- (3) As authorized by MGL c. 40A, § 9, Paragraph 2, the Planning Board, acting as the special permit granting authority, may issue a special permit authorizing the division of a lot into two lots, provided the following requirements and/or conditions shall apply:
 - (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 prohibition of more than one dwelling unit on the original lot.
 - (b) One of the two lots shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of that lot 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 nonqualified 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.
 - (c) ~~A tertiary dwelling may be permitted on one of the two lots.~~ The lots shall not be subject to the secondary dwelling requirements contained within §2 of this Chapter.
 - (d) ~~(Reserved)~~ One of the two lots shall be allowed to have a second dwelling unit, subject to the requirements of the tertiary dwelling definition contained within §2 of this Chapter.

(Board of Selectmen for Planning Board)

**ARTICLE 75
(Zoning Bylaw Amendment: Technical Amendments)**

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 any section of this Chapter to remove references to the Limited Commercial (LC) zoning district and the Assisted Living Community (ALC) zoning district;
- 2. Amend section 2A by as follows, with new definitions to be added in alphabetical order:

APARTMENT

A dwelling unit located within a commercial structure or detached structures on the same lot with a commercial use. An apartment(s) shall not occupy more than 50% of the first floor area. The Planning Board may by special permit waive this requirement based on a finding that the commercial character of the area will not be negatively impacted by the location of a dwelling unit on the first floor of the commercial structure. A maximum of four apartments per lot, or an equivalent density, through the issuance of a special permit granted by the Planning Board, for a project in the same ownership or control that could be divided into multiple lots on a conventional subdivision plan meeting all dimensional and upland requirements of the Bylaw and consistent with the "Rules and Regulations Governing the Subdivision of Land," as may be amended by the Planning Board from time to time, as demonstrated by the submission of a dimensioned lotting plan, are allowed in the following districts:...

BAKERY

An establishment primarily engaged in the retail sale of baked goods for off-site consumption. A bakery may include, as an accessory use, wholesale distribution of goods prepared on the site.

BREEZEWAY

An abovegrade structure connecting two buildings or sections of a single building. ~~When used to connect a primary dwelling and secondary dwelling, any such breezeway shall be a minimum length of 10 feet.~~ Sub-grade connections of any structures on a lot shall not be regulated by this chapter.

CHURCH

A building wherein persons regularly assemble for religious worship, together with any accessory buildings and uses customarily associated with such a purpose.

DECK

An open and roofless platform, either freestanding or attached to a building, that is supported by pillars or posts.

DUPLEX

A structure containing two dwelling units, but not including primary dwelling with an accessory dwelling unit or tertiary dwelling unit contained therein. In the R-1 District only, both dwelling units shall be in the same ownership. A duplex shall not be construed to include a primary dwelling and secondary dwelling as defined in this Chapter.

FOOD PROCESSING ESTABLISHMENT

Manufacturing establishments that produce or process foods for consumption. Includes: (1) bakery products, sugar and confectionery products for wholesale distribution and where no over-the-counter or other retail sales occur (except facilities that produce goods only for on-site sales with no wider distribution); (2) dairy products processing; (3) fats and oil products (including rendering plants); (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing, and byproduct processing; and (7) distilleries.

GROUND COVER

The horizontal area of a lot covered at grade by structures, together with those portions of any overhangs which contain enclosed interior space; excluding tents, retaining walls, substantially below grade finished or unfinished space, decks, and unenclosed porches, unenclosed roofed overhangs and connectors, entryway hoods and projections, gazebos, pergolas, play structures, platforms and steps, docks, game playing courts at grade, exterior in-ground residential swimming pools, exterior in-ground or above grade hot tub/spas, chimneys, bulkheads, bay and bow windows, window wells, unenclosed breezeways, air conditioning units, pool equipment, generators, utility boxes and meters, flag poles, bike racks, lamp posts, exterior cooking facilities, fire pits, fences, unroofed walled enclosures, exterior showers, fuel tanks, roof eaves, trash bins and not more than one accessory detached shed covering an area not to exceed more than 200 square feet at grade.

HOT TUB/SPA

A structure designed to be used for recreational purposes accessory to a principal use, either above or below grade, containing water more than 24 inches in depth and less than 150 square feet of water surface area, or less than 1,000 gallons. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like.

SCHOOL

An institution for the teaching of children or adults including, but not limited to, primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities.

SECONDARY DWELLING

...Relief from the ground cover and scalar separation requirements of this definition may be granted by a special permit issued by the Planning Board subject to a finding that the reduced separation is in harmony with the general purpose and intent of this chapter.

STORAGE CONTAINER

A metal shipping container, excluding tractor trailers, used for commercial storage of goods and materials.

STREET

...(3) A way in legal and physical existence when the Subdivision Control Law became effective on Nantucket on February 1, 1955, ~~which had on January 26, 1992, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon and served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.~~

STRUCTURE

Anything constructed or erected, the use of which requires a fixed location on the ground. "Structure" shall be construed, where the context allows, as though followed by the words "or part thereof" and shall include, but not be limited to, buildings, retaining walls which support buildings, platforms, steps, antenna towers, steel storage containers, lighthouses, docks, decks, chimneys, tents, and game courts. "Structure" shall not include retaining walls not exceeding four feet in height for landscaping purposes, fences, rubbish bins, underground propane tanks, any exterior stairs, and a maximum of two aboveground propane tanks not to exceed 120 gallons each.

UNENCLOSED PORCH

A porch connected by no more than two walls to any building and that is open to the weather (i.e. not screened or glassed in).

3. Amend section 5F as follows:

F. When a boundary line between zoning districts divides a lot in single ownership and the line does not fall within 30 feet of a lot line, that portion of such lot which is within the more restrictive zone shall be governed by the use of land and dimensional yard setback requirements of the more restrictive zone. The portion of such lot which is within the less restrictive zone shall be governed by the use and dimensional yard setback requirements of the less restrictive zone. The use of a portion of the land in the more restrictive zone as an accessory use accessory to a legal or conforming use in the less restrictive zone shall be prohibited. Ground cover for the lot shall be calculated based upon ground cover ratio allowed for the portion of each lot in each zoning district, and those totals shall be combined for use upon the entire lot.

4. Amend section 7A by adding a new use "Storage container" in the Use Column, to be allowed by special permit (SP) in the CN, CTEC, and CI districts only.

5. Amend section 8D by adding a new subsection (4) as follows:

(4) The Planning Board may allow a workforce rental community as part of a larger project, as allowed in the CN and CMI districts, provided that the project, in the same ownership or control that could be divided into multiple lots meeting the

lot requirement of §139-8D(1)(a)[1] on a conventional subdivision plan meeting all dimensional and upland requirements of the Bylaw and consistent with the "Rules and Regulations Governing the Subdivision of Land," as may be amended by the Planning Board from time to time, as demonstrated by the submission of a dimensioned lotting plan.

6. Amend section 20.1B(2)(g) as follows:

On-site turnarounds will be required for all lots within the LUG-1, LUG-2, LUG-3, and MMD Zoning Districts, except for those lots in said districts that are within a cluster, or MRD, flex development, or open space residential development subdivisions, and in addition, on-site turnarounds are required for lots with driveway access onto the following roadways:...

7. Amend section 26E as follows:

Any permit issued shall be deemed abandoned and invalid unless the work authorized by it shall have been commenced within ~~six~~ twelve months after its issuance; ~~however, for cause, one or more extensions of time, for periods not exceeding six months each, may be granted in writing by the Inspector of Buildings.~~ Work under such permit, in the opinion of the Inspector of Buildings, must proceed in good faith continuously to completion so far as is reasonably practicable under the circumstances.

8. Amend section 30A as follows:

The special permit granting authority shall be the Board of Appeals for all special permits, except those special permits for which the Planning Board is specifically designated by any provision of this chapter. In instances where any portion of a project involves a special permit application to the Planning Board for ~~an~~ apartment, apartment building, elder housing facility, neighborhood employee housing, secondary dwelling, ~~and or~~ tertiary dwelling all pursuant to § 139-2, and ~~§ 139-7A,~~ business commercial, commercial industrial, and industrial uses as categorized in the "Use Chart" pursuant to § 139-7A, residential development options pursuant to § 139-8, and for certain uses in the Public Wellhead Recharge District pursuant to § 139-12B, the Planning Board shall serve as the special permit granting authority for all other special permits required in connection with such project.

9. Amend section 30H as follows:

Effect of zoning amendments on special permits issued. Construction or operation under a special permit shall conform to any subsequent amendment of this chapter unless the use or construction is commenced within a period of not less than ~~six months~~ twelve months after the issuance of the special permit and, in cases involving construction, is continued through to completion as continuously and expeditiously as is reasonable.

10. Amend section 30I as follows:

Expiration of special permits. Special permits shall expire after ~~two~~ **three** years from the date of issuance if a substantial use thereof has not commenced, except for good cause, or, in the case of construction, if construction has not begun by such date except for good cause. Such expiration date shall be automatically extended to include time required to pursue or await the determination of an appeal from the action of the special permit granting authority.

11. Amend section 33A as follows:

This section shall apply to uses, structures, and lots that were either in existence prior to the adoption of the Zoning Bylaw or lawfully allowed or permitted at some point in time after the adoption of the Zoning Bylaw and no longer meet minimum zoning requirements or are now prohibited, and to one or more structures on a lot that were erected or altered without the issuance of a building permit and that have been in existence for a period of at least 10 years without the recording of a notice of a lawsuit claiming a zoning violation in the registry of deeds and that are legally non-conforming pursuant to MGL c. 40A, § 6. Further, a use of land and/or lots and construction of structures shall be exempt from this chapter provided that a building or special permit was issued before the first publication of notice of the public hearing to change zoning as it may apply, pursuant to MGL c. 40A, § 5, as may be amended from time to time.

12. Amend section 33A(1)(c) as follows:

A Zoning Enforcement Officer determines through a review of the building permit application that the extension, alteration, or change to ~~the~~ **any** nonconforming structure is compliant with all dimensional requirements of this chapter **and does not increase the nonconformity.**

(Board of Selectmen for Planning Board)

ARTICLE 76

(Bylaw Amendment: District Improvement Financing)

To see if the Town will vote to create and implement a District Improvement Financing Program (“DIF”) pursuant to and in accordance with the provisions of Chapter 40Q of the Massachusetts General Laws, in order to further the public purpose of encouraging increased residential, industrial and commercial activity in a designated geographic area of the Town of Nantucket, by adopting a development district (which shall also include an invested revenue district) and development program wherein the Town may, without any implied limitation of other lawful powers granted to it by law and those enabled by Chapter 40Q, design, construct, and maintain certain roadway, traffic, pedestrian, bicycle, landscaping, drainage, lighting, and other infrastructure improvements in the development district which will be funded by the Tax Increment

derived from the development district as defined in G.L. c. 40Q, and to take the following related actions:

- (a) To designate a development district within the boundaries of the Town to be known as the “Mid-Island / Old South Road Corridor Development District”, as shown on a plan entitled “Proposed Mid-Island / Old South Road Corridor District Improvement Financing Program Area” dated November, 2016, and on file in the office of the Town Clerk.
- (b) To adopt a development program, which shall include an invested revenue district development program, for the “Mid-Island / Old South Road Corridor Development District” on file in the office of the Town Clerk, which provides for the objectives of the Town for the development district and the means by which the Town will improve the quality of life, the physical facilities and structures and the quality of pedestrian and vehicular traffic control within the within the development district including, but not limited to, the improvement and replacement of roadway, traffic, pedestrian, bicycle, landscaping, drainage, lighting, and other infrastructure improvements, of such district, pursuant to a Development Statement to be adopted by the Board of Selectmen and to be placed on file in the office of the Town Clerk, which will provide for:
 - (i) The design, construction, and maintenance of certain roadway, traffic, pedestrian, bicycle, landscaping, drainage, lighting, and other infrastructure improvements within the “Mid-Island / Old South Road Corridor Development District” which will serve to improve traffic, pedestrian, and bicycle operations and safety in these areas, as set forth in subsection (b) above;
 - (ii) Plans, if any, for the development of housing, both affordable and market rate;
 - (iii) A complete list of public facilities to be constructed;
 - (iv) Plans for use of private property (if any) and plans for relocation of persons displaced by development activities (if any);
 - (v) The creation and implementation of a financial plan whereby the project costs for the development district will be funded with funds from the issuance by the Town and sale of general obligation bonds, revenue bonds, notes, or other borrowings pursuant to the provisions of Chapter 40Q or Chapter 44 of the Massachusetts General Laws (the debt service on such bonds shall be paid from the Tax Increment, as such term is defined in Chapter 40Q, expected to be generated as a result of the future renovation and / or the development of specific properties within the “Mid-Island / Old South Road Corridor Development District”;

- (vi) The rates of interest, maturity, redemption, privileges, if any, and the form and other details of such bonds or other financing as approved, the price and market to which such bonds are sold, be it public or private, and whether or not securities issued shall be secured by pledge or assignment of any project revenue and subject to a trust agreement, and upon terms determined thereby;
 - (vii) The continuation of the District Improvement Financing Program for a period of thirty (30) years, as provided in Section 1(a)(8) of said Chapter 40Q of the Massachusetts General laws, or such shorter time as may be determined in accordance with the provisions of the development program.
- (c) To create a development program fund pursuant to the applicable provisions of Chapter 40Q of the Massachusetts General Laws that consists of: (a) a development sinking fund, (b) a project cost account, and (c) such other accounts, consistent with the provisions of Chapter 40Q, as the Board of Selectmen deems necessary or appropriate to fund the creation and operation of the development district.
- (d) To adopt a statement of the percentage of the Tax Increment to be retained for the financing of the development program, as set forth in the invested revenue district development program, which percentage shall be determined from time to time in accordance with the method or formula set forth in the invested revenue district development program, but shall not exceed a maximum of one hundred percent (100%).
- (e) To authorize the Board of Selectmen to take any all other actions which may be necessary or convenient to implement the purposes of this vote.

Or take any other action related thereto.

(Board of Selectmen)

ARTICLE 77

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

To see if the Town will vote to: AMEND the Town Sewer District as established under Section 41- 3.A of the Code of the Town of Nantucket by adding the following properties to the Town Sewer District.

MAP	PARCEL	ADDRESS
30	27	1 Windward Lane
30	26	2 Windward Lane
30	33	1 Kimball Avenue
30	32	5 Kimball Avenue
30	32.1	7 Kimball Avenue
30	31	9 Kimball Avenue

30	31.1	11 Kimball Avenue
30	30	17 Kimball Avenue
30	29	19 Kimball Avenue
30	28	21 Kimball Avenue

(Steven Cohen, et al)

**ARTICLE 78
(Revolving Accounts Bylaw)**

To see if the Town will vote to amend the General Bylaws by adding new Sections 19-21 and 19-22 to read as follows:

§19-21. Revolving Accounts

There are hereby established the following Revolving Accounts, pursuant to Massachusetts General Laws Chapter 44, Section 53E½:

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>
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
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.
Tennis Court	Tennis Fees	Town Manager	Operation and maintenance of tennis court facility
Conservation Fund	Conservation Commission application fees	Town Manager with approval of Conservation Commission	Consulting services in connection with professional review of applications
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 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.

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>
Lifeguard Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of lifeguard housing facilities
Public Works Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of public works housing facilities
Low Beach Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of Low Beach housing facilities
Solar Rebate Program	Operational Adder from the energy aggregation program	Town Manager with approval of Board of Selectmen	Rebates for residential solar energy systems
Airport Aviation Fuel	Fees and receipts received in connection with sale of aviation fuel	Airport Commission	Purchase of aviation fuel

§19-22. Limitation on Spending

All revolving accounts are subject to the annual limitations on expenditure established by Town Meeting, and limitations as otherwise set forth in General laws Chapter 44, Section 53E and ½;

Or to take any other action relative thereto.

(Board of Selectmen)

ARTICLE 79

(Revolving Accounts: Spending Limits for FY 2018)

To see what spending limits the Town will establish for revolving accounts established pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws for Fiscal Year 2018; or take any other action related thereto.

(Board of Selectmen)

ARTICLE 80

(Local Option Tax on Sale of Recreational Marijuana)

To see if the Town will vote to accept the provisions of General Laws Chapter 64N, Section 3 which will allow the Town to collect a local sales tax in the amount of 2 percent upon the sale or transfer of marijuana or marijuana products by a local retailer operating within the Town; or to take any other action relative thereto.

