

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET**



WARRANT FOR

**2019 ANNUAL TOWN MEETING
Nantucket High School
Mary P. Walker Auditorium
Monday, April 1, 2019 - 6:00 PM**

AND

**ANNUAL TOWN ELECTION
Nantucket High School
Tuesday, April 9, 2019
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

**MONDAY, APRIL 1, 2019 AT 6:00 PM,
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 dragnets 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.

(Select Board)

**ARTICLE 1
(Receipt of Reports)**

To receive the reports of various departments and committees as printed in the Fiscal Year 2018 Annual Town Report or as may come before this meeting; or to take any other action related thereto.

(Select Board)

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

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds for the payment,

pursuant to Chapter 44 section 64 of the Massachusetts General Laws, of unpaid bills from previous fiscal years, including any bills now on overdraft; or to take any other action related thereto.

(Select Board)

ARTICLE 3

(Appropriation: Prior Year Articles)

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

(Select Board)

ARTICLE 4

(Revolving Accounts: Spending Limits for FY 2020)

To see what spending limits the Town will establish for revolving accounts established pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws and Section 19-21 of the Town Code for Fiscal Year 2020; or take any other action related thereto.

(Select Board)

ARTICLE 5

(Appropriation: Reserve Fund)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of establishing a Reserve Fund pursuant to Chapter 40 section 6 of the Massachusetts General Laws, to provide for the extraordinary and unforeseen expenditures which may arise during Fiscal Year 2020; said sum not to exceed five (5) percent of the Fiscal Year 2019 tax levy; or to take any other action related thereto.

(Select Board)

ARTICLE 6

(Fiscal Year 2019 General Fund Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2019 General Fund operating budget from other line items of said budget and from other available funds; or to take any other action related thereto.

(Select Board)

ARTICLE 7

(Personnel Compensation Plans for Fiscal Year 2020)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2020:

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 \$75.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	19.00 20.00
Dietician/Our Island Home (hourly)	39.00 41.00
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 26.00
Registered Nurse/Our Island Home (Per Diem - hourly)	35.00 37.00
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 1, 2019 - April 1, 2020)

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$15.50	\$16.50	\$17.50	\$18.50 \$19.00
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	\$103,649

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 8

(Appropriation: Fiscal Year 2020 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 2020; or to take any other action related thereto.

(Select Board)

ARTICLE 9

(Appropriation: Health and Human Services)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the Council for Human Services to be used by the Council to contract with various health and human services, not-for-profit corporations to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket; further, that all such sums be expended on the condition that grant agreements be executed by and between the Select Board and the respective private, not-for-profit agency for Fiscal Year 2020, which grant agreements shall stipulate mutually agreed upon terms and conditions; or to take any other action related thereto.

(Select Board)

ARTICLE 10

(Appropriation: General Fund Capital Expenditures)

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

(Select Board)

ARTICLE 11

(Appropriation: Old South Road/Fairgrounds Road Intersection Area and Newtown Road Transportation Improvements)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of making various transportation-related improvements in the Old South Road/Fairgrounds Road intersection area and Newtown Road, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE 12

(Milestone Rotary and Milestone Road Improvements - Local Support)

To see if the Town will vote to petition the Massachusetts Department of Transportation in support of the reconstruction of the James Warren Coffin Memorial Rotary (also known as the Milestone Rotary) to improve overall safety and accessibility for all users of the roadway and to reduce vehicle queuing, delays, and greenhouse gas emissions caused by insufficient capacity and inefficiency of the current configuration; and further, to support the reconstruction of a section of Milestone Road between the Milestone Rotary and Bunker Road in a manner to include two 11 foot wide travel lanes and two one foot wide shoulders to increase the safety and longevity of the roadway and improve accessibility for freight vehicles to and from the island's industrial zoned properties; or to take any other action relative thereto.

(Select Board)

ARTICLE 13

(Appropriation: Town Pier)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of making improvements to the Town Pier located at 34 Washington Street, including the costs of professional services for design, permitting, engineering, 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.

(Select Board)

ARTICLE 14

(Appropriation: Landfill Closure Costs)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of costs associated with the closure and capping of landfill cells 1A, 1B, and 1C, and partial closure of cells 2A and 2B at the Town of Nantucket Landfill located at 188 Madaket Road, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE 15

(Supplemental Appropriation: Public Safety Facility Auxiliary Building)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, to supplement the previous appropriations made under Article 11 of the 2015 Annual Town Meeting, Article 5 of the November 9, 2015 Special Town Meeting, and Article 4 of the November 6, 2017 Special Town Meeting, to pay costs for constructing a public safety auxiliary building at 4 Fairgrounds Road, including the costs of professional services for design, permitting, architecture, construction supervision, 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.

(Select Board)

ARTICLE 16

(Appropriation: In-Town (Orange Street) Bike Path)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of constructing the In-Town (Orange Street) Bike Path including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE 17

(Appropriation: Surfside Area Roads Reconstruction)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of making various transportation-related improvements in the Surfside area on Lover's Lane, Monohansett Road and Okorwaw Avenue, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE 18

(Appropriation: Acquisition of Property at 1 - 3 Miller Lane)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift, eminent domain or otherwise, the property located at 1 - 3 Miller Lane, known as the "Nantucket Inn" and shown on Assessor's Map 68 as Parcels 800 - 812, 814 - 853, 900 - 912, 914 - 921, 924 - 938, 941 - 951 for general municipal purposes and/or housing; and to see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of acquisition 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; and further to authorize the Select Board to dispose of all or a portion of said property by sale or lease in accordance with the procedures set forth in General Laws Chapter 30B, s. 16, on such terms and conditions deemed by the Select Board to be in the best interests of the Town; or to take any other action related thereto.

(Select Board)

ARTICLE 19

(Appropriation: Fiscal Year 2020 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 2020, out of anticipated revenues of the designated funds, for the purposes set forth above; or to take any other action related thereto.

(Select Board for the Various Departments Indicated)

ARTICLE 20

(Appropriation: Enterprise Funds Capital Expenditures)

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

(Select Board for the Various Departments Indicated)

ARTICLE 21

(Enterprise Funds: Fiscal Year 2019 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2019 Enterprise Fund operating budgets from other line items of said budgets and/or from Enterprise Surplus Reserve Funds; or to take any other action related thereto.

(Select Board)

ARTICLE 22

(Appropriation: Waterways Improvement Fund)

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 23

(Appropriation: Ambulance Reserve Fund)

To see what sum the Town will vote to appropriate from the Ambulance Reserve Fund for the purchase of ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for ambulances, and other such related costs to operate the Town's ambulance services, including up to 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.

(Select Board)

ARTICLE 24

(Appropriation: Ferry Embarkation Fee)

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 25

(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 2020, 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.

(Select Board/County Commissioners)

ARTICLE 26

(Appropriation: Finalizing Fiscal Year 2020 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 2020 by appropriating a sum of money for such County budget and authorizing the expenditure of estimated County revenues, County reserve funds, County deed excise fees or other available County funds including the Town assessment for County purposes; further, to see if the Town will vote to overturn any denial by the Nantucket County Review Committee of the establishment of a County Reserve Fund, from which transfers may be made to meet extraordinary or unforeseen expenditures with the approval of the County Commissioners acting as the County Advisory Board Executive Committee within the meaning of Chapter 35 section 32 of the Massachusetts General Laws; or to take any other action related thereto.

(Select Board/County Commissioners)

ARTICLE 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 2020.

Or, to take any other action related thereto.

(Select Board)

ARTICLE 28

(Appropriation: Affordable Housing Trust Fund)

To see if the Town will appropriate a sum of money to pay costs of acquiring land, which may include any buildings thereon, for the development of affordable housing, and also to pay costs of designing, constructing, reconstructing and equipping affordable housing, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and for the payment of all other costs incidental and related thereto and to determine whether this amount should be raised by taxation, transfer from available funds, borrowing or otherwise, and, further, to authorize the Town to enter into leases, subleases and any other similar arrangements with the Town's Affordable Housing Trust, or take any other action relative thereto.

(Select Board)

ARTICLE 29

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

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

(Select Board for Airport Commission)

ARTICLE 30

(Bylaw Amendment: Finances)

To see if the Town will vote to amend Chapter 19 (Finances), Article XIII (Revolving Accounts) by adding an additional revolving account 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; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

§19-21. Revolving accounts established

FUND	REVENUE SOURCE	AUTHORITY TO SPEND	USE OF FUND
Airport Aviation Fuel	Fees and receipts received in connection with sale of aviation fuel	Airport Commission	Purchase of aviation fuel Purchase of Aviation Fuel, and repairs and maintenance of the Fuel Farm.

(Select Board for Airport Commission)

ARTICLE 31

(Appropriation: Fiscal Year 2020 Senior Work-off Program)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purpose of supporting the Senior Work-off Program pursuant to Massachusetts General Laws Chapter 59, section 5k for the Town of Nantucket for Fiscal Year 2020; or to take any other action related thereto.