(Board of Selectmen)

ARTICLE 81

(Licenses and Permits of Delinquent Taxpayers - Bylaw Amendment)

To see if the Town will vote to accept the provisions of General Laws Chapter 40, Section 57, as amended by Sections 37 and 38 of Chapter 218 of the Acts of 2016 (the Municipal Modernization Act, so-called); and further to amend Section 19-14 of the Town's General Bylaws as follows (*Deletions shown in strike through and new text shown as underlined*):

§ 19-14 Delinquency list.

The Collector/Treasurer, hereinafter referred to as the "Collector," shall annually, and may periodically, furnish to each department, board commission or division that serves as a licensing authority for the licenses or permits referred to in § ~~19-13~~ or ~~19-18~~, except as exempted in § ~~19-18~~, a list of any person, corporation or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve months period~~, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

(Board of Selectmen)

ARTICLE 82

(Acceptance of Massachusetts General Law: Authority to Set Local Speed Limits)

To see if the Town will accept the provisions of Massachusetts General Laws Chapter 90, Section 17C, to authorize the Board of Selectmen to establish speed limits inside any thickly settled or business district areas in the Town, as defined in Chapter 90, Section 1; or take any other action related thereto.

(Board of Selectmen)

ARTICLE 83

(Acceptance of Massachusetts General Law: Amendments to OPEB Trust Fund)

To see if the Town will accept the provisions of Massachusetts General Laws Chapter 32B, Section 20, as amended and effective as of November 7, 2016, regarding the management of the Town's Other Post-Employment Benefits [OPEB] Liability Trust Fund; or take any other action related thereto.

(Board of Selectmen)

ARTICLE 84

(Acceptance of Massachusetts General Law Chapter 48, Section 42)

To see if the town will vote to adopt Massachusetts General Law Chapter 48, Section 42: Establishment of fire departments; appointment of fire chief; compensation; removal; powers and duties.

Section 42. Towns accepting the provisions of this section and sections forty-three and forty-four, or which have accepted corresponding provisions of earlier laws may establish a fire department to be under the control of an officer to be known as the chief of the fire department. The chief shall be appointed by the selectmen, and shall receive such salary as the selectmen may from time to time determine, not exceeding in the aggregate the amount annually appropriated therefor. He may be removed for cause by the selectmen at any time after a hearing. He shall have charge of extinguishing fires in the town and the protection of life and property in case of fire. He shall purchase subject to the approval of the selectmen and keep in repair all property and apparatus used for and by the fire department. He shall have and exercise all the powers and discharge all the duties conferred or imposed by statute upon engineers in towns except as herein provided, and shall appoint a deputy chief and such officers and firemen as he may think necessary, and may remove the same at any time for cause and after a hearing. He shall have full and absolute authority in the administration of the department, shall make all rules and regulations for its operation, shall report to the selectmen from time to time as they may require, and shall annually report to the town the condition of the department with his recommendations thereon; he shall fix the compensation of the permanent and call members of the fire department subject to the approval of the selectmen. In the expenditure of money the chief shall be subject to such further limitations as the town may from time to time prescribe. The appointment of the chief of the fire department in any town or district having a population of five thousand or less may be for a period of three years.

(Jeffrey M. Allen, et al)

ARTICLE 85

(Reaffirmation of Separate Fire and Police Departments)

To see if the Town will vote to reaffirm the continuation of separate Fire and Police Departments, with each department run by a fire chief and police chief, with each being the distinct department head for their respective department, or take any other action relative thereto.

(Jeffrey M. Allen, et al)

ARTICLE 86

(Home Rule Petition: Charter Amendment/Appointment of Finance Committee, and Bylaw Amendment: Committees/Finance Committee Changes)

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 Charter of the Town of Nantucket.

SECTION 1. Article 3, Section 3.4(a)(3), of the Charter of the Town of Nantucket, enacted pursuant to Chapter 289 of the Acts of 1996, is hereby amended by striking out the words "Finance Committee."

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

And further to see if the Town will vote to amend Chapter 11 (Committees) Section 11-1 of the Code of Nantucket as follows; provided, however, that such amendment shall only take effect upon the passage of the Home Rule Petition by the General Court as set forth in this Warrant Article: *(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):*

§11-1 Establishment; membership; vacancies:

There shall be a Finance Committee consisting of nine members; all of whom shall be appointed by the ~~Board of Selectmen~~ Town Moderator ~~at its first meeting, or some subsequent meeting, after the Annual Town Meeting in the year 1925, A.D., three for terms of one year, three for terms of two years and three for terms of three years, and, annually after the year 1925 A.D., the Board of Selectmen.~~ The Town Moderator shall appoint ~~at its first meeting, or some subsequent meeting, after the Annual Town Meeting,~~ three members of such Finance Committee for terms of three years, and no member of the Finance Committee shall be an officer or employee of the Town or County or any other municipal entity. ~~The Board of Selectmen~~ Town Moderator shall fill any vacancy which may occur in the Finance Committee for the remainder of the term.

Or to take any other action related thereto.

(Michael A. Glowacki, et al)

ARTICLE 87

(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)

ARTICLE 88

(Home Rule Petition: Community Housing Bank Real Estate Transfer Fee)

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 half per cent (1/2%) 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)

ARTICLE 89

(Home Rule Petition: Amending Special Act Authorizing Affordable Housing Covenants)

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, amending Chapter 301 of the Acts of 2002, and to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in the text 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 ACT AUTHORIZING AFFORDABLE HOUSING COVENANTS IN THE TOWN OF NANTUCKET.

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

SECTION 1. Section 2 of Chapter 301 of the Acts of 2002, "An Act Authorizing Affordable Housing Covenants in the Town of Nantucket," is hereby repealed and the following text is inserted in its place:

Section 2. Notwithstanding the provisions of any general or special law to the contrary, the town of Nantucket may adopt by-laws to designate the Nantucket Housing Authority as the agency authorized to create, administer and enforce Nantucket housing needs covenants. These covenants shall run with the land for a specified number of years or if no termination date is specified then in perpetuity, and shall be executed by or on behalf of the owner of the land appropriate to (a) limiting the use of all or part of the land to occupancy by persons or families of middle income in either rental or other housing, except for a "qualified family member" as defined in Section 8B(2) of Chapter 139 (Zoning) of the Code of Nantucket who shall be exempt from the established income and asset limits otherwise required in said covenants, (b) restricting the resale price of all or part of the property in order to ensure its affordability by future middle income purchasers, or (c) in any way limiting or restricting the use or enjoyment

of all or any portion of the land for the purpose of encouraging or ensuring the creation or retention of rental and other housing for occupancy by middle income persons and families.

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

(Board of Selectmen)

ARTICLE 90

(Amendments to Chapter 100 of the Code of the Town of Nantucket)

To see if the Town will vote to amend Sections 100-1, 100-2, 100-3(A), (B) and (C), and 100-7 of the Code of the Town of Nantucket as follows (NOTE: new text shown as highlighted):

§ 100-1. Designation and authorization of Nantucket Housing Authority.

By this chapter, which shall be known as Chapter **100** of the Code of the Town of Nantucket, Massachusetts, the Town, pursuant to Section 2 of Chapter 301 of the Acts of 2002,[1] as amended, hereby establishes the program hereafter to be known as the "Nantucket Housing Needs Covenant Program" and designates the Nantucket Housing Authority (the "Authority") as the agency to create, administer and enforce Nantucket Housing Needs Covenants under the Nantucket Housing Needs Covenant Program. The Authority may, pursuant to applicable law, implement the Nantucket Housing Needs Covenant Program through contracts with qualified entities, or by otherwise obtaining assistance for some or all aspects of the Nantucket Housing Needs Covenant Program, if the Authority determines that such assistance is in the public interest.

[1] Editor's Note: See Ch. **A301**, § **A301-11**, Affordable housing covenants.

§ 100-2. Purpose and means.

As set forth in Chapter 301 of the Acts of 2002, as amended, the purpose of the Nantucket Housing Needs Covenant Program is to create, make available and maintain housing that is affordable to those who earn less than 150% of the Nantucket County median household income, from those situated in lower income groups, to those situated in more moderate or middle income groups, to help all these groups to continue to reside on Nantucket if they wish to do so, and 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. To accomplish these important community objectives, the Authority may, within the Nantucket Needs Housing Program, create, administer and enforce a series of Nantucket Housing Needs Covenants (an "NHNC").

§ 100-3. Subprograms; ownership and rental covenants.

- A. Within the Nantucket Housing Needs Covenant Program, the Authority may create and administer a series of subprograms and NHNCs, based on different levels of household income, provided that no subprogram or NHNC shall be created for or available to people or households earning more than 150% of the

Nantucket County median household income (a "subprogram"), except for a "qualified family member" as defined in Section 8B(2) of Chapter 139 (Zoning) of the Code of the Town of Nantucket who shall be exempt from the established income and asset limits of the Nantucket Housing Needs Covenant Program. For illustration only, without limitation, a subprogram may be established hereunder based on affordability to people or households earning at or below 80% of the Nantucket County median income. For each Nantucket Housing Needs Covenant Program subprogram there shall be created an appropriate NHNC to effectuate said subprogram.

- B. Nantucket Housing Needs Covenant ("NHNC"). An NHNC may regulate the terms of the purchase, sale and ownership of real property, including real property held as a condominium, or an NHNC may regulate the terms of the rental of real property, or both.
- (1) The Authority may create a series of subprograms and NHNCs that relate to and regulate the terms of the purchase, sale and ownership of real property not held as a condominium, which NHNCs shall be known as an "Nantucket Housing Needs Covenant – Ownership Form." A "qualified family member" as defined in Section 8B (2) of Chapter 139 (Zoning) of the Code of the Town of Nantucket shall be exempt from the established income and asset limits of the Nantucket Housing Needs Covenant Program, and the established income and asset limits shall not be included as requirements in any NHNC-Ownership Form for such qualified family member.
 - (2) The Authority may create a series of subprograms and NHNCs that relate to and regulate the terms of the purchase, sale and ownership of real property held as a condominium, which NHNCs shall be known as an "Nantucket Housing Needs Covenant – Condominium Form."
 - (3) The Authority may create a series of subprograms and NHNCs that relate to and regulate the terms of the rental and leasing of real property, which NHNCs shall be known as an "Nantucket Housing Needs Covenant – Rental Form."
- C. The Nantucket Housing Needs Covenant Program, each subprogram and each NHNC shall include, without limitation, provisions, consistent with this Chapter 100, with Chapter 301 of the Acts of 2002, as amended, and with Chapter 184 of the Massachusetts General Laws, if applicable under § 100-7 herein below, addressing the following elements:
- (1) Income and asset limits for eligible households (except for a "qualified family member" referred to in Sections A and B (1) above);
 - (2) A definition of affordability;

- (3) An affordability use restriction on the properties affected by a subprogram and an NHNC;
- (4) Procedures whereby the Authority shall periodically receive and review reports pertaining to each NHNC;
- (5) Provisions that the Nantucket Housing Needs Covenant Program, each subprogram and each NHNC shall be created and administered in a nondiscriminatory manner; and
- (6) Enforcement provisions designed to assure compliance with the purpose and intent of this Chapter 100 and with the Nantucket Housing Needs Covenant Program, subprograms and NHNCs.

[1] Editor's Note: See Ch. A301, § A301-11, Affordable housing covenants.

§ 100-7. Relation to Chapter 184 of Massachusetts General Laws.

In the event that any NHNC may not be enforceable in perpetuity under Chapter 301 of the Acts of 2002,[1] as amended, or where the Authority determines that it would further the intent and purpose of this Chapter 100, the Authority may require that, in addition to the requirements of this Chapter 100, any NHNC also conform to the requirements of Chapter 184 of the Massachusetts General Laws, as amended, relative to the creation and maintenance of perpetual affordable housing restrictions.

[1] Editor's Note: See Ch. A301, § A301-11, Affordable housing covenants.

Or to take any action related thereto.

(Board of Selectmen)

ARTICLE 91

(Conveyance of Easement on 30 Surfside Road to Verizon)

To see if the Town will vote to authorize the Board of Selectmen to convey a perpetual non-exclusive easement to Verizon New England, Inc. for such purposes to access, construct, operate, maintain, connect, replace and remove manholes and conduits and any other equipment and facilities as required for the transmission and/or distribution of telecommunications over, across, upon and under a portion of certain Town-owned land located at 30 Surfside Road, Nantucket, shown as Lot 1 on a plan of land recorded with Nantucket County Registry of Deeds in Plan Book 18, Page 88 and Lot 3 on a plan of land recorded with said Deeds in Plan Book 20, Page 60, and as more particularly described in deeds recorded with said Deeds in Book 143, Page 181 and Book 169, Page 175, said easement area being shown on a plan filed with the Office of the Town Clerk; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 92

(Conveyance of Easement on 30 Surfside Road to Nantucket Electric)

To see if the Town will vote to authorize the Board of Selectmen to convey a perpetual non-exclusive easement to Nantucket Electric Company for such purposes to access, install, construct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence an underground electric distribution system in, through, under, over, across and upon a portion of certain Town-owned land located at 30 Surfside Road, Nantucket, shown as Lot 1 on a plan of land recorded with Nantucket County Registry of Deeds in Plan Book 18, Page 88 and Lot 3 on a plan of land recorded with said Deeds in Plan Book 20, Page 60, and as more particularly described in deeds recorded with said Deeds in Book 143, Page 181 and Book 169, Page 175, said easement area being shown on a plan filed with the Office of the Town Clerk; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 93

(Real Estate Acquisition: Various Easements and Misc. Parcels)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for public way, sewer, open space and/or general municipal purposes and for the purpose of conveyance the fee title or lesser interests, together with any public and private rights of passage, in all or any portions of the following right of ways, easements or parcels of land:

- Allen's Lane from the northern sideline of First Way to its northern termini and from the southern sideline of First Way to the northern sideline of Second Way;
- Former railroad right-of-way between the sideline of Sparks Avenue and Pleasant Street;
- 338 Madaket Road, Map 60, Parcel 125 (Lot 827-LC Plan 3092-94);
- Map 88, Parcel 37 (Surfside, portion of Blocks 266 and 275);

All as shown on a map entitled "2017 Annual Town Meeting Warrant Article 93 Acquisition and Disposition of Various "Paper" Streets and Misc. Parcels" dated January 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 94

(Real Estate Conveyance: Various "Paper" Streets and Misc. Parcels)

To see if the Town will vote to authorize the Board of Selectmen to (1) sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land pursuant to Chapter 30B of the Massachusetts General Laws, (2) dedicate all or any portion of the subject land for open space and recreational purposes, and/or (3) sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land to the Nantucket Islands Land Bank, 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 regard to the following land:

- Lots B and M on Plan No. 2016-47 (formerly part of Copeland Street and Mequash Avenue, Surfside);
- 143A and 143E Surfside Road, Map 80 Parcels 101.2 and 101.6;

All as shown on a map entitled "2017 Annual Town Meeting Warrant Article 94 Acquisition and Disposition of Various "Paper" Streets and Misc. Parcels" dated January 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 95

(Real Estate Acquisition: Nancy Ann Lane)

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, for public access and public safety purposes and for purposes of conveyance of the fee title or lesser interests therein, together with any and all public and / or private rights, in the land, including a portion of the existing right of way of known as Nancy Ann Lane as depicted on Land Court Plan 16514-Z, consisting of approximately 33,129 square feet, as shown on the plan attached hereto and on file with the office of the Town Clerk; and provided further that the Board of Selectmen shall not exercise its vote to acquire the property by eminent domain or otherwise until they have determined that the record landowner(s) of the property described above agrees to reimburse the Town for any and all engineering, legal and other costs incurred and for the payment of any monetary damages related to the taking by eminent domain pursuant to Massachusetts General Laws Chapter 79 or any other damages and costs incurred by the Town related thereto; or to take any other action related thereto,.

(Patricia Roggeveen, et al)

ARTICLE 96

(Real Estate Conveyance: Nancy Ann Lane)

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 of all or any portion of the following described land, including a portion of the existing right of way known as

Nancy Ann Lane as depicted on Land Court Plan 16514-Z, containing of approximately 33,129 square feet, and as shown on the plan attached hereto and on file with the office of the Town Clerk, pursuant to Massachusetts General Laws Chapter 30B; any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, provided the disposition is consistent with the purposes for which the property interest was acquired; or to take any other action related thereto..

(Patricia Roggeveen, et al)

ARTICLE 97

(Real Estate Acquisition: Mayflower Circle, Daffodil Lane)

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, for affordable housing purposes pursuant to Chapter 139, Section 8D of the Code of the Town of Nantucket and for purposes of conveyance of the fee title or lesser interests, together with any and all public and / or private rights, in the land shown as the western portions of Mayflower Circle and Daffodil Lane being portions of Lot # 615 and Lot # 663, respectively, on Land Court Plan 16514-40, and containing approximately 16,004 square feet and 12,721 square feet, as shown on the plan attached hereto and filed with the office of the Town Clerk; and provided further that the Board of Selectmen shall not exercise its vote to acquire the property by eminent domain or otherwise until they have determined that the record landowner(s) of the property described above agrees to reimburse the Town for any and all engineering, legal and other costs incurred and for the payment of any monetary damages related to the taking by eminent domain pursuant to Massachusetts General Laws Chapter 79 or any other damages and costs incurred by the Town related thereto; or to take any other action related thereto.

(Patricia Roggeveen, et al)

ARTICLE 98

(Real Estate Conveyance: Mayflower Circle, Daffodil Lane)

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 of all or any portion of the land shown as the western portions of Mayflower Circle and Daffodil Lane, being portions of Lot # 615 and Lot # 663, on Land Court Plan 16514-40, and containing respectively approximately 16,004 square feet and 12,721 square feet, as shown on the plan attached hereto and on file with the Office of the Town Clerk, pursuant to Massachusetts General Laws Chapter 30B; any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, provided the disposition is consistent with the purposes for which property was acquired; or to take any other action related thereto.

(Patricia Roggeveen, et al)

Article 99

(Real Estate Acquisition: North Road)

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 or lesser interests, together with any public or private rights of passage, in the portion of North Road (Shimmo) between the extended western sideline of land shown upon Assessor Map 43 as Parcel 79 and the extended easterly sideline of the land shown upon Assessor Map 43 and Parcel 128, approximately 470+/- feet in length, or to take any other action related thereto.

(Steven Cohen, et al)

ARTICLE 100

(Real Estate Conveyance: North Road)

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 an 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 such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in the portion of North Road (Shimmo) between the extended western sideline of land shown upon Assessor Map 43 as Parcel 79 and the extended easterly sideline of the land shown upon Assessor Map 43 and Parcel 128, approximately 470+/- feet in length, or to take any other action related thereto.

(Steven Cohen, et al)

ARTICLE 101

(Real Estate Acquisition: Sandwich Road)

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 or lesser interests, together with any public or private rights of passage, in the portion of Sandwich Road (Monomoy) lying between the northerly line of Chatham Road and the extended north easterly sideline of the land known and numbered at 8 Monomoy Road, shown upon Assessor Map 54 and Parcel 196, approximately 385+/- feet in length, or to take any other action related thereto.

(Steven Cohen, et al)

ARTICLE 102

(Real Estate Conveyance: Sandwich Road)

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 an 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 such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in the portion of Sandwich Road (Monomoy)

lying between the northerly line of Chatham Road and the extended north easterly sideline of the land known and numbered at 8 Monomoy Road, shown upon Assessor Map 54 and Parcel 196, approximately 385+/- feet in length, or to take any other action related thereto.

(Steven Cohen, et al)

ARTICLE 103

(Real Estate Acquisition: Scott's Way)

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 or private rights of passage for public ways, open space, conveyance and/or general municipal purposes in all or any portion of the unconstructed right of way known as Scotts Way from a line extending across Scotts Way at a point at the southeasterly corner of Map 67, Parcel 168, to the northern sideline of Lovers Lane, approximately 2,575 linear feet.

Or to take any other action related thereto.

(Christopher L .Ray, et al)

ARTICLE 104

(Real Estate Conveyance: Scotts Way)

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 a portion of land known as Scotts Way from a line extending across Scotts Way at a point at the southeasterly corner of Map 67, Parcel 168, to the northern sideline of Lovers Lane, approximately 2,575 linear feet, subject to Chapter 30B on 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.

Or to take any other action related thereto.

(Christopher L. Ray, et al)

ARTICLE 105

(Real Estate Conveyance: 131, 135 Pleasant Street)

Subsequent to the Town relocating the municipal Fire Department operations, to see if the Town will vote to transfer the parcel of land described below from municipal public safety purposes, to the Board of Selectmen to be held for the purpose of conveyance; all or any portion of 131 & 135 Pleasant Street thereof for a public purpose including without limitation, funeral home purposes by a non-profit entity pursuant to Chapter 261 of the Acts of 2014, subject to MGL Chapter 30B, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate:

•Assessors Map 55 Parcels 270 & 271, AKA the Nantucket Fire Department,

[Said funeral home operation to be built, or in the case of an existing buildings on town-owned land, to be renovated, and run by a non-profit entity pursuant to Chapter 261 of the Acts of 2014. The Non-profit entity shall raise all funds to build, renovate, and maintain the funeral home operation. No municipal funds shall be required.]

Or to take any other action related thereto.

(Catherine Flanagan Stover, et al)

ARTICLE 106

(Real Estate Conveyance: 2, 4, 6, 8 Ticcoma Way)

To see if the Town will vote to transfer the parcel of land described below from municipal or county vacant land to the Board of Selectmen to be held for the purpose of conveyance, all or any portion of 2, 4, 6, and 8 Ticcoma Way thereof for a public purpose including without limitation, funeral home purposes by a non-profit entity pursuant to Chapter 261 of the Acts of 2014, subject to MGL Chapter 30B, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate:

•Assessors Map 67 Parcels 700, 701, 702, and 703,

[Said funeral home operation to be built, or in the case of an existing buildings on town-owned land, to be renovated, and run by a non-profit entity pursuant to Chapter 261 of the Acts of 2014. The Non-profit entity shall raise all funds to build, renovate, and maintain the funeral home operation. No municipal funds shall be required.]

Or to take any other action related thereto.

(Catherine Flanagan Stover, et al)

ARTICLE 107

(Real Estate Conveyance: 9 East Creek Road)

In the case of the Town voting to relocate our municipal nursing home, to see if the Town will vote to transfer the parcel of land described below from municipal nursing home purposes to the Board of Selectmen to be held for the purpose of conveyance, all or any portion of 9 East Creek Road thereof for a public purpose including without limitation, funeral home purposes by a non-profit entity pursuant to Chapter 261 of the Acts of 2014, subject to MGL Chapter 30B, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate:

•Assessors Map 55 Parcel 59, AKA Our Island Home, formerly known as The Asylum

[Said funeral home operation to be built, or in the case of an existing buildings on town-owned land, to be renovated, and run by a non-profit entity pursuant to Chapter 261 of

the Acts of 2014. The Non-profit entity shall raise all funds to build, renovate, and maintain the funeral home operation. No municipal funds shall be required.]

Or to take any other action related thereto.

(Catherine Flanagan Stover, et al)

ARTICLE 108

(Real Estate Acquisition: Paper Streets- Hollister and West Quaise Roads)

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, together with any public and private rights of passage, for public ways, open space, conveyance and/or general municipal purposes:

- West Quaise Road from the northern sideline of Hollister Road to the southern sideline of Quaise Road;
- Hollister Road from the western sideline of Bassett Road to its terminus.

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.

All as shown on a map entitled “2017 Annual Meeting Warrant Article ____” dated October 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Lucy Dillon, et al)

ARTICLE 109

(Real Estate Conveyance: Paper Streets - Hollister and West Quaise Roads)

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 in all or any portion of the following unconstructed rights of way, 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 any such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

- West Quaise Road from the northern sideline of Hollister Road to the southern sideline of Quaise Road;
- Hollister Road from the western sideline of Bassett Road to its terminus.

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article ____” dated October 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Lucy Dillon, et al)

ARTICLE 110

(Real Estate Acquisition: Unnamed Private Ways off Low Beach Road, Sconset)

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 all or any portions of the unnamed private ways off Low Beach Road, Siasconset, shown upon a "Plan of Rule Lot at South End of 'Sconset" by R. N. Allen, Surveyor, recorded with the Nantucket Registry of Deeds in Plan Book 4, Page 7, and lying adjacent to or within the lands situated at and known as 54 Morey Lane, 1 Low Beach Road, 3 Low Beach Road, 11 Low Beach Road, 13 Low Beach Road, 15 Low Beach Road and 17 Low Beach Road (Assessor's Parcels 73.3.2-54, 73.3.2-27, 73.3.2-29, 73.3.2-34, 74-45, 74-84 and 74-85, respectively); or to take any other action related thereto.

(Arthur I. Reade, Jr., et al)

ARTICLE 111

(Real Estate Conveyance: Unnamed Private Ways off Low Beach Road, Sconset)

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 all or any portions of the unnamed private ways off Low Beach Road, Siasconset, shown upon a "Plan of Rule Lot at South End of 'Sconset" by R. N. Allen, Surveyor, recorded with the Nantucket Registry of Deeds in Plan Book 4, Page 7, and lying adjacent to or within the lands situated at and known as 54 Morey Lane, 1 Low Beach Road, 3 Low Beach Road, 11 Low Beach Road, 13 Low Beach Road, 15 Low Beach Road and 17 Low Beach Road (Assessor's Parcels 73.3.2-54, 73.3.2-27, 73.3.2-29, 73.3.2-34, 74-45, 74-84 and 74-85, respectively); or to take any other action related thereto.

(Arthur I. Reade, Jr., et al)

ARTICLE 112

(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 2017 tax levy.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 113
(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)

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

In addition, you are directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs to go to the Nantucket High School at 10 Surfside Road in said Nantucket, on

***TUESDAY, THE ELEVENTH DAY OF APRIL, 2017
BETWEEN THE HOURS OF 7:00 AM and 8:00 PM***

for the following purpose:

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

Moderator	One for a term of one year
Selectman	Two for terms of three years
School Committee	Two for terms of three years
Historic District Commission	Two for terms of three years
Nantucket Islands Land Bank Commission	One for a term of five years
Harbor and Shellfish Advisory Board	Two for terms of three years
Community Preservation Committee	Two for terms of three years
Planning Board	One for a term of five years
Nantucket Water Commission	One for a term of three years
Siasconset Water Commission	One for a term of three years

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

1. Non-Binding Public Opinion Advisory Question

Shall the Town of Nantucket make town-owned land available for funeral home purposes: Said funeral home operation to be built, or in the case of an existing buildings on town-owned land, to be renovated, and run by a non-profit entity pursuant to Chapter 261 of the Acts of 2014?

[Said land shall be subject to lease pursuant to MGL Chapter 30B. The Non-profit entity shall raise all funds to build, renovate, and maintain the funeral home operation. No municipal funds shall be required.]

2. Debt Exclusion for New Our Island Home Facility

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition two and one-half, so-called, the amounts required to pay for the bond issued for the purpose of constructing a new facility for Our Island Home to be located at 44 and 48 Miacomet Road, and a portion of the abutting parcel located at 21 South Shore Road presently owned by the Town and leased to the Residences at Sherburne Commons, Inc., including the costs of professional services for design, permitting, engineering, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto.

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

Given under our hands this 18th day of January in the year Two Thousand Seventeen.

James R. Kelly, Chairman

Dawn E. Hill Holdgate, Vice Chairman

Rick Atherton

Robert R. DeCosta

Matthew G. Fee

SELECTMEN OF NANTUCKET, MA

Pursuant to Chapter 39, section 10 of the General Laws of the Commonwealth and the Warrant of January 18, 2017 I have notified and warned the inhabitants of the Town of Nantucket qualified to vote in Town affairs to appear at the times and place and for the purposes within mentioned by posting said notification on _____ at the Stop & Shop on Pleasant Street, the Town and County Building at 16 Broad Street; and upon the Bulletin Boards at the corner of Main and Federal Streets, and Siasconset Square.

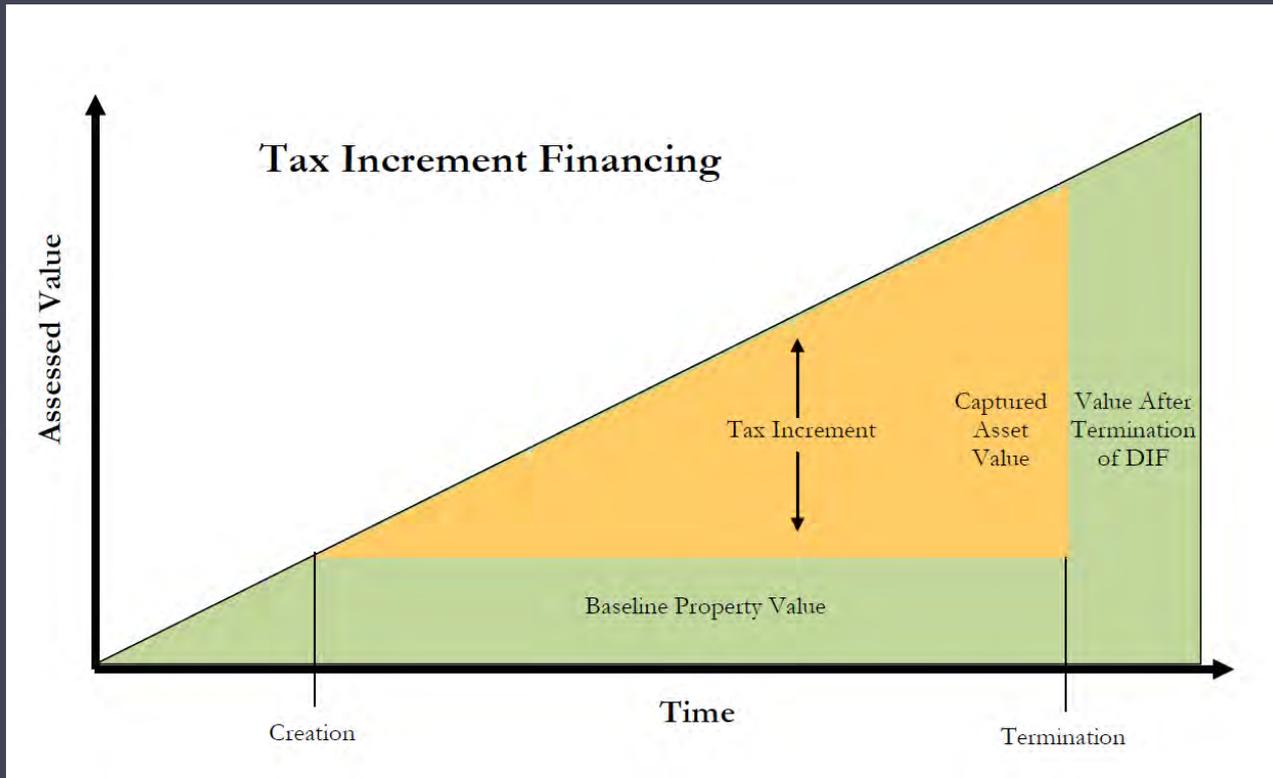
Sworn to under pains and penalties of perjury,