(Select Board)

ARTICLE 32

(Appropriation: FY 2020 Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2020 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	
HallKeen Management Restoration of the north and south facade windows in Academy Hill apartment building	\$80,500
Nantucket Historical Association Restoration of the Thomas Macy warehouse, providing wheelchair lift, fire suppression, security fire alarm and emergency stairwell	\$196,503

Nantucket Historical Association Restoration of Hadwen house, providing wheelchair lift and alarm/fire prevention	\$83,351
Nantucket Housing Authority Restoration of entire exterior building envelopes of 2 & 6 Miacomet to preserve the building from injury, harm or destruction	\$175,054
Nantucket Atheneum Third phase, conservation of three historic paintings	\$18,000
Nantucket Island School of Design & the Arts Phase two of the preservation and restoration of the Long Barn and dairy barn, including digital documentation and restoration of the rail fence for original pastures and paddocks	\$243,551
Hospital Thrift Shop Third phase of restoration of structural frame including repair of rubble foundation, updating electrical wiring and remediating lead paint	\$38,398.50
Historic Admiral Sir Isaac Coffin School Fifth phase of the restoration including the replacement and repair of spalling bricks on three sides of the building and the decorative Bricks that have fallen of or are broken	\$111,000
Landmark House- Nantucket Community Service Inc. To preserve the building from injury, harm and destruction to install 136 Anderson insert windows and 6 full frame Anderson windows	\$188,985
Sub-total	\$1,135,342.50
\$1,080,239.50 of the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds, and the balance of the funds used in this category, \$55,103 are from the Historic Preservation reserves.	
Community Housing	
Nantucket Affordable Housing Trust Fund Allocation to the fund subject to the fund obtaining approval from the CPC commissioners of the particular projects for affordable housing	\$750,000
Nantucket Interfaith Council Housing and rental assistance program	\$150,000
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	\$1,012,000
<p>\$8,480 of the funds utilized in this category is from the Designated reserves for Community Housing, \$45,000 of the funds utilized in this category is from the Undesignated reserves and the balance of the funds utilized in this category are from the Community Preservation surcharge, interest and the State matching funds.</p>	
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
Nantucket Islands Land Bank - Hinsdale Inclusive Play Space	
Funding for the engineering and construction phase of a new fully accessible, socially inclusive outdoor play space with a unique focus on Science, Technology Engineering, Art and Math (STEAM)	\$812,481
Sustainable Nantucket Community Farm Institute, phase 3	
Funds for improvements to road, wash station, heat and dry storage for farming	\$68,286
Sub-total	\$1,005,767
<p>\$765,767 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.</p>	
Administrative	
Community Preservation Committee	
Administrative and operating expenses	\$125,000
Sub-total	\$125,000
<p>\$5,000 of the funds utilized in this category is from undesignated reserves and the balance of the funds to be used in this category is from the Community Preservation surcharge, interest and the State matching funds.</p>	
TOTAL	\$3,278,109.50
All amounts to be appropriated from the following sources:	
SOURCES	AMOUNT

Raised and appropriated from FY 2018 Community Preservation Surcharge	\$2,134,759.50
From State matching funds for FY 2018, to be received in 2019	\$250,000
From Interest	\$14,000
From Designated Reserves for Historic Preservation	\$55,103
From designated reserves for Community Housing	\$8,480
From designated reserves for Open Space	\$765,767
From Undesignated Reserves	\$50,000
Total Revenues	\$3,278,109.50

For fiscal year 2020 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 33

(Community Preservation Committee: Fiscal Year 2020 Budget Transfers)

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

FROM	TO	AMOUNT
Article 24 ATM 2006 Maria Mitchell Association	Fiscal Year 2020 Community Preservation Committee Community Historic Preservation reserved fund balance	\$14,979.77
Article 22 ATM 2007 Artists Association of Nantucket	Fiscal Year 2020 Community Preservation Committee Community Historic Preservation reserved fund balance	\$612.26

Article 26 ATM 2010 First Congregational Church	Fiscal year 2020 Community Preservation Committee Community Historic Preservation reserved Fund balance	\$0.06
Article 26 ATM 2013 Two Center Street Restoration Project	Fiscal year 2020 Community Preservation Committee Community Historic Preservation reserved Fund balance	\$163.00
Article 26 ATM 2013 University of Florida Preservation Institute, Nantucket	Fiscal year 2020 Community Preservation Committee Community Historic Preservation reserved Fund balance	\$11.43
Article 30 ATM 2014 Homestead of Nantucket	Fiscal year 2020 Community Preservation Committee Community Historic Preservation reserved Fund balance	\$2,858.32
Article 20 ATM 2016 First Congregational Church	Fiscal year 2020 Community Preservation Committee Community Historic Preservation reserved Fund balance	\$0.50
Total Transfers to Community Historic Preservation Reserved fund balance		\$18,625.34
Total transfers back to Community Preservation Reserved Fund Balances		\$18,625.34

(Kenneth Beaugrand, et al)

ARTICLE 34

(Appropriation: Traffic and Pedestrian Safety Improvements)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Department of Public Works, with the approval of the Town Manager and the Select Board, for the purpose of making Traffic and Pedestrian Safety Improvements at the intersection of Bartlett Road and Surfside Road by the installation of two (2) stop signs creating a 3-way stop; not to include the addition of additional turning lanes. This sum should include the costs of professional services for design, installation and the cost of equipment and materials, and any other costs incidental and related thereto.

(Campbell Sutton, et al)

ARTICLE 35

(Appropriation: Health and Human Services - Ambulance Transport Fund)

To see if the Town will vote to appropriate the sum of One Hundred Ten Thousand Dollars (\$110,000) from Free Cash and or the General Fund or any other source to deposit into the Health & Human Services Department, to fund ambulance transport for behavioral health patients from Nantucket to treatment facilities off island.

(Walter Wieners, et al)

ARTICLE 36

(Appropriation: Island-wide and Municipal Energy Study)

(Preamble)

As the Commonwealth of Massachusetts' most remote island community, Nantucket is particularly vulnerable to the devastating impacts of climate change and rising sea levels. The Massachusetts Green Community Designation and Grant Program provides a road map along with significant financial and technical support to municipalities that 1) pledge to cut municipal energy use by an ambitious and achievable goal of 20 percent over 5 years and 2) meet four other criteria established in the Green Communities Act. The Program has designated 210 cities and towns as Green Communities, delivering to them over \$39 million in grants for energy projects. The Passage of the "Green Communities" appropriation, zoning, and stretch code articles are critical to advance the Town of Nantucket's eligibility for the Massachusetts Green Community Designation Program.

(Article)

To see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds for the payment, up to \$100,000 dollars for the purposes of conducting an Island wide and municipal energy study across all energy uses; such study shall establish a baseline on energy usage on Nantucket, or to take any other action related thereto and for the purpose of meeting the minimum requirements described in the "Green Communities" criteria.

(Tobias Glidden, et al)

ARTICLE 37

(Appropriation: Acquisition of Existing Properties for Affordable Housing Purposes)

(Preamble)

Unless and until the 40B laws are changed, it is imperative for the preservation of our environment, open spaces and historic neighborhood character that we as a community stay ahead of the requirements of M.G.L. Chapter 40B. To accomplish this, we must reach "Safe Harbor" at the earliest possible date and remain there. We believe that the best way to do this is to raise and appropriate the funds necessary to strategically acquire existing housing stock and add this stock to our Subsidized Housing Inventory List (the 10% required by the state).

(Article)

To see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, up to \$30 million for the purposes of acquiring existing properties for affordable housing purposes, which may include an affordable rental program, and which would all qualify on the SHI list to assist the Town in obtaining Safe Harbor as it is known under Chapter 40B of the M.G.L.; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; and provided further that said funds may be expended by the Town Manager, with the approval of the Select Board, which may include a grant or grants to the Nantucket Affordable Housing Trust, with oversight by the Select Board; or to take any other action related thereto.