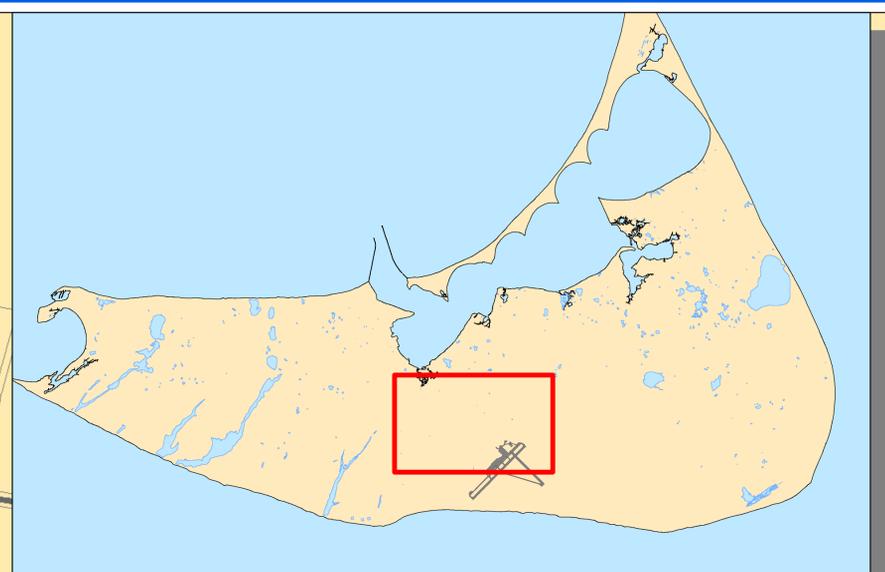
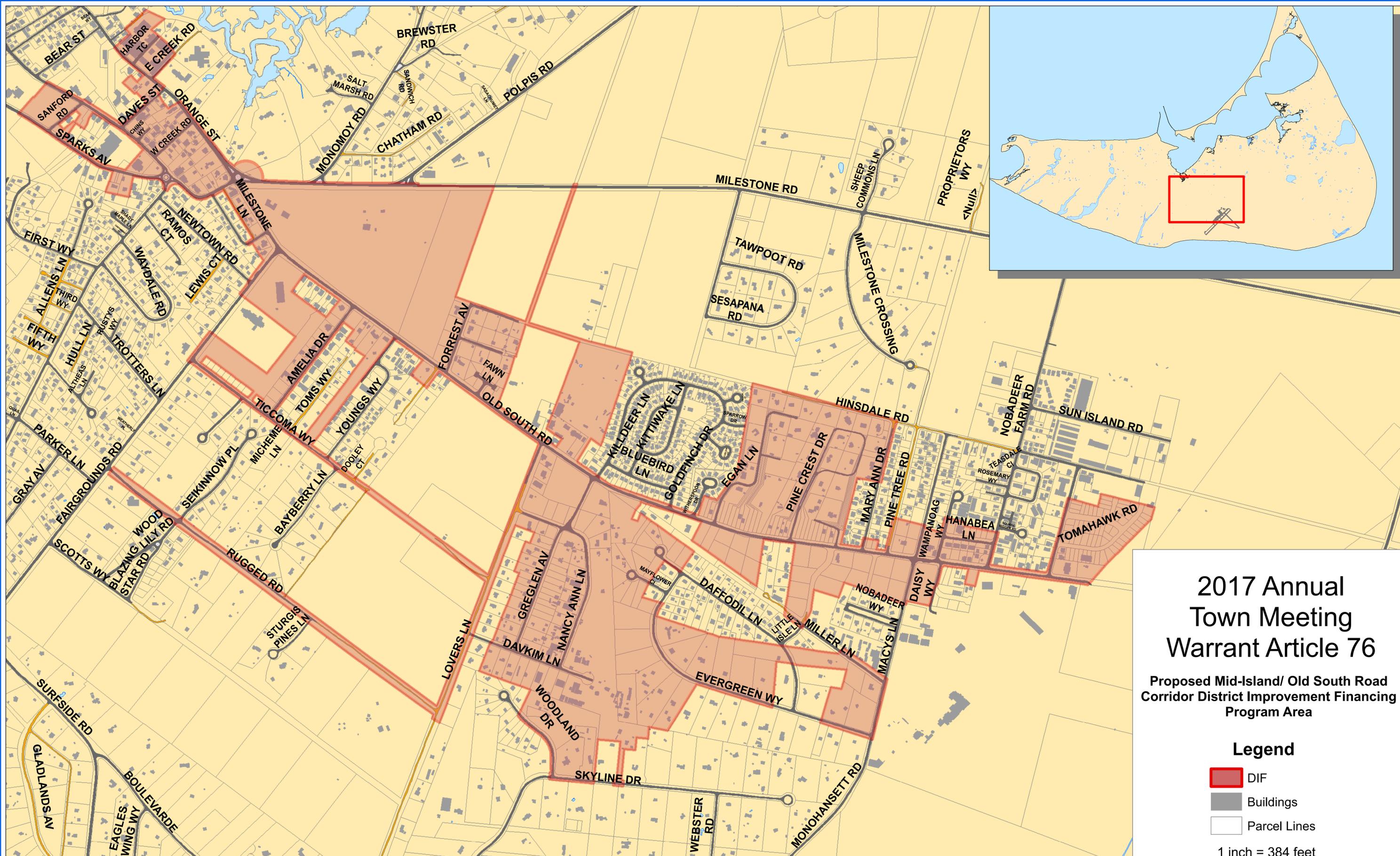
Catherine Flanagan Stover, Constable

District Improvement Financing

- ⚙️ Enables municipality to fund infrastructure projects by allocating future tax revenue collected from a defined area to pay for project costs.
 - ⚙️ Established by Town Meeting and approved by the Economic Assistance Coordinating Council (EACC).
 - ⚙️ District must encourage increased residential, industrial, and commercial activity.
 - ⚙️ Requires a “development program” to be implemented.
 - ⚙️ Tax rate remains unchanged, but a portion of the taxes collected are directed back to district for infrastructure improvements.
 - ⚙️ Tax revenue from district can be used for funding or it can be borrowed against.
 - ⚙️ Flexible debt structures that would otherwise be unavailable can be utilized.

DIF – Tax Value Captured





2017 Annual Town Meeting Warrant Article 76

Proposed Mid-Island/ Old South Road
Corridor District Improvement Financing
Program Area

Legend

- DIF
- Buildings
- Parcel Lines

1 inch = 384 feet

Data Sources:
The planimetric data on this mapsheet is based primarily upon interpretation of April, 2013 aerial photography. It was compiled to meet the ASPRS Standard for Class 1 Map Accuracy for 1"=100' scale maps.

The data on this mapsheet represents the efforts of the Town of Nantucket and other cooperating organizations to record and compile pertinent geographical and related information utilizing the capabilities of the Nantucket Geographic Information System (GIS). The GIS staff maintains an ongoing program to record and correct errors in these data that are brought to its attention. The Town of Nantucket makes no claims as to the absolute validity or reliability of these data or their fitness for any particular use.



Town of Nantucket - GIS Mapsheet



Nantucket governmental agencies will not necessarily approve applications based solely on GIS data. Applicants for permits and licenses must inquire of the relevant agency for applicable requirements. The presence of information on this mapsheet does not necessarily imply public right-of-way or the right of public access.

Please send identification of any errors and corresponding corrections to:

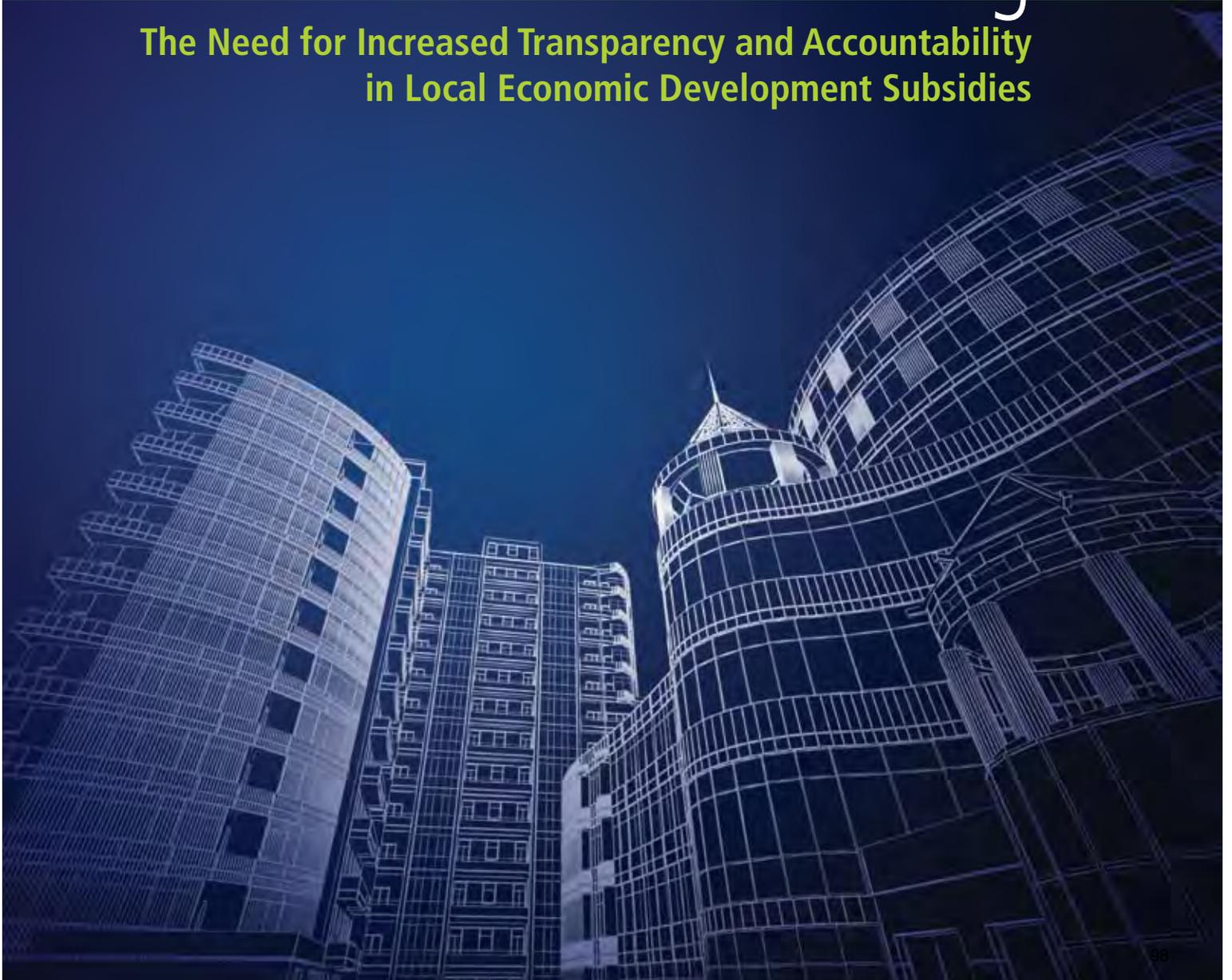
GIS Coordinator
Town of Nantucket
2 Fairgrounds Road
Nantucket, MA 02554

DIF Funded Future Projects in Vicinity of Richmond Site(s)

- ✿ Improvements to Lover's Lane, Rugged Road, Greglen Avenue, and Nancy Ann/Davkim Lane
- ✿ Roundabout construction at Fairgrounds/Old South Road intersection
- ✿ Reconstruction of Milestone Rotary
- ✿ Taking of and improvements to Amelia Drive

Tax-Increment Financing

The Need for Increased Transparency and Accountability
in Local Economic Development Subsidies



Tax-Increment Financing

The Need for Increased Transparency
and Accountability in Local Economic
Development Subsidies

U.S. PIRG Education Fund

Rob Kerth,
Frontier Group

Phineas Baxandall, Ph.D.,
U.S. PIRG Education Fund

Fall 2011

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Executive Summary

Local and state governments use various tools to encourage development in economically challenged areas. Tax-increment financing (TIF) has been a leading tool used for this purpose. TIF allows cities and towns to borrow against an area's future tax revenues in order to invest in immediate projects or encourage present development. When used properly and sparingly, TIF can promote enduring growth and stronger communities. When used improperly, however, TIF can waste taxpayer resources or channel money to politically favored special interests.

To protect the public interest, governments should impose strong safeguards that ensure that TIF projects are implemented through a transparent, accountable process with clear and compelling goals.

Governments must use care in choosing when to use tax-increment financing. The public can benefit from subsidies that bring lasting economic development to declining or stagnant areas. However, tax-increment financing can be wasted on projects that:

- **Fail to achieve public goals:** By definition, TIF diverts money from schools, parks, and other important services. TIF projects certainly won't be justifiable if they are used to support projects that fail to bring the hoped-for investment or harm the community in other ways.
- **Enrich special interests at the public's expense:** Poorly designed TIF programs can give government officials a tool to lavish subsidies on favored or well-connected developers—regardless of the project's public benefits.
- **Encourage development in areas where it is least needed:** TIF is intended to spur redevelopment of areas in difficult economic straits, but the tool has also been used to fuel development of previously undeveloped areas. Fort Worth, Texas, for example, used TIF to lure the big box sporting goods chain Cabela's to a tract of prime, newly developed land that was declared

“blighted” due to the presence of a stream and lake on the property.

The process of awarding tax-increment financing often takes place without sufficient public awareness and input—creating the opportunity for favoritism and corruption.

- **TIF often lacks transparency:** The public often lacks the tools to evaluate whether a particular TIF project makes sense. In some states, TIF budgets are not published for public review. In addition, not all states require the completion and publication of growth forecasts that would enable the public to evaluate the costs and benefits of TIF subsidies.
- **TIF often lacks accountability:** TIF is undertaken in the hope of generating specific benefits—increased employment, land value, and tax revenue among them. Many TIF laws do not, however, require follow-up reporting that would enable the public to determine if the goals of the project were realized.
- **TIF can create “slush funds” that lack public oversight and accountability:** In some jurisdictions, TIF revenue can be spent at the discretion of mayors or other public officials. Chicago’s TIF funds have traditionally been disbursed through a separate budget overseen by the mayor, and not even shared in full with the city council. Funds may be allocated to political allies or pet projects—or may continue to be used for projects inside a TIF district long after the project originally intended to receive the TIF funds was completed.

To prevent these problems, states and municipalities should adopt strong rules

governing the use of TIF districts and similar development subsidies. In short, rules should ensure that **TIFs are targeted, transparent, accountable, and democratically governed.**

- **TIF districts must be targeted and temporary.** TIF should only be used in service of a specific development strategy and only in cases where evidence shows that it is likely to succeed. TIFs should not become an all-purpose tool to woo developers. TIF should only be targeted toward areas in special need of development, for projects that are unlikely to occur without public intervention, and with a defined time limit at which point the property’s tax revenue will once again be used for general public purposes.
- **Subsidy recipients must be held accountable for meeting goals.** TIF agreements should include measurable targets for success, and regular performance reviews should measure progress towards those benchmarks. Where possible, municipalities should retain the ability to demand return of some or all of the money used to subsidize private investors in the event that development promises are not fulfilled.
- **Information on TIF must be transparent.** Because TIF has long-term implications for a jurisdiction’s finances and ability to provide public services, the decision to create a TIF district should come with the highest level of transparency and public participation. In addition, jurisdictions should supply detailed, ongoing information about the finances and performance of TIF projects via the Internet, following “Transparency 2.0” standards of budget and spending disclosure. (See page 17).

- **Citizens must have the tools to evaluate the benefits and trade-offs of TIF.** Governments should account for the costs of TIF districts as part of a jurisdiction's overall

budget—enabling the public and decision-makers to evaluate the trade-offs involved in tax-increment financing and the impacts on other public services.

Introduction

In 2005, a hunting goods superstore opened in Fort Worth, Texas, on a parcel of newly developed land near a highway. The location might have seemed a little questionable—the new store, a Cabela’s, would be competing with another such superstore, a Bass Pro Shop, located only 10 miles away, and Fort Worth already had other hunting and sporting goods stores.¹

But the choice of location makes much more sense when one realizes that it came with \$30-40 million worth of taxpayer money attached.

Claiming that the new store would draw more tourists than the famed Alamo, Cabela’s asked Fort Worth to construct much of the needed infrastructure for the project at public expense, paid for with a mechanism known as “tax-increment financing” (TIF). Despite a lawsuit from a citizens’ group, and protests from other local business owners upset that their taxes would be financing their competitors, the city agreed and went ahead with the project.

TIF—which originated as a tool to spur reinvestment in declining neighborhoods—has emerged in recent decades as an all-purpose stimulant for development that is too often subject to abuse.

In Baraboo, Wisconsin, a TIF district was used to convert a cornfield into

a Walmart and lure businesses from neighboring towns to adjacent parcels—a reversal of the traditional role of TIF as a tool to draw new investment *into* previously developed areas that need revitalization.² In Chicago, TIF revenue funded an entire “shadow budget” of projects under mayoral control, hidden from the public and even the city council.³ In California, use of the tool became so widespread that school districts began to sue cities to recover the revenue they were losing to TIF-funded redevelopment schemes.⁴

The failure to restrict TIF to appropriate settings and to impose sufficient public oversight and budgeting rules over TIF funds have allowed what should be a mundane tax policy to instead become a temptation that too many municipal officials find themselves unable to resist—an immediate infusion of cash that often comes with little consideration of long-term costs. Egged on by developers eager for subsidies, cities have pushed the boundaries of TIF far beyond what common sense or good policy would dictate.

With the growing use of TIF, the time has come to reestablish basic principles of good government and responsible use of taxpayer money in the operation of these development subsidies.

What Is Tax-Increment Financing and Why Does it Matter?

Cities and towns often struggle to spur economic redevelopment in down-and-out neighborhoods. Many governments issue subsidies to encourage developers or other businesses to set up shop in the community, in the hope that, by doing so, they can plant the seeds for broader economic revitalization.

Governments have many tools in their toolbox to encourage development in a particular geographic area. They can use governmental powers such as eminent domain and authority over zoning to ease the way for development. They can invest public money in public projects—such as rail stations, better parks, waste cleanup and improved schools—that encourage redevelopment. Governments also have the ability to directly subsidize particular companies through the tax code to encourage them to locate within a specific geographic area.

Tax-Increment Financing (TIF) is one of the most popular tools local officials use to encourage economic development in a particular area. Like other subsidy programs, TIF can be a powerful tool to encourage economic development—but it can also be misused on projects with few

public benefits or to line the wallets of well-connected developers.

Tax-increment financing originated in California in 1952 as a tool for cities to raise money for development in order to secure federal matching funds for their projects.⁵ It spread slowly at first; only six other states had adopted similar policies by 1970.⁶

During the next several decades, however, the use of TIF expanded dramatically, as alternative tools that had once been available for municipalities to encourage and direct development—such as federal urban renewal funding—disappeared.⁷ During the 1980s and 1990s, more states adopted TIF enabling legislation, and a number of states that had already adopted the policy loosened their requirements for using it, allowing TIF districts to proliferate dramatically. In Illinois, for instance, the number of TIF districts in the state quintupled in a single year after the state loosened the requirements for using the mechanism in 1985.⁸

The volume of TIF bond issuance has dramatically increased over the past two decades, especially outside of California. Between the early 1990s and the late 2000s, the number of TIF bonds in circulation

from outside California grew by 260 percent; over \$20 billion worth of TIF bonds were issued.⁹ At present, every state but Arizona (which repealed its TIF law) allows the use of TIF.

Basics of Tax-Increment Financing

“Tax-Increment Financing” (TIF) is a term for a process in which municipalities use a portion of future tax revenue from a given area to promote development in that area. States vary widely in their rules for when TIF can be used and how it can be applied, so no single description of TIF is likely to apply universally. But one example of a TIF plan might look like the following:

- A city, hoping to lure new businesses to a commercial district that has stagnated in recent years, looks for ways to invest in improvements, perhaps better street lighting and a new parking garage.
- To raise the funds for that investment, the city draws a boundary around the commercial district, and declares that area a “TIF district.”
- Within the TIF district, future property tax revenues are split between the tax districts that ordinarily receive revenue from the area and a special fund that is devoted to projects benefiting only the TIF district. The tax districts—which might include city and county governments, and special districts such as school and parks districts—continue to receive property taxes based on the old value of the property at the time the TIF district was created, while any additional

revenues resulting from rising property values are devoted to the TIF district. This is the “tax increment” that gives the mechanism its name.

- In order to begin construction on new improvements immediately, the city may sell bonds secured against the revenues expected to be paid to the special fund over its lifetime. Over time, money flowing into the special fund is used to pay off the bonds.
- At the end of the TIF district’s defined lifetime (for example, 20 years), its special status comes to an end and all taxes from the district again flow to the regular tax districts that claim revenue from the area.

Not every state uses TIF revenue in exactly this way, or in only a single way. For instance, in Massachusetts, although cities have the option of issuing bonds and making infrastructure improvements in TIF districts, many choose to pursue an alternate strategy in which they sign an agreement with a developer to not charge taxes on all or part of the increased value of a parcel for a set number of years.¹⁰

Implementation of tax-increment financing varies widely among states. Among the important distinctions:

- In some states (e.g., Illinois), revenue must be spent by the municipal government in the city in which the TIF is located, while in others, an independent development agency may be created to manage the district. California, the first state to adopt TIF, makes widespread use of this model through its redevelopment agencies.
- States allow various taxes to be diverted. Most states include only property taxes, but others tap a wider variety of revenues, such as the sales tax. In New Jersey, for example, government

officials can tap up to 19 separate sources of incremental local and state revenue for use in TIF.¹¹

- Overlapping tax districts, and school districts in particular, may or may not have to sacrifice their tax increments as part of a TIF project. Some states require school districts to approve TIF districts that will claim a portion of their revenue; in others, such as Kentucky, school districts may be partially or entirely exempted from participating in TIF districts.¹²

Tax-increment financing appeals to municipal officials because it often seems to be a way to get something for nothing. Cities can finance highly desired economic development using tax revenue that would not have been available to them if the development had not taken place. Taxpayers appear to lose nothing. The local economy hopefully grows, and everyone seems like a winner.

In reality, however, even the most thoughtful TIF projects come with trade-offs:

- TIF agreements may fail to account for future growth in property values caused by factors that have nothing to do with the TIF investment—such as general inflation or pre-existing trends in real estate prices.¹³ Failing to account for these factors results in a reduction in the amount of revenue flowing to general government funds compared to what would have occurred without the use of TIF. Other taxpayers then must pick up a greater tax burden or bear the brunt of cuts.¹⁴
- Development receiving TIF subsidies may impose new demands on municipal government without providing the additional general tax revenue to pay for it. For instance, new housing units

might result in new students for local schools, or new demands for police or fire protection, thereby burdening the rest of the community. Overlapping taxing districts such as school districts and county governments—which, in many states, can have their tax increments diverted to TIF projects as well—may have a particularly difficult time responding to these growing needs, forcing them to increase taxes on other taxpayers.

Despite these trade-offs, the TIF mechanism has been embraced around the country. TIF is currently permitted in 49 of the 50 states, with varying restrictions on its use.

Municipalities can use the revenue collected by a TIF district in different ways in different states and depending on their strategies for improving the district:¹⁵

- If the goal is to use a large initial capital improvement to jump-start development, such as a shopping mall or rail station, the municipality will likely issue bonds to help fund the improvement and then pay them back with revenue from the tax increment.
- If the goal is to subsidize a private developer's investment in the area, the city may negotiate an agreement under which the developer receives payments from the TIF revenue over time until a certain portion of their investment has been paid for. Alternatively, in states like Massachusetts where TIF revenue is disbursed in the form of tax abatements, the city and the developer can sign an agreement stating that a certain portion of the property taxes on a new development will not be collected for a set period.
- If the city wishes to undertake a series of smaller projects to promote

development in the district, revenue accruing to the district may be used as a continuous stream of funding, which allows the city to undertake various projects as sufficient revenue becomes available.

In essence, TIF represents a way to divert future tax revenue to finance current new development projects or retain

existing businesses.

TIF districts can either result in productive investments that spark much-needed economic revitalization or be unproductive wastes of taxpayer resources. To ensure that TIF projects advance the public interest, the public and decision-makers need to be aware of the many potential ways that TIF can go awry.

Tax-Increment Financing: Identifying the Pitfalls

Tax-increment financing can be a boon to the public, or it can be a vehicle for corruption, favoritism and wasteful subsidies. There are many potential pitfalls to the use of TIF as a tool to subsidize development—pitfalls that cities and states can avoid only by adopting sound strategies for public investment through TIF and effective practices to make sure those investments deliver benefits for the broader public.

Tax-Increment Financing Sometimes Fails to Benefit the Public

Tax-increment financing is only an effective tool if it is used properly to achieve ends that advance the public interest.

Laws governing the use of development subsidies often give broad leeway for cities to decide when such subsidies should be used. Unfortunately, this leeway sometimes enables cities and towns to use TIF in ways that waste taxpayer money.

Tax-Increment Financing Can Fail to Bring “New” Investment

In order to be a worthwhile use of taxpayer resources, a city must judge that a development would not happen *but for* the issuance of a subsidy. In practice, this is a difficult counterfactual to prove one way or the other.

Much of the appeal of tax-increment financing to cities is that the subsidy appears to be “free money”—that is, the tax increment that is invested in a given development project would not have been available to the municipality otherwise. The appearance of “free money” is magnified given the potential of municipalities in many states to “capture” the tax increments of overlapping jurisdictions—such as county governments and school districts—for use in the financing of TIF projects.

However, if the development would have happened in that area even without the subsidy, the logic of tax-increment financing breaks down rapidly:

- The money dedicated to the TIF district is not “free,” but in fact comes from funds that would otherwise

have been available to pay for police, firefighters, schools, parks and other municipal services—forcing either a reduction in service quality or an increase in taxes for other taxpayers.¹⁶

- These funds are also wasted, because taxpayers give money to benefit private actors without any demonstrable public benefit in return.

When development subsidies are invested in projects that might have taken place without the subsidy, the public benefits can rapidly vanish. A study of the overall costs and benefits of development subsidies found that when benefits are directed towards a project that had even a 20 percent chance of taking place without the subsidy, the net impact on tax revenue over the long term will almost always be negative.¹⁷

In Chicago, a coalition of community groups studied 36 of the city's TIF districts and found that property values had been rising even before the city stepped in to issue subsidies. Once those trends were considered, they found that the city had spent \$1.3 billion to achieve a return of \$1.6 billion in tax revenue—in other words, the city had gained \$300 million in tax revenue over the long term, but only by diverting a very large amount of revenue from school districts, municipal government, and other government entities in the short term.¹⁸

Legal requirements designed to assure that a given development would not have occurred without creation of a TIF typically provide little direct public protection because such statements are nearly impossible to challenge. Communities in Illinois, for example, are required under state law to demonstrate that redevelopment of an area would not have occurred “but for” the creation of a TIF district.¹⁹ Minneapolis requires applicants for TIF funds to provide detailed financial information about the project.²⁰ At worst, these requirements provide a fig leaf of public accountability

that public officials hide behind to avoid imposing stricter targeting rules. At best, such requirements can spur local officials to put forward a concrete rationale for creation of a TIF district, and may expose the least justifiable TIF proposals to the light of public scrutiny before they are approved.

Tax-Increment Financing Can Serve Narrow Private Interests without Broader Public Benefit

TIF can be lucrative to private developers seeking locations in which to build. But, from the public's perspective, TIF is meant to benefit broader public goals. A clear evaluation of a TIF project's benefits to the public, however, can often become lost in public officials' rush to deliver new economic development.

Especially during trying economic times, public officials are anxious to be associated with development initiatives that are seen to bring jobs and economic activity. Eagerness to bring in new development (or retain an existing business), however, may lead governments to be overly generous in providing subsidies that are not justified by the level of public benefits delivered.

Adding to the potential for overly generous subsidies is the fact that municipalities, and even states, can find themselves engaged in bidding wars with neighboring jurisdictions, generating a race to the bottom that can impose large costs, even for the apparent “winner.”

Government officials may also make poor decisions because they lack the technical capacity to evaluate developers' business models that claim to demonstrate their investments will produce large future returns. And the public may give more attention to where development locates than to the hidden costs that may have been incurred in attracting this development. Politically then, it should be no surprise that municipalities

can often “overpay” for development—offering greater subsidies than the public benefits of a project would justify—or fail to ensure proper accountability.²¹

The potential for overpayment is further magnified when governments can tap multiple sources of revenue for subsidies. In New Mexico, for example, the state overhauled its TIF law in 2006 to enable governments to divert increments of the city, county and state portions of the gross receipts tax, in addition to local property taxes, to TIF projects.²² And, as noted earlier, New Jersey allows for as many as 19 revenue sources to be tapped for TIF projects. The more sources of revenue that can be tapped, the greater the potential for governments to make bigger, riskier bets on proposed development schemes and to engage in economic subsidy “arms races” with neighboring jurisdictions.

Tax-Increment Financing Can Steer Investment Away from Areas Most in Need of Help

Tax-increment financing was originally conceived as a tool to spark new investment in blighted neighborhoods that suffer from chronic underinvestment. Such neighborhoods can suffer from vicious cycles of economic decline for a variety of reasons. Toxic waste in need of cleanup may scare away developers. Derelict buildings, abandoned properties and rampant crime may discourage investment, no matter how low the price of land. By providing a mechanism to improve public infrastructure in these areas, or provide a direct financial incentive to developers, TIF can potentially provide a way to escape the vicious cycle of disinvestment and economic decline. TIF enables governments to give blighted areas a “shot in the arm” that would ideally lead to sustained revitalization and economic growth down the line.

Governments can also use TIF to unlock economic potential in other ways—

encouraging the revitalization of a former military base or economically struggling downtown area, sparking development in efficient locations close to transit and other amenities, or providing affordable housing that allows taxpaying families to remain in a municipality.

However, while TIF may spark “new” economic development in some cases, it also redirects investment into the TIF district that would otherwise have gone elsewhere. Research in Illinois has shown that land outside the boundaries of TIF districts experiences slower growth than land in cities with no TIF districts.²³

TIF, in short, makes sense as a public policy tool when used as part of a development strategy that delivers broad public benefits and unlocks economic potential that is currently languishing. Poorly targeted use of TIF, on the other hand, actually works *against* the public interest by sucking investment out of areas that need it and diverting it elsewhere.

In recent years, states have consistently moved to weaken the criteria used to determine when TIF can be used. A 2003 study found that 16 states had moved in recent years to weaken the restrictions they place on the use of subsidy districts, generally by removing the requirement that TIF be used only in “blighted” areas, or by weakening the definition of blight significantly.²⁴ Looser definitions promote more widespread use of TIF. Several states have expanded eligibility to include retail stores.²⁵ In Maine, any district in which 70 percent of the land is zoned for commercial or industrial use is eligible for TIF, while in Missouri, at least one district was declared blighted for the sole reason that the homes it contained were over 35 years old.²⁶

The lack of clear criteria to guide the use of TIF results in municipalities wielding the tool in battles with neighboring municipalities for new development and sometimes subsidizing projects that work against the interests of existing businesses.

In Fort Worth, Texas, for example, the large hunting goods store Cabela's was able to secure \$30-\$40 million worth of public investment in a new superstore by promising that the shopping center would draw more visitors than the Alamo. The project was sited on newly developed land in an attractive location, which was declared "blighted" because of the presence of a stream and lake on the property. Existing hunting goods stores in the area felt that the city was unfairly subsidizing a competitor that could put them out of business. They even filed an unsuccessful lawsuit that tried to declare the TIF to be an inappropriate subsidy.²⁷

The use of TIF to subsidize development on previously undeveloped "greenfield" parcels is particularly problematic. Greenfield locations are appealing to developers, but impose significant infrastructure costs on the public when compared to more central locations. Rather than being able to make better use of existing, underused infrastructure in already built-up areas, greenfield developments require new expenditures on roads, sewers, power lines, and other infrastructure elements to support the new development. Low-density greenfield developments are more costly to support and maintain than both the rural infrastructure they replace, and the urban infrastructure they compete with—although these costs are not passed on to developers.²⁸ Greenfield development also places new stresses on the operating budgets of schools (which may need to open new school bus routes), sewer authorities and trash collectors (which need to expand their services to new areas) and transportation departments (which need to maintain new roads).

TIF revenue is frequently used to pay for the construction of much of the new public infrastructure required for previously undeveloped "greenfield" development, but at the cost of diverting the tax income that would ordinarily pay for the maintenance

and other ongoing expenses occasioned by the new development.

The benefits promised by TIF districts come from directing development toward locations that provide broad public benefits and in unlocking the economic potential in declining neighborhoods and business districts. Poorly targeted use of TIF can actually make matters worse by further sucking investment out of the places that need it the most.