(Tobias Glidden, et al)

ARTICLE 38

(Zoning Map Change: RC to CN - 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	138.2	8	WILLIAMS LANE
55	140	6	WILLIAMS LANE
55	418	4	WILLIAMS LANE
55	141 (PORTION OF)	89	PLEASANT STREET

All as shown on a map entitled “2019 Annual Town Meeting Warrant Article 38 RC to CN” dated August 2018 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 39

(Zoning Map Change: RC-2 to CMI, CN, and/or CTEC - Square Rigger, Nobadeer Farm, and Old South Roads, Arrowhead Drive)

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

MAP	LOT	NUMBER	STREET
69	11	138	OLD SOUTH ROAD
69	18	41	NOBADEER FARM ROAD
69	103	41	NOBADEER FARM ROAD
69	34	44	NOBADEER FARM ROAD

69	35.1	46 A (#1)	NOBADEER FARM ROAD
69	35.2	46 B (#2)	NOBADEER FARM ROAD
69	35.3	46 C (#3)	NOBADEER FARM ROAD
69	36	48	NOBADEER FARM ROAD
69	37	132	OLD SOUTH ROAD
69	38	134	OLD SOUTH ROAD
69	39	136	OLD SOUTH ROAD
69	41	4	SQUARE RIGGER ROAD
69	42	6	SQUARE RIGGER ROAD
69	43	8	SQUARE RIGGER ROAD
69	45	9	SQUARE RIGGER ROAD
69	46	7	SQUARE RIGGER ROAD
69	47	5	SQUARE RIGGER ROAD
69	48	3	SQUARE RIGGER ROAD
69	59	4	ARROWHEAD DRIVE
69	60	140	OLD SOUTH ROAD
69	61	142	OLD SOUTH ROAD

All as shown on a map entitled “2019 Annual Town Meeting Warrant Article 39 RC-2 to CMI, CN, and/or CTEC” dated August 2018 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 40

(Zoning Map Change: RC-2 to CTEC - Nobadeer Farm and Hinsdale Roads, and Rosemary Way)

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

MAP	LOT	NUMBER	STREET
69	112	83	HINSDALE ROAD
69	21	81	HINSDALE ROAD
69	22	85	HINSDALE ROAD
69	23	89	HINSDALE ROAD
69	24.1	27	NOBADEER FARM ROAD
69	24.2	93	HINSDALE ROAD
69	24.3	29	NOBADEER FARM ROAD
69	24.4	95	HINSDALE ROAD
69	276	5	ROSEMARY WAY

69	277	7	ROSEMARY WAY
69	278	10	ROSEMARY WAY

All as shown on a map entitled “2019 Annual Town Meeting Warrant Article 40 RC-2 to CTEC” dated August 2018 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 41

(Zoning Map Change: RC-2 to R-5 - Yawkey Way, Hinsdale Road, and Macys Lane)

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

MAP	LOT	NUMBER	STREET
69	19.1	1	YAWKEY WAY
69	269	2	YAWKEY WAY
69	300	3	YAWKEY WAY
69	297	4	YAWKEY WAY
69	299	5	YAWKEY WAY
69	298	6	YAWKEY WAY
68	33 (PORTION OF)	79	HINSDALE ROAD
68	33.2 (PORTION OF)	45	MACYS LANE

All as shown on a map entitled “2019 Annual Town Meeting Warrant Article 41 RC-2 to R-5” dated August 2018 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 42

(Zoning Map Change: RC-2 to CTEC - Youngs Way)

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

MAP	LOT	NUMBER	STREET
68	237	3	YOUNGS WAY
68	230	9	YOUNGS WAY
68	329	13	YOUNGS WAY
68	328	15	YOUNGS WAY
68	327	17	YOUNGS WAY

68	326	19	YOUNGS WAY
68	325	21	YOUNGS WAY
68	324	23	YOUNGS WAY
68	688	25	YOUNGS WAY
68	689	27	YOUNGS WAY
68	690	29	YOUNGS WAY
68	691	31	YOUNGS WAY

All as shown on a map entitled “2019 Annual Town Meeting Warrant Article 42 RC-2 to CTEC” dated August 2018 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 43

(Zoning Map Change: RC-2 to CN and/or R-5 - Youngs Way)

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

1. Placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
68	251.1	4A	YOUNGS WAY
68	251.2	4B	YOUNGS WAY
68	251.3	4C	YOUNGS WAY
68	239.2	6	YOUNGS WAY

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

MAP	LOT	NUMBER	STREET
68	238	1	YOUNGS WAY
68	243	10	YOUNGS WAY
68	244	12	YOUNGS WAY
68	797	14	YOUNGS WAY
68	796	16	YOUNGS WAY
68	795	18	YOUNGS WAY
68	794	20	YOUNGS WAY
68	793	22	YOUNGS WAY
68	792	24	YOUNGS WAY
68	791	26	YOUNGS WAY
68	790	28	YOUNGS WAY

68	233	30	YOUNGS WAY
68	234	34	YOUNGS WAY
68	235	38	YOUNGS WAY
68	236	42	YOUNGS WAY
68	981	28	TICCOMA WAY

All as shown on a map entitled “2019 Annual Town Meeting Warrant Article 43 RC-2 to CN and/or R-5” dated August 2018 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 44

(Zoning Map Change: RC-2 to R-5 and/or CN - Old South 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 and/or the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
68	3	31	OLD SOUTH ROAD
68	3.1	31	OLD SOUTH ROAD

All as shown on a map entitled “2019 Annual Town Meeting Warrant Article 44 RC-2 to R-5 and/or CN” dated August 2018 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 45

(Zoning Map Change: RC-2 to CN - Thirty Acres Lane 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 Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
67	115.2	3	THIRTY ACRES LANE
67	115.9	5	THIRTY ACRES LANE
67	115.8	7	THIRTY ACRES LANE
67	115.7	9	THIRTY ACRES LANE
67	115.6	10	THIRTY ACRES LANE
67	115.5	8	THIRTY ACRES LANE
67	115.4	6	THIRTY ACRES LANE

67	115.3	4	THIRTY ACRES LANE
67	115	2	THIRTY ACRES LANE
67	638	12	ESSEX ROAD
67	637	14	ESSEX ROAD

All as shown on a map entitled “2019 Annual Town Meeting Warrant Article 45 RC-2 to CN dated August 2018 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 46

(Zoning Map Change: RC-2 to R-5 - Thirty Acres Lane, Bartlett 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
67	876	18	BARTLETT ROAD
67	113.1	18	BARTLETT ROAD
67	594	20	BARTLETT ROAD
67	595	2	ESSEX ROAD
67	596	2	ESSEX ROAD
67	597	4	ESSEX ROAD

All as shown on a map entitled “2019 Annual Town Meeting Warrant Article 46 RC-2 to R-5” dated August 2018 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 47

(Zoning Bylaw Amendment: Residential Old Historic - Ground Cover Ratio)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 16, 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-sustentative 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):*

Yard Setback

District Defined in § 139-3	Minimum Lot Size (square feet)	Front (feet)	Side/Rear (feet)**	Frontage (feet)*	Ground Cover Ratio
ROH/SOH	5,000	None	5	50	40% ROH 50% SOH

The reduction in ground cover from 50% to 40% in the ROH district shall have an effective date of July 1, 2019.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 48

(Zoning Bylaw Amendment: Nantucket Housing Needs Covenant - Qualified Family Member and Qualified Renter)

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-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

1. Amend section 2 (Definitions) as follows:

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

2. Amend section 8B (Residential development options) as follows:

B. Nantucket Housing Needs Program.

...

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

...

NANTUCKET HOUSING NEEDS COVENANT (NHNC)...

...

QUALIFIED PURCHASER HOUSEHOLD - A household whose gross annual income is less than 150% of the median annual household income for Nantucket County as determined by the most recent calculation of the U.S. Department of Housing and Urban Development median income.

QUALIFIED RENTER HOUSEHOLD - A household whose gross annual income is not more than 100% of the median annual household income for Nantucket County as determined by the most recent calculation of the U.S. Department of Housing and Urban Development median income.

AFFORDABLE HOUSING RENTER HOUSEHOLD - A household whose gross annual income is not more than 150% of the median annual household income for Nantucket County as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.

(3) General requirements.

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

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

(1) Purpose: to create, make available and maintain housing that is affordable to those who earn at or below 150% of the Nantucket County median household income and to help those people or households to continue to reside on Nantucket including to generate and preserve Affordable Housing in the Town of Nantucket in perpetuity; and, to help incentivize creation of Commonwealth of Massachusetts DHCD Subsidized Housing Inventory (SHI) List Rental Unit(s); all in order to maintain Nantucket's diversity and unique sense of community.

...

(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:

...

(b) One of the two lots shall be subject to an NHNC-Ownership Form, which form shall provide without limitation, that the owner of that lot shall earn at or below 150% of the

Nantucket County median household income, subject to the following:

[1] Secondary lots held, sold, transferred or gifted to any Qualified Family Member(s) shall not be subject to the NHNC or the income and asset limits for eligible households unless and until upon resale, transfer, or gift of ownership of the secondary lot to a nonqualified family member at which time the lot shall, by virtue of deed restriction as a condition of the special permit, be subject to an NHNC-Ownership Form, and all requirements set forth therein including income and asset limits for eligible households.

[2] Secondary lots developed for rent to Affordable Housing Renter Household(s), Qualified Renter Household(s), or to create SHI List Rental Unit(s), shall not be subject to the NHNC unless and until upon resale, transfer, or gift of ownership of the secondary lot to a nonqualified family member at which time the lot shall, by virtue of a deed restriction as a condition of the special permit, be subject to an NHNC and all requirements set forth therein including income and asset limits for eligible households.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 49

(Zoning Bylaw and Map Amendments: Miscellaneous Technical)

To see if the Town will vote to approve the following technical amendments
(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-sustentative 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 Chapter 139 (Zoning) of the Code of the Town of Nantucket as follows:
 - a. By amending Section 2 (definitions) as follows:

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, for instance, tents, retaining walls, substantially below grade finished or unfinished space, exterior insulation applied to the foundation of a structure, ...

YARD

...The setback distance from any required front, side, or rear yard shall be measured from the corner board of the structure, if applicable, or the closest point (excluding the eaves and any exterior insulation applied to the foundation) between the structure and the lot line.

TERTIARY DWELLING

(2)...(b) A dwelling unit attached to or within a single-family dwelling, duplex, or an outbuilding or a dwelling unit attached to a studio or shed. When a tertiary dwelling unit is the third dwelling unit within a single structure, a special permit issued by the Planning Board is required.

- b. By amending Section 7A to change the use allowance for “Second dwelling” in the MMD district only from “Y” to “N”;
- c. By amending Section 7A to change the use allowance for “Contractor shop” in CMI district from “N” to “SP”;
- d. By amending Section 12G(3)(a) as follows:

The Planning Board shall be the sole special permit granting authority for all commercial uses requiring a special permit within the MIPOD.

- e. By amending 139-16C(1) as follows:

Notwithstanding the provisions of §139-7C(4), the Board of Appeals may grant a special permit to reduce the ten-foot side yard setback in R-5 and the ten-foot side and rear yard setback in R-10, R-20 and SR-20 to five feet.

2. Amend the Zoning Map as follows:

- a. Place a portion of 148 (aka 148A) Surfside Road (Map 80, Parcels 32 and 32.1) currently located in the LUG-1 district in the R-20 district.

Or to take any other action related thereto.

(Select Board for the Planning Board)

ARTICLE 50

(Zoning Map Change: V-Tech to VN - Appleton Road)

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

Map	Lot	Number	Street
66	66	43	Appleton Road
66	502.1	47A	Appleton Road

66	502.2	47B	Appleton Road
66	502.3	47C	Appleton Road

(1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties, currently located in the Village-Technical (V-Tech) district, to the Village-Neighborhood (VN) zoning district:

All as shown on the attached map.

Or to take any other action related thereto.

(Arthur I. Reade, Jr, et al)

ARTICLE 51

(Zoning Map Change: R-20 to CN - Lovers Lane)

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

Map	Lot	Number	Street
68	196	12	Lovers Lane

(1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing property, currently located in the Residential-20 (R-20) district, to the Commercial Neighborhood (CN) zoning district:

All as shown on the attached map.

Or to take any other action related thereto.

(Samuel N. Limperis, et al)

ARTICLE 52

(Zoning Map Change: LUG-2 to R-40 - Daffodil Lane)

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

Map	Lot	Number	Street
68	725	1	Daffodil Lane
68	724	3	Daffodil Lane

(2) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties, currently located in the Limited Use General-2 (LUG-2) district, to the Residential-40 (R-40) zoning district:

All as shown on the attached map.

Or to take any other action related thereto.

(Sandra Palchanis, et al)

ARTICLE 53
(Zoning Bylaw Amendment: Swimming Pools)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket as follows:

1. Amend Section 2 (definition of Ground Cover) to read as follows:

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, for instance, tents, retaining walls, substantially below grade finished or unfinished space, decks, 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, unroofed walled enclosures, exterior showers, fuel tanks, roof eaves, trash bins, and not more than one accessory detached shed, provided that the shed shall not exceed 16 feet in height, that only a slab, pier, or crawl space foundation shall be constructed, and that the ground cover shall not to exceed 200 square feet.

2. Amend Section 2 (definition of Swimming Pool - Residential) to read as follows:

SWIMMING POOL - RESIDENTIAL

A structure designed to be used for recreational purposes, either above or below grade, containing water more than 24 inches in depth and exceeding 150 square feet of water surface area, or exceeding 1,000 gallons. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like. ~~The structure of a swimming pool shall be deemed to include a five (5) perimeter around the swimming pool wall. The swimming pool must be located on the same or contiguous lot as a residential dwelling or constructed for the benefit of a group of residences, such as a multifamily development, subdivision, or in conjunction with a neighborhood association. Side and rear yard setbacks of 20 feet shall apply to the residential swimming pools and associated mechanical equipment in all districts. A residential swimming pool shall be allowed for the benefit of a group of residences, such as a multifamily development, subdivision, or in conjunction with a neighborhood association, in any district, by special permit granted by the Planning Board, acting as the special permit granting authority. In the VR and R-20/SR-20 Districts only,~~ the Zoning Board of Appeals, acting as the special permit granting authority, may grant a special permit to allow a residential swimming pool on a lot, subject to the following criteria being met: (1) the lot must meet or exceed the minimum lot size for the district, ~~and (2) side and rear yard setbacks of 20 feet shall apply to the residential swimming pool and associated mechanical equipment.~~ the

use must be in harmony with the character of the neighborhood, and (3) the pool and associated mechanical equipment must be screened with native, non-invasive species so that the pool can not be seen from any street (as defined in this Section) or from any abutting property. The permit shall be subject to limitations and restrictions, if any, necessary to minimize the potential nuisance (including, but not limited to, noise and light) to abutting property owners.

3. Amend the "Swimming pool-residential" column of the Use Chart under Section 7A by: (a) deleting "A" in all Town Residential Districts columns, except R-20/SR-20 and R-40 and replacing them with "N" (b) deleting "A" in Town Residential District column R-20/SR-20 replacing it with "SP" and (c) deleting "SP" in the Country Residential District column MMD and replacing it with "N."

4. Amend the Use Chart under Section 7A by: (a) adding a new line entitled "Swimming pool - group of residences" (b) adding "SP" for each District on the Use Chart, and (3) by adding a footnote that the special permit granting authority for this use shall be the Planning Board.

Purpose of the Changes

There were approximately 791 swimming pools in Nantucket as of July 31, 2018 (Source: Assessor Data) and 61% of the pools were built on lots in zoning districts where the minimum lot size is 40,000 SF (R-40, LUG-1, LUG -2, LUG-3); the percentage is 82% when you add 20,000 SF zones.

However, 110 pools are in residential zoning districts with a minimum lot size of 10,000 SF with rear and side lot setbacks of no more than 10 feet. Lots in the R-1/SR-1 districts have rear and side yard setbacks of only 5 feet.

Pools built on small, in town lots, with minimum building setbacks are a nuisance to neighboring properties due to outside lighting and noise. The proposed change in the zoning bylaw will reduce the potential nuisance to neighbors and the density of the building footprint while affecting a relatively small percentage of the pool population.

Explanation of Changes

The proposed amendment would prohibit residential swimming pools in Town Residential Districts with a minimum lot size of 10,000 SF or less and in the Moorlands Management District (MMD). Pools would continue to be permitted as an accessory use by Special Permit in Residential districts R-20/SR-20 and in Country Residential District V-R . Pools would continue to be permitted as an accessory use without a Special Permit in all other districts, including R-40 and LUG-1, LUG 2 and LUG-3. Community and neighborhood association pools would be permitted in all zoning districts by Special Permit.

Where allowed, residential swimming pools would be subject to the following restrictions:

- a) The area of the pool and a 5 foot perimeter around the pool wall would be included as ground cover for purposes of calculation the ground coverage ratio and setbacks..
- b) The side and rear setback would be 20 feet for the pool in all districts.
- c) Pools are subject to the noise and outdoor lighting provisions of the Town Code.
- d) In VR and R-20/SR-20 districts, the Zoning Board of Appeals may impose additional restrictions on location, screening, lighting and noise.

(Frederick McClure, et al)

ARTICLE 54

(Zoning Bylaw Amendment: Definition of Marijuana Establishment Recreational)

To see if the Town will vote to: amend the definition of Marijuana Establishment, Recreational in Section 139-2, by adding at the end:

Any waivers from the standards contained within Subsection (a) through (l) of this definition may be granted through the issuance of a Special Permit by the Planning Board upon the finding that it is consistent with the intent and purpose of the Bylaw.

(Steven Cohen, et al)

ARTICLE 55

(Zoning Bylaw Amendment: Definition of Marijuana Establishment Recreational)

To see if the Town will vote to: amend the definition of Marijuana Establishment, Recreational in Section 139-2 to delete the language in strike-out and to add the highlighted language:

(c) Except where co-located, a minimum separation of 2,000~~000~~⁵⁰⁰ feet, measured between lot lines, is required between recreational marijuana establishments.

(Steven Cohen, et al)

ARTICLE 56

(Zoning Bylaw Amendment: Definition of Ground Cover)

To see if the Town will vote to: amend the definition of Ground Cover in Section 139-2, as below, by adding the highlighted language:

The horizontal area of a lot covered at grade by structures, together with those portions of any overhangs which contain enclosed interior space; excluding, for instance, tents, retaining walls, substantially below grade finished or unfinished space, decks, 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, **generators and generator enclosures, mechanical and utility equipment,** unroofed walled enclosures, exterior showers, fuel tanks, roof eaves, trash bins, and not more than one accessory detached

shed, provided that the shed shall not exceed 16 feet in height measured from the top of the foundation, that only a slab, pier, or crawl space foundation shall be constructed, and that the ground cover shall not to exceed 200 square feet.