TIF Can Saddle Local Governments with Additional Costs if Growth is Less than Anticipated

If a municipality issues bonds on future TIF revenue and the developments fail to generate sufficient additional growth, local government may be forced to use its general tax revenue on an expensive bailout. Although TIF bonds are generally secured only against the revenues allocated to that specific TIF district, governments often feel compelled to bail out TIF bonds at risk of default out of the fear that allowing a default would prevent them from doing similar TIF deals in the future, or might result in higher interest rates on future general obligation bonds.²⁹ In the late 1970s, for instance, when Proposition 13 dramatically reduced tax income for TIF districts in California, the state legislature and numerous municipalities moved to bail out TIF districts across the state, at significant cost.³⁰ The city of Arvada, Colorado, for instance, suffered a credit downgrade when investors grew worried about bonds issued on revenues from a slow-developing TIF district, even though the city ultimately avoided defaulting on the debt.³¹

TIF Districts Can Create "Slush Funds" for Political Patronage

As noted above, TIF district budgets are typically "off-budget" and need not adhere to the ordinary rules of municipal budget

oversight. Politicians may therefore be more likely to misspend TIF funds. Where restrictions on the use of TIF funds are loosest, the opportunities for political patronage broaden. In most states, tax increments collected by TIF districts must be spent within the district where they are raised, but a few states allow funds to be shifted around from district to district within cities—creating the potential for a mayor to shift funds away from the districts of political opponents and toward the districts of allies.³²

Patronage can also take place through the assignment of subsidies within a district. Some TIF laws allow developers to receive subsidies based not only on the additional tax revenue produced by their own developments, but also on the additional revenue from other nearby properties, which are judged to have increased in value because of their proximity to the development. Successful developments can raise value in surrounding property in this way—a store located next to a thriving shopping center is more valuable than one located next to an empty lot—but their contribution to surrounding property values is best determined by objective review.

In some cities, political figures can decide to subsidize individual developments with tax increments from other nearby properties, making it possible for such subsidies to be dispensed on the basis of favoritism, rather than merit. In Chicago, for instance, the city council and planning department can decide that a project merits subsidies exceeding the increased revenue it alone is expected to produce.³³

The Process for Creating and Managing TIF Districts Often Fails to Protect the Public

Even in situations when development subsidies are appropriate tools for sparking investment, they can be misused. TIF district subsidies around the country tend to be issued in ways that lack transparency, democratic governance, and accountability to the public.

The TIF Process Often Lacks Transparency

Development subsidies are like other forms of municipal spending—taxpayer money is committed and municipal credit is (indirectly) put on the line. Just like ordinary spending, revenue lost to TIF districts has a bottom-line effect on municipal budgets: each dollar must be made up for with other higher taxes or cuts to municipal public programs.

Unlike ordinary spending, however, TIF subsidies typically are issued outside the framework of the municipal budget, and can even be used to circumvent ordinary restrictions on municipal borrowing.³⁴

TIF district spending is typically far harder for residents to follow and monitor than ordinary spending. Ordinary budget transparency requirements generally do not apply to TIF districts. TIF districts may be overseen by relatively obscure agencies with little public disclosure. Alternatively, mayors or other officials may make decisions about TIF districts outside of normal budget processes. TIF district budgets are separate from general municipal budgets; they are “off-budget.” In some cases, such as Chicago, even aldermen might be unfamiliar with the specifics of how a city spends its TIF revenue.³⁵

The lack of transparency is especially worrisome given the rapid spread of TIF districts to constitute a significant and growing portion of many cities’ taxable

property. In California, entire municipalities can be legally placed inside a TIF district (an inherently inappropriate use of TIF, since it effectively caps the city's general fund property tax revenue, and diverts all additional revenue above the base amount into a separate fund).³⁶ In Chicago, meanwhile, about 30 percent of the city's land was inside TIF districts by the end of Mayor Richard Daley's tenure in 2011.³⁷

The use of TIF can also circumvent public control over municipal borrowing authority. Municipal officials often are required to seek voter approval to approve municipal bond issues, a safeguard to ensure that cities' ability to issue debt is closely overseen by the public. TIF bonds, however, can be issued without voter approval in some states.³⁸ As noted above, credit rating agencies are disinclined to discriminate between a city's TIF debt and its general debt when issuing important credit assessments that determine the interest rate municipalities pay on loans. In such cases, a TIF default would have consequences similar to those of a general default for a city's credit.³⁹

TIF Districts Are Often Created with Little Accountability for Results

TIFs are intended to deliver a range of benefits from job creation to development of new housing units. Agreements between municipalities and developers have failed at times to clearly establish that developers are responsible for actually delivering the promised benefits if they are to receive

the subsidies promised to them in the bargain.

In best practice, development subsidies are proposed with specific development goals and expected results in mind. Citizens could rest easier if they knew that if recipients of public subsidy agreements do not deliver on anticipated results, then money will be returned to the taxpayer. At present, however, developers are rarely held responsible for meeting those goals, and can typically retain the subsidies they receive, even if they clearly fail to meet the expectations under which the project was undertaken.⁴⁰

Practically speaking, governments' ability to "claw back" funds allocated to TIF projects may be limited. Local governments will still need to pay investors who bought municipal bonds that were issued against anticipated TIF revenue to finance up-front improvements. Or governments may have done a poor job articulating specific goals for the TIF project. But in some circumstances, states have created a measure of accountability—Minnesota, for example, requires meaningful action on TIF-funded projects within three years, while some communities in Massachusetts (where TIF generally takes the form of tax abatements, rather than underwriting bonds) have adopted clawback provisions in TIF agreements.⁴¹ And, even in states where clawbacks may be impossible, governments can insist that recipients of TIF funds provide regular updates on their progress in achieving the economic development or other goals of the project.

The Public Needs Stronger Guidelines and Greater Accountability in Tax-Increment Financing

Tax-increment financing can be a powerful tool to help government spark new economic life in economically struggling areas. The power of TIF, however, also leads to the potential for misuse—fostering a mutually destructive “race to the bottom” for new investment; steering development toward areas that least need help; or simply rewarding well-connected developers and political allies.

To protect the public interest, governments should only use TIF in limited circumstances, ensure that the designation of TIF districts is done with full transparency and accountability, and provide ways to measure whether TIF districts are actually delivering on their promises.

TIF Should Be Targeted and Temporary

The ideal outcome of a TIF district is that a jolt of investment sparks new economic activity in a stagnant area, creating economic activity that benefits the broader

community and increases the value of land within the district when it returns to the tax rolls. Poorly targeted use of TIF, however, can actually produce the opposite effect—sucking further investment out of economically challenged areas to facilitate new “greenfield” development. In addition, without strong targeting rules to limit the situations in which TIF can be used, it becomes yet another tool in the arsenal of municipalities locked in mutually destructive competitions to attract new economic activity and jobs, whatever the cost.

State governments, which create the legislation that governs where and how TIF is used, are responsible for adopting strong requirements to limit the use of TIF, including the following:

- The maximum duration over which a TIF district can remain in place should be firmly fixed. Even before the maximum duration expires, tax revenue from TIF districts should return to the tax districts that normally claim it as soon as the investments envisioned in the initial development plan have been paid for, rather than

being reserved for additional discretionary spending within the TIF district.

- Before a TIF district is approved, municipalities should be required to demonstrate that:
 - Investment in the district would not take place without a subsidy.
 - The designation of the district has a public interest rationale and is consistent with the jurisdiction's economic development strategy.
- States should place a cap on the percent of a municipality's land—both by area and by land value—that can be included in TIF districts, in order to ensure that use of these tools is actually targeted to the parcels where it is most needed and to prevent cities from implementing TIF districts that are merely designed to “capture” revenue from other, overlapping taxing districts.
- In states where TIF revenue gets pooled into separate budgets, municipalities should file a plan detailing their intended use of TIF revenue from a district beforehand, with analysis of the expected outcomes of the plan. Once a district has been approved, spending should take place according to the initial plan, unless that plan is changed through a public, democratically accountable process, with unspent funds returning to the jurisdictions from which they were diverted.
- State rules should require that land targeted for TIF districts must meet criteria for actual blight or economic stagnation, and that previously

undeveloped land cannot be placed in TIF districts.

- States should index the fixed assessed value of land in TIF districts to inflation, and should consider indexing it to the existing trend of property value increase when districts are established in areas where property values are already increasing. These measures help ensure that the incremental revenue raised by TIF districts actually represents improvement prompted by investment in the district, and not the product of pre-existing economic trends.
- States should set time limits for the commencement of redevelopment activity within a TIF district. Minnesota, for example, automatically decertifies TIF districts in which no meaningful activity occurs within three years of the creation of the district, reduces the tax increment for properties where no construction has occurred within four years, and requires all construction to be completed within five years.⁴² Such time limits can ensure that funds generated by TIF are used only for the purposes for which they were originally intended.

No set of state requirements will perfectly direct the use of TIF districts. States should aim to put in place guidelines that will eliminate the worst abuses, and then ensure that the public has the information necessary to judge individual cases. As discussed below, this is best done by requiring robust transparency and democratic control throughout the process of creating and operating such districts.

TIF Should Be Governed by Open, Democratic Processes

The creation of a TIF district is a decision with long-term implications for a jurisdiction and its residents. It is important, therefore, that residents have access to clear, accurate information with which to evaluate TIF proposals and the ability to make their voices heard.

To ensure that the public is able to vet TIF proposals and help shape them, TIF laws should:

- Require that information about TIF proposals be publicized before any decisions are made, with enough time for residents to review proposals.
- Require local governments to hold public hearings and accept public comments as part of the process of approving a TIF district.
- Present information on new and existing TIF districts as part of the overall municipal budget, so that voters and elected officials can evaluate TIF spending in the same context as general municipal spending.
- Require reauthorization of the TIF district if the city wishes to change its development strategy in the TIF district. Initial approval by voters or other elected bodies should not be treated as *carte blanche* to send revenue from the TIF district on any and all development projects.
- When tax revenue that would flow to overlapping tax districts—like school or parks districts—is affected by a TIF district, those entities, and their taxpayers, should be given a voice in decisions about creating and ending TIF districts.

Information on TIF Districts Should Be Easily Accessible to the Public

Information on TIF districts is generally available to citizens with the tenacity to obtain it from obscure government publications and agencies, and the expertise to understand it. However, because the creation of a TIF district is a decision with long-lasting implications for a municipality, government officials must go the extra mile to make sure that such information is easily accessible and understandable to the general public.

In recent years, governments around the United States and around the world have embraced “Transparency 2.0”—a new standard of comprehensive, one-stop, one-click budget accessibility and accountability. Cities and states that have adopted Transparency 2.0 principles have developed transparency websites that enable citizens to find government spending information that is:

- **Comprehensive** – including all the various ways governments spend money, including the provision of subsidies to private actors.
- **One-stop** – aggregating all information on government spending into a single website.
- **One-click** – providing searchable, downloadable information that can be accessed by citizens without requiring a pre-existing knowledge of budgetary nomenclature or bureaucratic structure.

At minimum, jurisdictions with TIF programs should create websites that provide key information about TIF that meets the standards of Transparency 2.0. Ideally, information on TIF revenue and spending

should be included in a transparency website that includes all aspects of municipal spending.

With regard to TIF districts, governments should provide:

- Budget information about all TIF districts in a city, school district, or state, and about each individual TIF district, accessible online.
- Information on each TIF district should include:
 - The overall goals of the TIF district
 - The value of the TIF
 - The specific benefits (in terms of jobs or other measures) that it is expected to produce
 - The most current information on what benefits have been produced to date
 - The identities of all recipients of TIF funds
 - Regular reports on the progress of the project.
- Funds raised through TIF districts should be covered by at least the same transparency requirements that apply to ordinary municipal spending.
- Tracking of city spending in TIF districts should include not only direct outlays, but also subsidies provided in the form of selling land at below market value, allowing delayed repayment on loans, or issuing loans at favorable rates.

Developers Should Be Accountable for Keeping their Promises

Tax-increment financing provides potentially lucrative subsidies that benefit developers. Cities frequently plan TIF districts with a specific developer in mind; when they do not, specific developers are eventually selected for the projects.

In return for the benefits they receive, developers need to commit to delivering on specific goals, and, at minimum, provide regular reports on their progress toward meeting the goals of the TIF district.

- The designation of a TIF district should be accompanied by a detailed plan delineating the responsibilities of the various actors, laying out the public interest rationale and goals of the project, and providing metrics by which success or failure can be measured.
- Where possible, developers should be contractually bound to deliver on the promises they make in exchange for TIF subsidies they receive. For jurisdictions that bond against anticipated TIF revenue, this type of requirement is likely impossible to enforce, but jurisdictions that generate TIF revenue on a pay-as-you-go basis should establish strict conditions that developers must meet before being guaranteed access to the tax increment.
- Any exemptions, grace periods, or other potential loopholes should be spelled out clearly upfront. The public should have the opportunity to comment on any significant changes from the terms of an agreement.

Appendix: Details of State TIF Legislation

All data in this appendix is drawn from Council for Development Finance Agencies,
2008 TIF State-By-State Report, December 2008.

Alabama – Georgia

	Year Authorized	State Statute	Terminology	Eligible Tax Revenue Sources	Financing Options
Alabama	1987	Sections 11-99-1, et. seq.	Tax Increment Finance (TIF)	Property Tax	GO Bonds, Private Activity Revenue Bonds, Pay As You Go, General Funds
Alaska	2001	Sec. 29.47.460	Tax Increment Finance (TIF)	Property Tax	GO Bonds, Private Activity Revenue Bonds, Pay As You Go, Loans, Appropriations, Special Assessments
Arkansas	2001	§§ 14-168-301 et seq.	Tax Increment Finance (TIF)	Property Tax, PILOTs	Appropriations, Redevelopment Bonds
California	1952	California Community Redevelopment Act	Tax Increment Finance (TIF)	Property Tax	Pay As You Go, Tax Allocation Bonds, Loans
Colorado	1972	31-25-107-Urban Renewal authority, 31-25-807-Downtown development authority	Tax Increment Finance (TIF)	Property Tax, Sales Tax	Loans, Appropriations, Special Assessments, Revenue bonds
Connecticut	1972 or prior	Chapter 132	Tax Increment Finance (TIF)	Property Tax (municipalities), Sales Tax (state)	GO Bonds, Special Assessments, Special Revenue Bonds
Delaware	2002	Title 22 Municipalities, Chapter 17 Municipal Tax Increment Financing Act	Tax Increment Finance (TIF)	Property Tax, Allows Pledge of Any Other Assets	GO Bonds, Pay As You Go, Loans, Special Assessments, May Pledge Any Other Assets
District of Columbia	1998	D.C. Code Section 2-1217.01 et seq.	Tax Increment Finance (TIF)	Property Tax, Sales Tax, Catchall allows DC to pledge other assets/funds	GO Bonds, Pay As You Go, Loans, Special Assessments, DC May Pledge Other Assets/Funds
Florida	1969	163.330-163.463	Tax Increment Finance (TIF)	Property Tax	Pay As You Go, Loans, Special Assessments
Georgia	1985	Redevelopment Powers O.C.G.A. § 36-44-8	Tax Allocation District (TAD)	Property Tax, Sales Tax	Private Activity Revenue Bonds, Pay As You Go

Alabama – Georgia (cont'd)

	Approval Agencies	Requirements for District Creation	Max. Length of District	Site Specific TIF Allowed?	Area Wide TIF Allowed?
Alabama	City Council, County	Blight Requirement, Public Hearings	30 years	Yes	Yes
Alaska	Municipality	Blight Requirement	No limit	Yes	Yes
Arkansas	City Council, Town Council, Quorum Court of the County	Blight Requirement, Feasibility Study, Public Hearings	25 years	Yes	Yes
California	Community Redevelopment Agency Board	Blight Requirement	50 years	Yes	No
Colorado	Some limited involvement of county and school districts	Blight Requirement, Public Hearings, Impact Report to County	25 to 50 years depending on the statute	Yes	Yes
Connecticut	City Council, State	Feasibility Study, Creation of Local Development Agency	Bonds must be repaid in 40 years. District doesn't expire.	Yes	
Delaware	School Board/District, City Council, County, Delegated by bond issuer	Blight Requirement, "But For" Test, Feasibility Study, Public Hearings, Consistent with Comprehensive Plan	30 years	Yes	Yes
District of Columbia	City Council	But For Test, Cost-Benefit Analysis, Feasibility Study, Various Recommended Criteria	In TIF agreement.	Yes	Yes
Florida	Community Redevelopment Agency Board	Blight Requirement, Public Hearings	Bonds must be repaid between 7 and 40 years.	Yes	Yes
Georgia	City Council, Community Redevelopment Agency Board	Public Hearings, area has not been subject to growth/development	Not specified; until redevelopment costs are paid	Yes	Yes

Alabama – Georgia

	Public Hearings Required for TIF District Authorization?	Public Hearings Required for TIF Deal Approval?	Qualified Types of Projects	Eminent Domain Use Allowed?	Special Features
Alabama	Yes	Yes	Residential, Commercial, Industrial, Mixed-Use	Yes	
Alaska	No	No	Not specific, all could apply	Yes	Very broad statute. Very few limitations or clarifications on details
Arkansas	Yes	Yes	Residential, Commercial, Industrial, Mixed-Use	Yes	
California	Yes	Yes	Residential, Commercial, Industrial, Mixed-Use	Yes, but cannot use eminent domain to acquire single-family residences	20% of TIF receipts must go to Affordable Housing
Colorado	Yes	No	Residential, Commercial, Industrial, Mixed-Use	Yes	
Connecticut	Yes	No	Commercial, Industrial	Yes	
Delaware	Yes	No	Residential, Commercial, Industrial, Mixed-Use	Yes	
District of Columbia	No	No	Residential, Commercial, Mixed-Use	No	
Florida	Yes	No	Residential, Commercial, Industrial, Mixed-Use	No	
Georgia	Yes	No	Residential, Commercial, Industrial, Mixed-Use	Yes	Tax allocation bonds, notes, or other obligations shall mature at such time or times not more than 30 years from their respective dates.