(Steven Cohen, et al)

ARTICLE 57

(Zoning Bylaw Amendment: Definition of Structure)

To see if the Town will vote to: amend the definition of Structure in Section 139-2, as below, by deleting the language in strike-out and adding the language highlighted:

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, ~~more than two steps providing access to a structure that in total are more than 10 feet in length and two feet in depth in all districts except for R-40, LUG-1, LUG-2, LUG-3, and MMD,~~ 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, ~~stairs providing access to a structure, including access ramps and platforms, that are at least two feet from a lot line in all districts except for R-40, LUG-1, LUG-2, LUG-3, and MMD,~~ and a maximum of two aboveground propane tanks not to exceed 120 gallons each.

(Steven Cohen, et al)

ARTICLE 58

(Zoning Bylaw Amendment: Definition of Tent)

To see if the Town will vote to: amend the definition of Tent in Section 139-2, as below, by striking the language in strike-out and adding the highlighted language:

A portable enclosure ~~or enclosures~~ constructed of fabric, plastic, or a similar pliable material supported by one or more poles ~~or framing~~ and secured ~~by pegs into~~ the ground. Tents shall not be erected for periods exceeding 30 days per calendar year; however, tents which in the aggregate exceed 150 square feet shall not be erected for more than three events per calendar year or periods exceeding nine calendar days per year, whichever is less, and shall not be erected for more than four events or periods not exceeding 12 calendar days, whichever is less, within any three consecutive calendar year period, on properties where the principal use is residential unless a special permit from the Board of Appeals has been issued based on a determination that the use is ancillary to the residential use of the property and not a commercial use. ~~The limitation on erecting tents shall apply to single lots or to multiple abutting lots in common ownership or common control.~~

(Steven Cohen, et al)

ARTICLE 59

(Zoning Bylaw Amendment: Definition of Yard, Front)

To see if the Town will vote to: amend the definition of Yard, Front in Section 139-2, as below, by adding the highlighted language:

The yard extending from the street line of a lot inwardly the required front-yard setback distance. For lots abutting two or more streets or ways, whether constructed or not, the required front yard setback shall be maintained from one street or way, and the required side yard setback shall be maintained from each other lot line, except in the R-1 and RC-2 Districts, where a minimum ten-foot side yard setback shall be maintained from any other street or way, whether constructed or not. For lots abutting one street or way, whether constructed or not, on more than one side or portion thereof, the Planning Board may grant a waiver by Special Permit to allow the required side yard or rear yard setback to be maintained from such portion of the lot as the Planning Board determines to be consistent with the purpose of this definition.

(Steven Cohen, et al)

ARTICLE 60

(Zoning Bylaw Amendment: Nantucket Housing Needs Covenant Program)

To see if the Town will vote to: amend Section 139 to provide for an expansion of the secondary residential lot option in Section 139-8, or an alternative development option thereto, to authorize the Planning Board to allow that lots greater than 40,000 Square Feet may be subdivided into more than two lots where at least 50% of the lots are subject to a Nantucket Housing Needs Covenant for affordable ownership by a Qualified Purchaser Household, or for affordable rental to a Qualified Rental Household. New lots created by this option and not subject to such a covenant shall be prohibited from having a Secondary Dwelling. All new lots created by this option shall be required to provide adequate access and parking.

(Steven Cohen, et al)

ARTICLE 61

(Zoning Bylaw Amendment: Rear Lot Subdivision)

To see if the Town will vote to: amend Section 139-8.E(3)(d) to delete the language in strike-out and to add the highlighted language:

The number of buildings lots shall not exceed the number which may have otherwise been created on a conventional Approval Required or Approval Not Required subdivision plan meeting all dimensional and upland requirements of the Zoning Bylaw and 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.

(Steven Cohen, et al)

ARTICLE 62

(Zoning Bylaw Amendment: Solar Energy Overlay District)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket as follows:

1. To amend Section 139- 12 as follows:

A. By amending the title of §139-12 as follows:

Overlay Districts Flood Hazard (FHD), Public Well Recharge (PWR), Multifamily (MF), Neighborhood Employee Housing (NEHOD), County Overlay District (COD) and Town Overlay District (TOD), Harbor Overlay District (HOD), Multi-Family Overlay District (MFOD), Village Height Overlay District (VHOD), and Solar Energy Overlay District (SEOD).

B. By adding a new subsection §139-12.L, as follows:

Solar Energy Overlay District (SEOD). Notwithstanding the provisions of 139-7, solar energy facilities located in the SEOD may proceed without the need for a special permit, variance, or other discretionary approval.

A. This section shall apply to new land based solar energy facilities and to physical modifications to existing land based facilities that materially alter the type, configuration, or size of such facilities or related equipment.

B. General requirements:

a. Minor site plan review, as set forth in §139-23 shall be required for all solar energy facilities in the SEOD. The Planning Board shall be the minor site plan review authority for solar energy facilities in the SEOD. In addition to the minor site plan review requirements of §139-23, the following information shall be included on the site plans:

- i. Outline of all existing structures, including purpose (e.g. residence, garage, commercial etc.) for all structures located on the site and on lots within 500 feet of the site. A note indicating the distance from the solar energy facility to each structure shown shall also be included.
- ii. Any existing overhead utility lines.
- iii. Documentation of the solar energy facility's manufacturer and model and the length, width and height of the solar array.
- iv. The name, address and contact information of all applicants, property owners and agents representing the applicant and/or owner.

- v. Property lines and physical features, including roads, for the project site;
 - vi. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 - vii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
 - viii. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - ix. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 - x. Name, address, and contact information for proposed system installer;
 - xi. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 - xii. The name, contact information and signature of any agents representing the project proponent;
- b. Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
 - c. Proof of liability insurance; and
 - d. Description of financial surety that satisfies Section 3.12.3.

The Site Plan Review Authority may waive documentary requirements as it deems appropriate.

C. Site Control

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

D. Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the large- scale ground-mounted solar photovoltaic installation, which shall include measures for

maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

E. Utility Notification

No large- scale ground -mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

F. Dimension and Density Requirements

a. For large - scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

The following setback requirements shall apply:

- i. Front yard: The front yard depth shall be at least 10 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.
- ii. Side yard. Each side yard shall have a depth at least 15 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.
- iii. Rear yard. The rear yard depth shall be at least 25 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.
- iv. The Planning Board may, during minor site plan review, waive the above setback requirements based on site specific considerations.

G. Appurtenant Structures

All appurtenant structures to large- scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, and open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

H. Appurtenant Structures

I. Design Standards

- a. Lighting

- i. Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- b. Signage
 - i. Signs on large- scale ground-mounted solar photovoltaic installations shall comply with a municipality's sign bylaw. A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.
 - ii. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.
- c. Utility Connections
 - i. Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

J. Safety and Environmental Standards

- a. Emergency Services
 - i. The large-scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- b. Land Clearing, Soil Erosion and Habitat Impacts
 - i. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large - scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

K. Monitoring and Maintenance

- a. Solar Photovoltaic Installation Conditions - The large - scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.
- b. Modifications - All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

L. Removal Requirements

- a. Any large- scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 3.12.2 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - (a.) Physical removal of all large- scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
 - (b.) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - (c.) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

M. Abandonment

- a. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the large- scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or

the proposed date of decommissioning, the town may enter the property and physically remove the installation.

N. ADDITIONAL PROVISIONS (if any)

a. To amend §139-2 as follows, by inserting the following new definition in alphabetical order:

i. Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

ii. On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

iii. Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

iv. Solar energy facilities - All of the equipment, machinery, and structures used for either the primary or accessory purpose of converting, storing or transmitting electricity generated from solar energy

b. To amend §139-4 to add the following:

DISTRICT	ABBREVIATION
Solar Energy Overlay District	SEOD

i. The Solar Energy Overlay District (SEOD) includes the following parcels:

Map 39, Lot 14, Number 188, Madaket Road

Map 58, Lot 1, Massasoit Bridge Road

Map 58, Lot 38, Madaket Road

c. To amend §139-17.B to add the following subsection:

7. Solar energy facilities located within the SEOD.

Or to take any other action related thereto.

(Tobias Glidden, et al)

ARTICLE 63

(Zoning Bylaw Amendment: Clarification of Height Limitations in Certain Flood Zones)

To see if the Town will vote to amend the Nantucket Zoning By-law, Nantucket Code, Chapter 139, Section 17, Height Limitations, by striking subparagraph (7):

- (7) A new structure which is situated within the “Areas of 100-Year Flood” and/or the “Areas of 100-Year Coastal Flood with Velocity” as established by the Federal Emergency Management Agency (“FEMA”) and depicted upon the Flood Insurance Rate Map promulgated by FEMA (the “FEMA 100-Year Flood Zones”), as from time to time revised, shall not exceed 35 feet in height. The maximum height for an existing structure within the FEMA 100-Year Flood Zones which is

being raised, altered or extended shall be 28 feet above the minimum height at which the first floor of the structure will conform with all applicable building codes and FEMA requirements.

and by inserting the following new Paragraph D:

- D. Structures in Certain Flood Zones. A new structure which is situated within the “Areas of 100-Year Flood” and/or the “Areas of 100-Year Coastal Flood with Velocity” as established by the Federal Emergency Management Agency (“FEMA”) and depicted upon the Flood Insurance Rate Map promulgated by FEMA (the “FEMA 100-Year Flood Zones”), as from time to time revised, shall not exceed 35 feet in height. The maximum height for an existing structure within the FEMA 100-Year Flood Zones which is being raised, altered or extended shall be 28 feet above the minimum height at which the first floor of the structure will conform with all applicable building codes and FEMA requirements.

or take other action with regard thereto.

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

ARTICLE 64

(Bylaw Amendment: Committees)

To see if the Town will vote to amend Chapter 11 (Committees), Article III (Advisory Committee of Nonvoting Taxpayers) 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; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

§11-13. Establishment; membership; quorum.

.....The quorum is established as ~~eight members~~ **a majority of members appointed and serving.**

(Select Board for Advisory Committee of Nonvoting Taxpayers)

ARTICLE 65

(Bylaw Amendment: Council for Human Services)

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

§12-2. Membership; terms; vacancies.

The Council shall consist of ~~nine~~ **seven** Nantucket residents.....

(Select Board for Council for Human Services)

ARTICLE 66
(Bylaw Amendment: Noise)

To see if the Town will vote to amend Chapter 101 (Noise), § 101-2 (Noises prohibited; exemptions) 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; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

§101-2. Noises prohibited; exemptions.

~~C. Power tools. It shall be unlawful to cause a noise disturbance across a real property line by operating any mechanically powered saw, sander, grinder, drill, lawnmower or garden tool or similar device used outdoors, with the exception of snowblowers, before 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) Monday through Saturday and before 10:00 a.m. Sunday. Snowblowers, lawnmowers and chain saws shall be exempted from the L-10 and maximum permissible A-weighted sound level limits enumerated in Table I below.^[3] However, such tools shall be operated within all applicable time restrictions and shall be operated in a reasonable manner.~~

C. Construction. Operating or permitting the operation of any power tools or powered equipment used in actual new building construction or renovation, drilling, or demolition work is prohibited between the hours of 8:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) that the sound there from is plainly audible at a distance of fifty feet from the lot line of the lot on which said activity is located, except for emergency work of public service utilities or by special variance issued by the Select Board.

(1) Construction or renovation work shall be defined as any work for which a building permit has been issued by the Town.

Insert the following new paragraphs as follows and renumber existing paragraphs D to F and E to G:

D. Vehicle or Motorboat Repairs and Testing. Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in such a manner as to be plainly audible at a distance of fifty feet from the lot line of the lot on which said activity is located is prohibited.

E. Domestic Power Tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, or similar device used outdoors in residential areas between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) so as to be plainly audible at a distance of fifty feet from the lot line of the lot on which said activity is located is prohibited.

(Select Board)

ARTICLE 67

(Bylaw Amendment: Underground Fuel Storage Tanks)

To see if the Town will vote to amend Chapter 135 (Underground Fuel Storage Tanks) 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; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

Chapter 135

Underground Fuel Storage Tanks

§135-2. Aboveground Fuel Storage Tanks.

At time of property transfer all aboveground tanks (any tank used to store fuel oil for the purpose of heating) shall be required to be replaced with double-walled fuel oil storage tanks or shall be required to provide 110% containment capacity to prevent contamination from leaks that may occur. Exterior fuel oil storage tanks must be covered with substantial impermeable construction material to prevent water accumulation within containment in such a way that it satisfies the Board of Health and the Fire Department. The area beneath the exterior tank shall be a 4-inch thick continuous concrete slab. All aboveground elements of a fuel storage system shall be maintained free of leaks and visible rust.

All new construction where aboveground fuel storage tanks are installed (inside and outside) shall be required to provide a double-walled fuel oil storage tank or shall be required to provide 110% containment capacity to prevent contamination from leaks that may occur. Exterior fuel oil storage tanks must be covered with substantial impermeable construction material to prevent water accumulation within containment in such a way that it satisfies the Board of Health and the Fire Department. The area beneath the exterior tank shall be a - inch thick continuous concrete slab. All aboveground elements of a fuel storage system shall be maintained free of leaks and visible rust.

(Select Board)

ARTICLE 68

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

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

Add the following parcels to the Siasconset Sewer District:

Map	Lot	Number	Street
74	2	54	Low Beach Road

And to take any other action as may be related thereto.

(Select Board/Sewer Commissioners)

ARTICLE 69

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes - Hickory Meadow Lane)

To see if the Town will vote to amend the Sewer District Map to include the following properties, currently outside the district, to within the district:

Map	Parcel	Address	
41	902	8	Hickory Meadow Lane
41	903	11	Hickory Meadow Lane
41	904	10	Hickory Meadow Lane

All as shown on the attached map or to take any other action related thereto

(John B. Brescher, et al)

ARTICLE 70

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

To see if the Town will vote to amend the Sewer District Map to include the following properties, currently outside the district, to within the district:

Map	Parcel	Address	
43	177	76	Polpis Road
44	23.2	77	Polpis Road
44	25.7	78	Polpis Road
44	23.3	79	Polpis Road
44	23.4	81	Polpis Road
44	25.6	82	Polpis Road
44	23.5	83	Polpis Road
44	25.5	84	Polpis Road
44	25.4	86	Polpis Road
44	63	87	Polpis Road
44	25.3	88	Polpis Road
44	23.7	89	Polpis Road
44	25.2	90	Polpis Road
44	3.2	92	Polpis Road
44	3.3	94	Polpis Road

44	3.4	96	Polpis Road
----	-----	----	-------------

All as shown on the attached map or to take any other action related thereto

(John B. Brescher, et al)

**ARTICLE 71
(Bylaw Amendment: Bicycles)**

To see if the Town will vote to amend the Town of Nantucket Code, Chapter 57 (Bicycles and Mopeds), by adding the following new Article IV, or take any action relative thereto:

Article IV. Bicycle Right of Way

§57-13. Authority and Purpose

This article is enacted in accordance with G.L. c. 40, §22 to promote public safety by establishing certain rules and regulations concerning the use of the Town's roadways by bicyclists and motor vehicles.

§57-14. Right of Way for Users of Multi-Use/Shared Use Paths

- A. At any location at which a multi-use/shared path intersects with or is crossed by a public or private way or driveway, bicyclists, pedestrians and other users of the paths shall have the right of way and any person operating a motor vehicle shall stop and yield to such bicyclist, pedestrian or other user.
- B. At all locations at which a multi-use/shared path intersects with or is crossed by a public or private way or driveway, the Town shall install informative path-crossing signs and separate stop signs facing the motor vehicle approach to the intersection so that drivers of motor vehicles are warned to use all caution necessary and to yield the right of way to any bicyclists, pedestrians or other users of the path.

§57-15. Bicycle Passing Buffer Zone

No person operating a motor vehicle on a public way within the Town of Nantucket shall overtake or pass a bicyclist proceeding in the same direction of travel unless a three-foot separation can be given between the right side of the driver's vehicle, including all mirrors and other projections, and the left side of the bicyclist at all times.

§57-16. Bicycle Accident Database

- A. The Chief of Police or his designee shall maintain a database of all motor vehicle accidents involving bicycles. Said database shall be a public record and shall be made available to the public via a link on the Town's website.

- B. The database shall include the date, time and location of the accident, the number of vehicles and bicycles involved and whether the bicyclist suffered any injury.
- C. Any doctor, nurse, first responder or other medical provider providing treatment to an individual injured as a bicyclist in an accident with a motor vehicle shall make a report to the Chief of Police for inclusion in the Bicycle Accident Database. Said report shall include all of the information required by Paragraph B of this Section. Notwithstanding the requirements of this paragraph, no report shall be required if the patient does not consent to issuance thereof.
- D. For purposes of this section, neither the Database, nor any report issued by a medical provider, shall include the name or any identifying information concerning an injured individual.

§57-17. Severability.

The provisions of this bylaw are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

(Ian Golding, et al)

**ARTICLE 72
(Bylaw Amendment: Stretch Energy Code)**

To see if the Town will vote to amend the Code of the Town of Nantucket by adding a new Chapter 141 as a General Bylaw - Stretch Energy Code for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of September 1, 2019, a copy of which is on file with the Town Clerk, as follows:

Chapter 141 Stretch Energy Code

§141-1 Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

§141-2 Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with

Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§141-3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

§141-4 Authority

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 115.AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

§141-5 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Code of the Town of Nantucket under the General Bylaws, Chapter 141 of the Town Code. The Stretch Code is enforceable by the Building Inspector and effective as of January 1, 2019.