Hawaii – Louisiana

	Year Authorized	State Statute	Terminology	Eligible Tax Revenue Sources	Financing Options
Hawaii	1985	Division 1. Title 6 Subtitle 1 Chapter 46 Part IV 46-101	Tax Increment Finance (TIF)	Property Tax	GO Bonds, Private Activity Revenue Bonds, Pay As You Go, Loans, Tax increment bonds in general
Idaho	1987	Title 50, Chapter 29, Idaho Code	Revenue Allocation District (RAD)	Property Tax	Private Activity Revenue Bonds, Pay As You Go, Loans
Illinois	1978	65 Illinois Compiled Statutes 5/11-74.4-1	Tax Increment Finance (TIF), Special Tax Allocation Fund	Property Tax, Sales Tax (for certain historic districts)	GO Bonds, Private Activity Revenue Bonds, Pay As You Go, Loans, Special Assessments, Developer Notes; Special Revenue Bonds; Special Service Area Taxes
Indiana	1975	36-7-14 et seq. and 36-7- 25 et seq.	Tax Increment Finance (TIF)	Property Tax	GO Bonds, Private Activity Revenue Bonds, Loans, Special Assessments
Iowa	1970	Chapter 403	Tax Increment Finance (TIF)	Property Tax, Sales Tax	GO Bonds, Pay As You Go, Loans, Appropriations, Special Assessments, TIF Revenue Bonds
Kansas	1976	12-1770 et seq	Tax Increment Finance, Sales Tax and Revenue districts (STAR)	Property Tax, Sales Tax, Economic Activity Tax, PILOTs, Private Sources, Transient Guest, State or Federal	GO Bonds, Private Activity Revenue Bonds, Pay As You Go, Special Obligation Bonds
Kentucky	2000	65.7041-65.7083, 65.490- 65.499 and KRS 65.680- 65.699 limited to development areas established before March 23, 2007	Tax Increment Finance (TIF)	Property Tax, Income Tax, Sales Tax, Corporate Income Tax, Limited Liability Entity Tax	GO Bonds, Pay As You Go, Loans, Special Assessments
Louisiana	1988	Chapter 47 Section 8000	Tax Increment Finance (TIF)	Property Tax	GO Bonds, Private Activity Revenue Bonds

Hawaii – Louisiana (cont'd)

	Approval Agencies	Requirements for District Creation	Max. Length of District	Site Specific TIF Allowed?	Area Wide TIF Allowed?
Hawaii	County, Redevelopment agency - if agreement in place	Consistent With Redevelopment or Other Existing Plans	Determined by ordinance, not until bonds paid off	Yes	Yes
Idaho	City Council, Community Redevelopment Agency Board	Blight Requirement, Feasibility Study, Public Hearings, Consistency with Comprehensive Plan	24 years	Yes	Yes
Illinois	Joint Review Board (advisory capacity), City Council	Blight Requirement, "But For" Test, Public Hearings, in certain cases, Joint Review Board override by 60% of city council; Housing Impact Study; Map of Land Uses to be funded	23 years	Yes	Yes
Indiana	City Council, County	Blight Requirement, "But For" Test, Public Hearings, (Either Blight or Opportunity for Economic Development Required)	25 years	Yes	Yes
Iowa	City Council, County	Blight Requirement, Public Hearings, Slum Finding or Economic Development Finding	20 years	Yes	Yes
Kansas	School Board/District, City Council, County (if affected), State if STAR Bonds sought	Cost-Benefit Analysis, Feasibility Study, Public Hearings	20 years	Yes	No
Kentucky	City Council, County, State if the state chooses to participate	Blight Requirement, "But For" Test, Cost-Benefit Analysis, Feasibility Study, Public Hearings	30 years	Yes	Yes
Louisiana	TIF Commission	Public Hearings	30 years	Yes	Yes

Hawaii – Louisiana (cont'd)

	Public Hearings Required for TIF District Authorization?	Public Hearings Required for TIF Deal Approval?	Qualified Types of Projects	Eminent Domain Use Allowed?	Special Features
Hawaii	Yes	Yes	Not Specific As to Type - Broad	Not specified	Very broad statute
Idaho	Yes	No	Residential, Commercial, Industrial, Mixed-Use, Public Facilities	Yes, After Kelo, can no longer use condemnation for economic development exclusively.	
Illinois	Yes	No	Residential, Commercial, Industrial, Mixed-Use, Public/Institutional; Vacant Land	Yes	Public registry requirements, public buildings restrictions, no blighting farmland in certain circumstances, intermodal projects greatly facilitated if near a Class 1 railroad, post establishment reporting requirements.
Indiana	Yes	Yes	Residential, Commercial, Industrial	Yes, In blighted areas only	
Iowa	Yes	Yes	Residential, Commercial, Industrial, Mixed-Use	Yes, Recent limitations in the economic development context	
Kansas	Yes	No	Commercial	Yes	Provisions for bioscience development districts and STAR Bond projects
Kentucky	Yes	No	Residential, Commercial, Industrial, Mixed-Use	No	Potential for state participation
Louisiana	Yes	No	Residential, Commercial, Industrial, Cultural	Not Specified	

Maine – Minnesota

	Year Authorized	State Statute	Terminology	Eligible Tax Revenue Sources	Financing Options
Maine	1977	30-A, Chapter 206	Tax Increment Finance (TIF)	Property Tax	GO Bonds, Revenue Bonds, Notes, Special Assessments, Grants
Maryland	1980	Maryland Economic Development Article, Title 12. Local Development Authorities and Resources, Subtitle 2. Tax Increment Financing Act (Sections 12-201 et seq.)	Tax Increment Finance (TIF)	Property Tax	GO Bonds, Revenue Bonds, Special Assessments
Massachusetts	2003	Chapter 40Q	District Improvement Financing (DIF)	Property Tax	GO Bonds, Private Activity Revenue Bonds, Pay As You Go
Michigan	1975	Downtown Development Authority (Act 197 of 1975), Tax Increment Finance Authority (Act 450 of 1980), Local Development Finance Authority (Act 281 of 1986), Brownfield Redevelopment Financing Act (Act 381 of 1996), Corridor Improvement Authority Act (Act 280 of 2005), Historical Neighborhood Tax Increment Finance Authority Act (Act 530 of 2004), Neighborhood Improvement Authority (Act 61 of 2007), Water Resource Improvement TIF (Act 94 of 2008)	Tax Increment Finance (TIF)	Property Tax	Private Activity Revenue Bonds, Pay As You Go, Loans
Minnesota	1979	Section 469.174 - 469.1799	Tax Increment Finance (TIF)	Property Tax	GO Bonds, Private Activity Revenue Bonds, Pay As You Go, Loans, Interest Reduction Programs

Maine – Minnesota (cont'd)

	Approval Agencies	Requirements for District Creation	Max. Length of District	Site Specific TIF Allowed?	Area Wide TIF Allowed?
Maine	City Council, State	Blight Requirement, Public Hearings, Suitable for Commercial Uses	30 years	Yes	Yes
Maryland	City Council, County	Public Hearings, Resolution must designate area; pledge of revenue.	Not specified	Yes	Yes
Massachusetts	City Council, State, Town Board of Selectmen	Feasibility Study, Public Hearings	30 years	Yes	Yes
Michigan	TIF Commission, City Council, Community Redevelopment Agency Board, State	Public Hearings	30 years or project plan completion	Yes	Yes
Minnesota	City Council, County, Governing Body of Authority	Blight Requirement, "But For" Test, Public Hearings	Up to 26 years of increment collection	Yes	No

Maine – Minnesota (cont'd)

	Public Hearings Required for TIF District Authorization?	Public Hearings Required for TIF Deal Approval?	Qualified Types of Projects	Eminent Domain Use Allowed?	Special Features
Maine	Yes	Yes	Commercial, Industrial	Not specified	
Maryland	Yes		Residential, Commercial, Industrial, Mixed-Use	Yes	
Massachusetts	Yes	No	Commercial, Industrial, Mixed-Use, Residential	Yes	
Michigan	Yes	Yes	Residential, Commercial, Industrial, Mixed-Use	Yes, very restrictive	Several TIF statutes, each with their own purpose, powers and restrictions
Minnesota	Yes	No	Residential, Commercial, Industrial, Mixed-Use	Yes, very restrictive in recent years	

Mississippi – New Jersey

	Year Authorized	State Statute	Terminology	Eligible Tax Revenue Sources	Financing Options
Mississippi	1986	21-45-1	Tax Increment Finance (TIF)	Property Tax, Sales Tax	GO Bonds, Private Activity Revenue Bonds, Pay As You Go, Loans, Special Assessments
Missouri	1982	Chapter 99, Sections 800 - 865	Tax Increment Finance (TIF)	Property Tax, Income Tax, Sales Tax, Gross Receipts Tax, Economic Activity Tax (50% Sales/Utility/Earnings), PILOTs (Property Tax)	GO Bonds (requires voter approval), Private Activity Revenue Bonds, Pay As You Go, Loans, Appropriations, Special Assessments, TIF Revenue Bonds
Montana	1974	Title 7 Section 15 Chapter 42	Tax Increment Finance (TIF)	Property Tax	Private Activity Revenue Bonds, Pay As You Go, Loans, Special Assessments, Tax Increment Bonds
Nebraska	1978	Chapter 18, Section 2101.01	Tax Increment Finance (TIF)	Property Tax	GO Bonds, Private Activity Revenue Bonds, Loans
Nevada	About 1959	Chapter 279 for Redevelopment Agency and Chapter 278C for Tax Increment Areas in City or County	Tax Increment Finance (TIF)	Property Tax	Loans, Revenue Bonds
New Hampshire	1979	162:K	Development District	Property Tax	Private Activity Revenue Bonds
New Jersey	2002	52:27D-459 et seq.	Revenue Allocation District (RAD)	Sales Tax, PILOTs, Payroll or Wage Taxes, Lease Payments, Parking Tax	GO Bonds, Loans, Revenue Bonds

Mississippi – New Jersey (cont'd)

	Approval Agencies	Requirements for District Creation	Max. Length of District	Site Specific TIF Allowed?	Area Wide TIF Allowed?
Mississippi	City Council, County	Cost-Benefit Analysis, Public Hearings	30 years	Yes	Yes
Missouri	City Council	Blight Requirement, "But For" Test, Cost-Benefit Analysis, Public Hearings	23 years	Yes	Yes
Montana	City Council, County, Urban Renewal Authority	Blight Requirement, Cost-Benefit Analysis, Feasibility Study, Public Hearings, Infrastructure Deficiency in Industrial Cases	15 years with maximum extension of another 25 years for bond. Districts can exist for the longer of 15 years or the term of any outstanding associated revenue bonds, however, bonds may not be issued after 15 years of district existence.	Yes	Yes
Nebraska	School Board/District, City Council	Blight Requirement, "But For" Test, Cost-Benefit Analysis, Feasibility Study, Public Hearings	15 years	Yes	No
Nevada		Blight Requirement	45 years for Redevelopment Areas and 30 years for Tax Increment Finance Areas	Yes	Yes
New Hampshire	City Council, Board of Selectmen (town)	Public Hearings	Life of Bonds	Yes	No
New Jersey	Community Redevelopment Agency Board	Blight Requirement, "But For" Test, Cost-Benefit Analysis, Public Hearings	Not specified	Yes	Yes

Mississippi – New Jersey (cont'd)

	Public Hearings Required for TIF District Authorization?	Public Hearings Required for TIF Deal Approval?	Qualified Types of Projects	Eminent Domain Use Allowed?	Special Feature
Mississippi	Yes	Yes	Residential, Commercial, Industrial, Mixed-Use	No	TIF can be used for private development, however the TIF debt is taxable
Missouri	Yes	Yes	Residential, Commercial, Industrial, Mixed-Use	Yes	Under certain circumstances, a portion of the state sales tax or state withholding taxes for a project can be captured, with state approval
Montana	Yes	No	Residential, Commercial, Industrial, Mixed-Use	Yes, may only be utilized by authorized jurisdictions to facilitate public works projects.	Urban Blight; Industrial Infrastructure Deficiency; Aerospace Needs; Technology Company Needs
Nebraska	Yes	Yes	Residential, Commercial, Industrial, Mixed-Use	Yes	
Nevada	Yes	No	Residential, Commercial, Industrial, Mixed-Use	Yes	
New Hampshire	Yes	No	Commercial, Industrial, Mixed-Use	No	
New Jersey	No	No	Commercial, Industrial	Yes	

New Mexico – Ohio

	Year Authorized	State Statute	Terminology	Eligible Tax Revenue Sources	Financing Options
New Mexico	1978	Sections 5-15-1 through 5-15-28 NMSA 1978, Sectopms 6-18-1 et. seq., NMSA 1978 and the Tax Increment for Development Act, Laws 2006, Chapter 75	Tax Increment Finance (TIF)	Property Tax, Gross Receipts Tax	Private Activity Revenue Bonds, Pay As You Go, Loans, Tax Increment Revenue Bonds
New York	1984	18-C	Tax Increment Finance (TIF)	Property Tax	Tax Increment Bonds
North Carolina	2004	All references to North Carolina General Statutes. Financing: Chapter 159 Article 6; City Redevelopment: 160A-515.1; City and County Development: 158-7.3	Project Development Financing	Property Tax	GO Bonds (Require Referendum), Pay As You Go, Appropriations
North Dakota	1973	Chapter 40-58	Tax Increment Finance (TIF)	Property Tax	GO Bonds, Special Assessments
Ohio	1976	Title 57. Chapter 5709, Chapter 725, Chapter 1728	Tax Increment Finance (TIF)	Property Tax	GO Bonds, Private Activity Revenue Bonds, Pay As You Go, Loans, Appropriations, Special Assessments

New Mexico – Ohio (cont'd)

	Approval Agencies	Requirements for District Creation	Max. Length of District	Site Specific TIF Allowed?	Area Wide TIF Allowed?
New Mexico	City Council, County, State, State Board of Finance, New Mexico Finance Authority & Legislature	But For Test, Cost-Benefit Analysis, Feasibility Study, Public Hearings, No Net Expense	25 years from the point of bond issuance	Yes	Yes
New York	City Council, County, Legislative Body of Creating Municipality	Blight Requirement, Cost-Benefit Analysis, Feasibility Study, Public Hearings, Compliance with Redevelopment Plan	Silent, but ground leases may not exceed 99 years	Yes	Yes
North Carolina	City Council (City only if issuer or party to joint agreement), County, State	But For Test, City Redevelopment Requires Blight or Similar	30 years	Yes	Yes
North Dakota	City Council	Blight Requirement, Public Hearings	15 years	Yes	Yes
Ohio	School Board/District, City Council, County	Blight Requirement (only required for certain TIFs)	30 years	Yes	Yes

New Mexico – Ohio (cont'd)

	Public Hearings Required for TIF District Authorization?	Public Hearings Required for TIF Deal Approval?	Qualified Types of Projects	Eminent Domain Use Allowed?	Special Features
New Mexico	Yes	No	Residential, Commercial, Industrial, Mixed-Use	No	No more than 75% of new revenue for bond repayment. Local tax use requires only local approval. State Gross Receipts Tax use requires State Board of Finance approval. When GRT is bonded, then requires NMFA Board & state legislature approval.
New York	Yes	Yes	Residential, Commercial, Industrial, Mixed-Use	Yes	Special State legislation can create municipal redevelopment authorities which can include multiple municipalities, state authorities can be utilized with State legislative authorization. The school portion of real property taxes are excluded from paying for TIF debt.
North Carolina	Yes	No	Residential, Commercial, Industrial, Mixed-Use	Yes, under general law	Can pledge any revenues available to issuer including sales tax payments from State, so long as not a pledge of full faith and credit of taxing party
North Dakota	Yes		Residential, Commercial, Industrial	No	
Ohio	Yes	No	Residential, Commercial, Industrial, Mixed-Use	Yes	There are other TIF statutes that can be utilized in an urban redevelopment context in addition to the statutes cited

Oklahoma – Texas

	Year Authorized	State Statute	Terminology	Eligible Tax Revenue Sources	Financing Options
Oklahoma	1992	Local Development Act Title 62. Chapter 9. Section 850-869	Tax Increment Finance (TIF)	Property Tax, Sales Tax, Other Local Taxes by Consent of Juris	GO Bonds, Private Activity Revenue Bonds, Loans, Appropriations, Special Assessments
Oregon	1960	Chapter 457	Tax Increment Finance (TIF)	Property Tax	GO Bonds, Private Activity Revenue Bonds
Pennsylvania	1990	1990, July 11, P.L. 465, No. 113, § 1	Tax Increment Finance (TIF)	Property Tax, Sales Tax, Gross Receipts Tax, PILOTs, Any Ad Valorem Tax	Pay As You Go, Loans, Special Assessments, TIF Revenue Bonds
Rhode Island	1956	Chapter 45, Section 33.2	Tax Increment Finance (TIF)	Property Tax	GO Bonds, Private Activity Revenue Bonds, Loans
South Carolina	City: 1984 County: 1999	Cities: Title 31 Chapter 6 (Sections 31-6-10 and following), Counties: Title 31 Chapter 7 (Sections 31-7-10 and following)	Tax Increment Finance (TIF)	Property Tax, PILOTs, Utility revenues, Assessments, Redevelopment Project Revenues	TIF acts contain bond provisions
South Dakota	1978	Chapter 11-9	Tax Increment Finance (TIF)	Property Tax	GO Bonds, Private Activity Revenue Bonds, Loans
Tennessee	1945	13-20-2	Tax Increment Finance (TIF)	Property Tax	GO Bonds, Pay As You Go
Texas	1983	Chapter 311 of the Texas Tax Code	Tax Increment Finance (TIF)/Tax Increment Reinvestment Zone (TIRZ)	Property Tax, Sales Tax	Pay As You Go, Loans, Tax Increment Contract Bonds, Municipal Bonds

Oklahoma – Texas (cont'd)

	Approval Agencies	Requirements for District Creation	Max. Length of District	Site Specific TIF Allowed?	Area Wide TIF Allowed?
Oklahoma	City Council, County, Review Committee	Blight Requirement, "But For" Test, Public Hearings, Project Plan Required	25 years	Yes	Yes
Oregon	School Board/District, City Council, County, State, All Taxing Agencies	Blight Requirement, Public Hearings	Not specified	Yes	Yes
Pennsylvania	School Board/District, TIF Commission, City Council, County, Local Municipality	Blight Requirement, Feasibility Study, Public Hearings	20 years	Yes	Yes
Rhode Island	Community Redevelopment Agency Board	Blight Requirement, "But For" Test	25 years	Yes	Yes
South Carolina	School Board/District, City Council, County, Each Affected Taxing Entity	Blight Requirement (not required for Counties), Public Hearings	Not specified	Yes	Yes
South Dakota	Planning Commission	Blight Requirement, Feasibility Study	15 years	Yes	Yes
Tennessee	TIF Commission, City Council, County	Blight Requirement	Limited in the redevelopment plan	Yes	Yes
Texas	City Council, Community Redevelopment Agency Board, County	"But For" Test, Cost-Benefit Analysis, Feasibility Study, Public Hearings	40 years	Yes	Yes

Oklahoma – Texas (cont'd)

	Public Hearings Required for TIF District Authorization?	Public Hearings Required for TIF Deal Approval?	Qualified Types of Projects	Eminent Domain Use Allowed?	Special Features
Oklahoma	Yes	Yes	Residential, Commercial, Industrial, Mixed-Use	Yes	Can be used for educational buildings. Must produce annual report
Oregon	Yes	No	Residential, Commercial, Industrial, Mixed-Use	Yes	
Pennsylvania	Yes	Yes	Residential, Commercial, Industrial, Mixed-Use	Yes	
Rhode Island	Yes	No	Residential, Commercial, Industrial	Yes	45-33.2-18 Annual report. – No later than September 1 of each year a project plan pursuant to this chapter is in effect in a city or town, the city or town shall make a report to the director of the department of economic development
South Carolina	Yes	No	Residential, Commercial, Industrial, Mixed-Use	Yes, Unrelated to TIF. Eminent domain under general law	Amendment in 2008 permits low income housing to be financed. All projects must be publicly owned, except low income housing
South Dakota	Yes	No	Commercial, Industrial	Yes	
Tennessee	Yes	No	Residential, Mixed-Use	Yes	Tennessee statute 7-88-106 provides for sales tax increment financing, but only in the limited context of "Tourism Development Zones."
Texas	Yes	No	Residential, Commercial, Industrial, Mixed-Use	No, except when undertaken by the creating jurisdiction	

Utah – Wyoming

	Year Authorized	State Statute	Terminology	Eligible Tax Revenue Sources	Financing Options
Utah	1968	Title 17C	Tax Increment Finance (TIF)	Property Tax, Sales Tax, Economic Activity Tax	Private Activity Revenue Bonds, Pay As You Go, Loans, Appropriations
Vermont	1985	24 VSA Sections 1891-1901 and 32 VSA Section 5404a(f)-(k)	Tax Increment Finance (TIF)	Property Tax, State Education Property Tax	GO Bonds, Private Activity Revenue Bonds, Loans, Housing and Urban Development Section 108 Financing Instruments, State of Vermont Revolving Loan Funds, Interfund Loans Within a Municipality, United States Department of Agriculture Loans
Virginia	1988	58.1-3245 et seq.	Tax Increment Finance (TIF)	Property Tax	GO Bonds, Private Activity Revenue Bonds, Pay As You Go, Loans, Appropriations
Washington	2001	chapter 39.89 RCW; chapter 39.102 RCW	Increment Area, Revenue Development Area	Property Tax, Sales Tax	GO Bonds, Pay As You Go
West Virginia	2002	7-11B or 77-22-7 and 8-38-7 (sales tax)	Tax Increment Finance (TIF)	Property Tax	Pay As You Go, Special Assessments, Revenue Bonds payable from taxes off of increment
Wisconsin	1975	s. 66.1105	Tax Increment Finance (TIF)	Property Tax	GO Bonds, Private Activity Revenue Bonds, Pay As You Go
Wyoming	1983	Title 15, Chapter 9	Tax Increment Finance (TIF)	Property Tax	GO Bonds, Private Activity Revenue Bonds

Utah – Wyoming (cont'd)

	Approval Agencies	Requirements for District Creation	Max. Length of District	Site Specific TIF Allowed?	Area Wide TIF Allowed?
Utah	School Board/District, City Council, Community Redevelopment Agency Board, County, State		Depends upon agreement	Yes	Yes
Vermont	City Council, State, Municipal legislative body	But For Test, Feasibility Study, Public Hearings, Location criteria, public good outcome; nexus/prop	20 year limitation on use of tax revenue to pay debt	Yes	Yes
Virginia	Governing body of locality	Blight Requirement, Blight helpful but development needs generally	No specific timeframe	Yes	Yes
Washington	City Council, County, fire protection district	But For Test, Public Hearings	None	Yes	Yes
West Virginia	City Council, County, State	But For Test, Feasibility Study, Public Hearings	30 years from date of creation of district	Yes	Yes
Wisconsin	Joint Review Board, City Council	But For Test, Cost-Benefit Analysis, Public Hearings	23-27 years, depending on type of development	Yes	Yes
Wyoming	Planning Commission	Blight Requirement, "But For" Test, Public Hearings	25 years	Yes	Yes

Utah – Wyoming (cont'd)

	Public Hearings Required for TIF District Authorization?	Public Hearings Required for TIF Deal Approval?	Qualified Types of Projects	Eminent Domain Use Allowed?	Special Features
Utah	Yes	Yes	Residential, Commercial, Industrial, Mixed-Use	Yes	Heavily based upon taxing entity approval as to the amount of TIF available for financing
Vermont	Yes	Yes	Residential, Commercial, Industrial, Mixed-Use	Yes	Districts can utilize incremental municipal property tax and state education property tax revenue. Infrastructure may be outside of TIF District, but use of revenue is subject to nexus and proportionality tests
Virginia	No	Yes	Residential, Commercial, Industrial, Mixed-Use	Yes, but eminent domain is for public purpose not simply economic development	
Washington	Yes	No	Residential, Commercial, Industrial, Mixed-Use	No	Applicable only to property taxes not approved by vote; or taxes levied by State or school districts
West Virginia	Yes	No	Residential, Commercial, Industrial, Mixed-Use	Yes, Only to the extent that eminent domain is available for any project. No special authorization for TIF eminent domain	
Wisconsin	Yes	Yes	Residential, Commercial, Industrial, Mixed-Use	Yes	
Wyoming	Yes	No	Residential, Commercial, Industrial	Yes	

Notes

- 1 All details of the Cabela's story from Daniel McGraw, "Giving Away the Store to Get a Store," *Reason*, January 2006.
- 2 David Merriman, Mark Skidmore, and Russ Kashian, *Do Wisconsin Tax Increment Finance Districts Stimulate Growth in Real Estate Values*, October 2007.
- 3 Ben Joravsky and Mick Dumke, "Shedding Light on the Shadow Budget," *Chicago Reader*, 10 December 2009.
- 4 Rachel Weber and Laura Goddeeris, Lincoln Institute of Land Policy, *Tax Increment Financing: Process and Planning Issues*, 2007.
- 5 Larry Marks, "The Evolving Use of TIF," *Review*, Summer 2005.
- 6 Ibid.
- 7 Richard Briffault, "The Most Popular Tool: Tax Increment Financing and the Political Economy of Local Government," *University of Chicago Law Review*, 77:65-95, 2010.
- 8 Alyssa Talanker and Kate Davis with Greg Leroy, Good Jobs First, *Straying From Good Intentions: How States are Weakening Enterprise Zone and Tax Increment Financing Programs*, August 2003.
- 9 Randall O'Toole, Cato Institute, *Crony Capitalism and Social Engineering: The Case Against Tax Increment Financing*, 18 May 2011.
- 10 Massachusetts Senate Post Audit and Oversight Bureau, *Policy Brief: Return on Investment? Economic Development Incentive Program Lacks Accountability*, December 2002.
- 11 Sarah Stecker, New Jersey Policy Perspective, *The Good, the Bad and the ERGly*, September 2010.
- 12 Polsky Associates LTD, *A State By State Look at TIF*, downloaded from www.polskylaw.com/downloads/StateByStateTIF-Numbers.pdf on 6 September 2011.
- 13 See note 4.
- 14 Ibid. Some states, such as Minnesota, allow for the adjustment of the base property valuation over time to reflect inflation, but this is not the general rule.
- 15 For a more detailed discussion of the various strategies available, see note 4, p. 19.

16 Indeed, residents of overlapping jurisdictions may face higher taxes even if a TIF is successful in drawing new investment. To the extent that a TIF development increases demands for schools or other services provided by overlapping entities – without providing additional funding to pay for those demands – the gap must be filled by other taxpayers. For further discussion of this, see George Lefcoe, “Competing for the Next Hundred Million Americans: The Uses and Abuses of Tax Increment Financing,” *Urban Lawyer*, 43(2): 427-482, Spring 2011.

17 Kenneth A. Kriz, “Tax Increment Financing: Its Effect On Local Government Finances,” *CURA Reporter* (publication of the Center for Urban and Regional Affairs), Summer 2003.

18 Patricia Nolan and Helene Berlin, Neighborhood Capital Budget Group, “NCBG’s TIF Study Shows that TIF is Not Cost-Free” in *PRAGmatics*, Summer 2002.

19 Illinois Tax Increment Association, *About TIF*, downloaded from www.illinois-tif.com/about_TIF.asp, 23 September 2011.

20 George Lefcoe, “Competing for the Next Hundred Million Americans: The Uses and Abuses of Tax Increment Financing,” *Urban Lawyer*, 43(2): 427-482, Spring 2011.

21 Rachel Weber and David Santacroce, Good Jobs First and the University of Illinois at Chicago Center for Urban Economic Development, *The Ideal Deal: How Local Governments Can Get More for Their Economic Development Dollar*, March 2007; and Greg LeRoy, *The Great American Jobs Scam: Corporate Tax Dodging and the Myth of Job Creation* (San Francisco: Berret-Koehler, 2005). pp. 72-73 and 117-118.

22 Greg LeRoy, “TIF, Greenfields,

and Sprawl: How an Incentive Created to Alleviate Slums Has Come to Subsidize Upscale Malls and New Urbanist Developments,” *Planning & Environmental Law*, 60(2): 3-11, February 2008.

23 Richard F. Dye and David F. Merriman, *The Effects of Tax Increment Financing on Economic Development*, September 1999.

24 See note 8. The states that have loosened their TIF laws include Alaska, Georgia, Idaho, Illinois, Indiana, Iowa, Minnesota, Mississippi, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Carolina, Utah and Virginia. 11 states—Arkansas, California, Connecticut, Indiana, Kansas, Louisiana, New York, Ohio, South Carolina, Texas and Wisconsin—have loosened their laws governing enterprise zones, or zones in which businesses do not have to charge sales tax.

25 See note 8.

26 Greg LeRoy and Sara Hinkley, Good Jobs First, *No More Secret Candy Store: A Grassroots Guide to Investigating Development Subsidies*, March 2002.

27 Daniel McGraw, “Giving Away the Store to Get a Store,” *Reason*, January 2006.

28 Todd Litman, Victoria Transport Policy Institute, *Understanding Smart Growth Savings: What We Know About Public Infrastructure and Service Cost Savings, and How They Are Misrepresented by Critics*, 17 June 2011.

29 “General obligation bonds”: Gary L. Sullivan, Steven A. Johnson, and Dennis L. Soden, Institute for Policy and Economic Development, University of Texas at El Paso, *Tax Increment Financing (TIF) Best Practices Study*, 1 September 2002.

30 David A. Wilcox and David A.

Versel, Economics Research Associates, *Review of Best Practices for Tax Increment Financing In the United States*, 12 October 1999.

31 See note 4.

32 Ibid.

33 Ibid.

34 Craig Johnson, "The Use of Debt in Tax Increment Financing," in *Tax Increment Financing and Economic Development: Uses, Structures, and Impact*, ed. Craig Johnson and Joyce Man (Albany, NY: SUNY Press, 2001), p. 74

35 See note 3.

36 Eric T. Nakajima and Robb Smith, *District Improvement Financing In Massachusetts: A Report on Challenges and Opportunities Based on the Redevelopment Experience of Other States with Tax Increment Finance*, November 2004.

37 Chicago TIF Reform Panel, *Findings and Recommendations for Reforming the Use of Tax Increment Financing in Chicago: Creating Greater Efficiency, Transparency*

and Accountability, 23 August 2011.

38 John Locke Foundation, *Common-Sense TIF Reforms: Ways to Avoid Randy Parton Theater-Like Debacles and Other Disasters*, 28 May 2008.

39 See note 29.

40 Rachel Weber and David Santacrose, Good Jobs First and the University of Illinois at Chicago Center for Urban Economic Development, *The Ideal Deal: How Local Governments Can Get More for Their Economic Development Dollar*, March 2007

41 Minnesota: Minnesota Department of Revenue, *Auditor/Treasurer Manual*, Chapter 13, updated December 2010; Massachusetts: Massachusetts Senate Post Audit and Oversight Bureau, *Policy Brief: Return on Investment? Economic Development Incentive Program Lacks Accountability*, December 2002.

42 Minnesota Department of Revenue, *Auditor/Treasurer Manual*, Chapter 13, updated December 2010.