Or to take any other action relative thereto.

(Tobias Glidden, et al)

ARTICLE 73

(Committee Establishment: Sensible Cannabis Policy)

We the people of Nantucket order the Town of Nantucket to form a committee for a sensible cannabis policy on Nantucket.

The committee is to be made up by all partys for a sensible cannabis policy on Nantucket. And the committee's findings be brought to next years regular town meeting.

(Robert F. Cole, et al)

ARTICLE 74

(Sense of the Meeting Request to Seek the Designation as a Whale Heritage Site through the World Cetacean Alliance)

Based on the criteria of the World Cetacean Alliance to promote responsible human cetacean interaction, education and policy and the celeration of Nantucket's history with whales along with the newly established MA Whale Trail we - the undersigned - believe Nantucket fits the criteria of World Whale Heritage Site status.

(Tobias Glidden, et al)

ARTICLE 75

(To Develop a Proposal for a Nantucket Residential Rental Registration, Inspection, and Certification System)

To see if the Town will vote to request the Select Board, the Board of Health, the Planning Board, the Affordable Housing Trust Fund Board, and other appropriate town boards and commissions to undertake a feasibility study relating to the creation of a residential rental facilities registration, inspection, and certification system for the Town of Nantucket, and to submit a related report and proposal for consideration at the April 2020 Annual Town Meeting.

- I. Purposes. The Town wishes to determine the feasibility of creating a residential rental facilities registration, inspection, and certification system for the following reasons:
 - a. To protect the health, safety, and welfare of tenants, visitors, and other residents of the Town and County of Nantucket by monitoring and enhancing compliance with basic life safety, health, building and sanitary codes through the registration, inspection, and certification of defined residential rental facilities.
 - b. To provide clear and accessible guidelines for the operation of residential rental facilities for tenants, land owners, landlords, and neighbors, and to extend awareness of Town bylaws and Massachusetts health and safety laws and regulations related to operation of residential rental facilities.
 - c. To ensure awareness of and responsibility for occupancy limits in residential rental facilities on the part of property owners, managers, tenants, visitors and residents.
 - d. To help to stabilize, protect, and enhance the essential characteristics of and quality of life within existing diverse, multi-generational residential neighborhoods on Nantucket for all residents, including families and visitors, consistent with Nantucket's long history as a community committed to welcoming and protecting the safety, health and welfare of visitors and supporting long-time extended Island families.
 - e. To prepare the Town and County of Nantucket to implement anticipated state legislation that could impose taxation requirements on certain short-term rentals within its jurisdiction.
- II. Feasibility Study.
 - a. Creation of Working Group. The Town requests that the Select Board, the Board of Health, the Planning Board, the Affordable Housing Trust Fund Board, and other boards and commissions establish and convene a working group, including

representatives of town entities and citizen representatives with relevant expertise, to be charged with exploring the feasibility of a system of residential rental facility registration, inspection, and certification.

b. Topics of Study. The working group shall consider at least the following matters:

- i) Experiences of other jurisdictions (including Amherst, MA; Boston, MA; other Massachusetts jurisdictions and other jurisdictions outside Massachusetts that have developed similar systems).
- ii) Coverage (including possible exemption of residential rentals to family members or to those who rent for fewer than 14 days in total per calendar year).
- iii) Registration systems (including use of on-line systems to simplify submission requirements for those involved in renting residential property, information to be collected, and appropriate levels of registration fees to cover costs of registration system);
- iv) Inspection systems (including self-certification systems as a means of identifying facilities most in need of close review, processes for managing inspections conveniently and expeditiously, appeals processes, and appropriate fee levels);
- v) Rental certification systems (including appropriate requirements for content and display of rental certificates and procedures for renewal of rental certificates);
- vi) Bylaws and supplemental regulations (including possible provisions of pertinent bylaws, and possible provisions of associated rules and regulations to be issued by the Board of Health or other government entities);
- vii) Remedies for non-compliance (including but not limited to civil penalties);
- viii) Educational strategies (including strategies for distribution of information to diverse audiences including property owners, renters, realtors, and property managers) about compliance with potential Town requirements.
- ix) Data collection and management (including but not limited to how data collected through a registration, inspection, and certification system could assist the town in its efforts to engage in comprehensive planning regarding growth management and housing availability).
- x) Interplay with potential taxation initiatives (including but not limited to how a residential rental facility registration, licensing, and certification program would complement other legal development including potential legislation calling for taxation of short-term rentals).
- xi) Governmental oversight and advisement (including but not limited to the organization of town government agencies to support safe and sustainable housing options for all residents, and appropriate mechanisms for advisement by residents with diverse views and experiences).

III. Report to Annual Town Meeting in April 2020.

- a. Report to Select Board. The Town requests that the Select Board receive a report from the working group no later than February 1, 2020.
- b. Report to 2020 Annual Town Meeting. The Town further requests that the Select Board submit a proposal for possible action at the April 2020 Town Meeting, and that it do so with enough time to allow voters carefully to consider the working group report and Select Board recommendations in advance of the Annual Town Meeting.

(Judith Wegner, et al)

**ARTICLE 76
(Committee Establishment: Complaints)**

To see if the Town will vote to: Approve that all Town of Nantucket Departments and Boards, staffed by employees, elected or howsoever constituted, or empowered, and including the office of Town Administration and its head, set full, clear and published standards for their performance and, included therewith, have a full and clear accessible complaints procedure together with appropriated redress for the user of the services when its alleged that wrongdoing or maladministration has occurred. Moreover, see if the Town will vote to approve, within any limitations set by the laws of the Commonwealth of Massachusetts, the formation of a committee to deal with complaints of wrongdoing or maladministration made against and employee of the Town of Nantucket, any Department of the Town of Nantucket or any Board of Member of a Board elected by voters of the Town of Nantucket.

It has come to the attention of both the Island Community and the Finance Committee, that the Town Administration appears to be under-staffed and overwhelmed with day-to-day operation of Town business. In lieu of this, I believe we should develop a committee to reduce the burdens of complaints and complicated arguments of the Island Citizens and Taxpayers. This committee will help accomplish this goal and allow both Citizens and the Town, to come to fair and reasonable conclusions to any dispute.

This article would establish a committee of five members. It would be made up of both Residents and/or all Taxpayers of the Town of Nantucket. The intent of the board would be to resolve issues for individuals not represented by protective bargaining. This would establish a means for both individuals and business to avoid a lengthy and expensive process in court for both the Town and the individual business owner and/ or citizen.

This committee would be given the same rights and privileges set forth in the town charter established for the BOS and Town Manager. They would have the power to settle disputes, implement judgements and return plaintiffs to whole, if so determined by the committee.

The terms would begin with 2 members having a three year term, 1 member having a four year term, and 2 members having a five year term. After which all the members would be elected to a three year term in succession thereafter.

The elections would take place just as the BOS elections do, annually.

(Theresa Williams, et al)

ARTICLE 77

(Home Rule Petition: Town Charter - Select Board Amendment)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation the text of which is set forth below, amending the charter for the Town of Nantucket, 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 AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET.

SECTION 1. Section 2.1 of article II of the charter of the town of Nantucket, as established by chapter 289 of the acts of 1996, as amended, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 2. Subsection (b) of said section 2.1 of said article II of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 3. Subsection (a) of section 2.5 of said article II of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 4. Subsection (b) of said section 2.5 of said article II of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 5. Subsection (c) of said section 2.5 of said article II of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 6. Article III of said charter is hereby amended by striking from the heading the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 7. Section 3.1 of said article III of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 8. Section 3.2 of said article III of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 9. Subsection (a) of said section 3.2 of said article III of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 10. Subsection (b) of said section 3.2 of said article III of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 11. Subsection (d) of said section 3.2 of said article III of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 12. Section 3.3 of said article III of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 13. Subsection (a) of section 3.4 of said article III of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 14. Subsection (b) of said section 3.4 of said article III of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 15. Section 3.5 of said article III of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 16. Subsection (c) of said section 3.5 of said article III of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 17. Subsection (g) of said section 3.5 of said article III of said charter is hereby amended by striking out the word “and”, the last time it appears.

SECTION 18. Subsection (h) of said section 3.5 of said article III of said charter is hereby amended by striking out “commonwealth.” and inserting in place thereof the following text: - commonwealth; and.

SECTION 19. Said section 3.5 of said article III of said charter is hereby further amended by inserting after subsection (h) the following subsection: (i) The select board shall have the full role of and all of the powers and authority of a board of selectmen under any general or special laws, and its members and officers shall have the full role of and all of the powers and authority of the members and officers of a board of selectmen under any general or special laws.

SECTION 20. Subsection (b) of section 4.1 of article IV of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 21. Subsection (c) of said section 4.1 of said article IV of said charter is hereby amended by striking out the word “selectmen”, the first time it appears after the word “Town”, and inserting in place thereof the following words: - select board members; and further by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 22. Subsection (a) of section 4.2 of said article IV of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 23. Subsection (c) of said section 4.2 of article IV of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 24. Subsection (d) of said section 4.2 of article IV of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 25. Subsection (a) of section 4.3 of said article IV of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 26. Subsection (b) of said section 4.3 of article IV of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 27. Subsection (d) of said section 4.3 of article IV of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 28. Section 5.2 of article V of said charter is hereby amended by striking out the word “selectman” and inserting in place thereof the following words: - select board member; and further by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 29. Subsection (b) of section 5.4 of said article IV of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 30. Subsection (d) of said section 5.4 of said article IV of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 31. Subsection (b) of section 6.4 of article VI of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 32. Subsection (b) of section 6.5 of said article VI of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 33. This act shall take effect upon its passage.

(Select Board)

ARTICLE 78

(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.

(Select Board for Nantucket Water Commission, Siasconset Water Commission)
NOTE: The above home rule petition was approved as Article 75 of the 2016 Annual Town Meeting; Article 87 of the 2017 Annual Town Meeting and Article 68 of the 2018 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2018, may expire unless renewed by a confirmatory town meeting vote.

ARTICLE 79

(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.

(Select Board)

NOTE: The above home rule petition was approved as Article 82 of the 2016 Annual Town Meeting, Article 88 of the 2017 Annual Town Meeting and Article 70 of the 2018 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2018, may expire unless renewed by a confirmatory town meeting vote.

ARTICLE 80

(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.

(Select Board)

NOTE: The above home rule petition was approved as Article 89 of the 2017 Annual Town Meeting and Article 71 of the 2018 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2018, may expire unless renewed by a confirmatory town meeting vote.

ARTICLE 81

(Conveyance of Easement on Waitt Drive)

To see if the Town will vote to authorize the Select Board to convey a perpetual non-exclusive easement to Nantucket Electric Company/National Grid for such purposes to access, install, construct, 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 Lots 77, 78, 82, 83, 87, 88, 89, 90, 91, 92, 93, 91, 95 and Road Lot 80 a/k/a Waitt Drive shown on a plan of land recorded with Nantucket County Registry of Deeds as Plan No. 2016-58, and as referenced in Order of Land Court of Withdrawal from Registration recorded with said Deeds in Book 1348, Page 248, said easement area being shown on a plan filed with the Office of the Town Clerk; or to take any other action related thereto.

(Select Board)

ARTICLE 82

(Real Estate Acquisition and Conveyance: Naushop Sewer Lines and Easements)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for sewer purposes the sewer lines, piping and other equipment and appurtenances related thereto located in the private rights-of-way of the Naushop Subdivision, which include Goldfinch Drive, Bluebird Lane, Kildeer Lane, Kittiwake Lane, Dovekie Court, Falcon Court, Sparrow Drive and Curlew Court shown on Land Court Plan No. 16514-18; and further to acquire for sewer purposes and for purposes of conveyance the sewer easements in the private rights-of-way in the Naushop Subdivision as described above for purposes to construct, lay, install, dig-up, operate, maintain, inspect, repair, replace, alter, relocate, extend or remove one or more of the sewer lines, or pipes or the appurtenances related thereto; and further to convey any of

the sewer easements for purposes of connection to the sewer lines located within the private ways of the Naushop Subdivision as shown on Land Court Plan No. 16514-18;

Or to take any other action related thereto.

(Select Board)

ARTICLE 83

(Bylaw Amendment: Board of Selectmen: Authorization for Lease or License)

To see if the Town will vote to: authorize the Board of Selectmen to enter into any lease(s) or license(s) pursuant to Chapter 67-1.E of the Code of the Town of Nantucket, under such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of rights and restrictions, in the land known as the Sconset Bluff, laying eastward of Baxter Road shown upon the Assessor's Map as Map 48, Parcels 6 and 8, and Map 49 as Parcel 9, or to take any other action related thereto. It in the intent of Town Meeting that any such license or lease will require the maintenance of a walkable beach, will provide for the recording of public access easements, and will require the issuance of permits under the Wetlands Protection Act and the Nantucket Wetlands Bylaw.

(Steven Cohen, et al)

ARTICLE 84

(Real Estate Acquisition: Washington Avenue)

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 Washington Avenue lying between the easterly line of H Street and the Westerly line of I Street, running along the southerly sideline of the land known and numbered as 5 H Street and 23 and 25 Tennessee Avenue, shown on Assessor Map 60.1.2 as Parcels 54, 57, and 60, approximately 380+/- feet in length, or to take any other action related thereto.

(Steven Cohen, et al)

ARTICLE 85

(Real Estate Conveyance: Washington Avenue)

To see if the Town will vote to: authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or 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 Washington Avenue lying between the easterly line of H Street and the Westerly line of I Street, running along the southerly sideline of the land known and numbered as 5 H Street and 23 and 25 Tennessee Avenue, shown on Assessor Map 60.1.2 as Parcels 54, 57, and 60, approximately 380+/- feet in length, or to take any other action related thereto.

(Steven Cohen, et al)

ARTICLE 86
(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 2019 tax levy.

Or to take any other action related thereto.

(Select Board)

ARTICLE 87
(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.

(Select Board)

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

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

***TUESDAY, THE NINTH DAY OF APRIL, 2019
BETWEEN THE HOURS OF 7:00 AM and 8:00 PM***

for the following purpose:

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

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

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

1. Debt Exclusion for Old South Road/Fairgrounds Road Intersection Area and Newtown Road Transportation Improvements

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to make various transportation-related improvements in the Old South Road/Fairgrounds Road intersection area and Newtown Road including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

2. Debt Exclusion for Town Pier Improvements

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to make improvements to the Town Pier located at 34 Washington Street, including the costs of professional services for design, permitting, engineering, construction,

construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

3. Debt Exclusion for Landfill Capping and Closure

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to close and cap cells 1A, 1B, and 1C and partial closure of cells 2A and 2B at the Town of Nantucket Landfill located at 188 Madaket Road, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

4. Debt Exclusion for In-Town (Orange Street) Bike Path

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to construct the In-Town (Orange Street) Bike Path including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

5. Debt Exclusion for Surfside Area Roads Reconstruction

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to make various transportation-related improvements in the Surfside area on Lover's Lane, Monohansett Road and Okorwaw Avenue, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

6. Debt Exclusion for Public Safety Facility Auxiliary Building

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 to supplement the previous appropriations made under Article 11 of the 2015 Annual Town Meeting, Article 5 of the November 9, 2015 Special Town Meeting and Article 4 of the November 6, 2017, to pay costs for constructing a public safety auxiliary building at 4 Fairgrounds Road, including the costs of professional services for design, permitting, architecture, construction supervision, and other related professional services and any other costs incidental and related thereto?

7. Debt Exclusion for Acquisition of Property at 1 - 3 Miller Lane

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to acquire the property located at 1 - 3 Miller Lane, known as the "Nantucket Inn" and shown on Assessor's Map 68 as Parcels 800 - 812, 814 - 853, 900 - 912, 914 - 921, 924 - 938, 941 - 951 for general municipal purposes and/or housing and any other costs incidental and related thereto?

8. Debt Exclusion for Acquisition of Existing Properties for Affordable Housing

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to acquire existing properties for affordable housing purposes, which may include an affordable rental program, and a grant or grants to the Nantucket Affordable Housing Trust, with oversight by the Select Board?

9. Capital Outlay Exclusion Ballot Question (All Projects Combined)

Shall the Town of Nantucket be allowed to assess an additional \$1,282,534 in real estate and personal property taxes for the following purposes in the amounts as follows for the fiscal year beginning July 1, 2019?

<i>Department</i>	<i>Purpose</i>	<i>Amount</i>
Public Works	Front End Loader	\$250,000.00
Public Works	Replacement Administrative Vehicle	\$50,000.00
Public Works	Replacement Trash Compactor Truck	\$140,000.00
Public Works	Vehicle Lifts	\$50,000.00
Fire	Self-Contained Breathing Apparatus Replacements	\$92,534.00
Fire	Replacement of Engine 7	\$450,000.00
Our Island Home	Replacement of Flooring	\$250,000.00
	<i>Total Capital Exclusion:</i>	<i>\$1,282,534.00</i>

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 thirtieth day of January in the year Two Thousand Nineteen.

Jason M. Bridges, Chair

Dawn E. Hill Holdgate, Vice Chair

Matthew G. Fee

Rita Higgins

James R. Kelly

SELECT BOARD OF NANTUCKET, MA

Pursuant to Chapter 39, section 10 of the General Laws of the Commonwealth and the Warrant of January 30, 2019 I have notified and warned the inhabitants of the Town of Nantucket qualified to vote in Town affairs to appear at the times and place and for the purposes within mentioned by posting said notification on _____ at the Stop & Shop on Pleasant Street, the Town and County Building at 16 Broad Street; and upon the Bulletin Boards at the corner of Main and Federal Streets, and Siasconset Square.

Sworn to under pains and penalties of perjury,

Constable