

TOWN OF NANTUCKET
2020 Annual Town Meeting
Citizen Warrant Article Submissions

Article No.	Lead Petitioner	Article Description	Comment
A	Bryan Swain	Sewer District Map Change: 154R Cliff Rd	Approved as to form. If the Select Board does not recommend the article, a positive motion will require a two-thirds vote at Town Meeting for passage.
B	Bryan Swain	Sewer District Map Change: 18 Kimball Ave	Approved as to form. If the Select Board does not recommend the article, a positive motion will require a two-thirds vote at Town Meeting for passage.
C	Maria Zodda	Re-establish Parks & Rec Dept.	The first part of the Article is a non-binding directive to Town Administration to re-establish the Parks and Recreation Department. The last part of the Article seeks to appropriate money to fund the position of Director.
D	Cheryl Emery	Prohibit use of Glyphosate	The Article is a home rule petition to prohibit the use of glyphosate throughout the Town.
E	Tessandra de Alberdi	Appropriation to fund a grant to Fairwinds for behavioral health sliding fee services for indigent and uninsured patients.	Approved as to form. A positive motion must identify a specific funding source. A positive vote is only an authorization to spend and does not mandate that the Select Board actually expend the funds. If approved at Town Meeting, a grant agreement should be executed
F	Joyce Karyotakis	Sewer District Map Change: 11 Milestone Crossing	Approved as to form. If the Select Board does not recommend the article, a positive motion

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			will require a two-thirds vote at Town Meeting for passage.
G	John F. McGrady, Jr.	Prohibiting Roundabouts Near School	The Article is a non-binding directive. Town Meeting does not have the authority to subject a traffic regulation to Town Meeting approval. Town Meeting's authority is limited to appropriation of funds for the Project.
H	Walter Wieners	Appropriation to fund a grant to provide ambulance transport services for Behavioral Health Patients	Approved as to form. A positive motion must identify a specific funding source. A positive vote is only an authorization to spend and does not mandate that the Select Board actually expend the funds. If approved, a grant agreement should be executed.
I	Kenneth Gullicksen	Zoning Map Change: LUG-3 to SOH – Ocean Ave	Approved as to form. This zoning article should be referred to the Planning Board for a report and recommendation prior to Town Meeting.
J	Arthur I. Reade, Jr.	Sewer District Map Change: 1 West Chester St	Approved as to form. If the Select Board does not recommend the article, a positive motion will require a two-thirds vote for passage at Town Meeting.
K	Arthur I. Reade, Jr.	Conveyance: Portion of North Caroline Ave	Approved as to form. This Article is the conveyance portion under the Yard Sale program.

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L	Arthur I. Reade, Jr.	Acquisition: Portion of North Caroline Ave	Approved as to form. This Article is the acquisition portion under the Yard Sale program.
M	Robert R. DeCosta	Bylaw Amendment: Washington St Parking Lot	The Article is legally defective. Town Meeting does not have the authority to require that a parking regulation enacted by the Select Board under G.L. c. 40, § 22 be approved by Town Meeting. <u>See</u> opinion letter attached.
N	Ian Golding	Bylaw Amendment: Bicycles - New Article IV: Bicycle Accident Database	<p>This proposed amendment to the General Bylaws would require the establishment of a bicycle accident database. Although the article references use of \$50,000 from the motor vehicle excise tax, the article does not actually appropriate any money for this purpose. If the bylaw is approved, an appropriation at a future Town Meeting would be necessary.</p> <p>This article and the next two were proposed in in a different form last year, in a single article. Town Meeting referred the article to the Bicycle and Pedestrian Advisory Committee for further study.</p>
O	Ian Golding	Bylaw Amendment: Bicycles - New Article IV: Bicycle Right of Way	See above.
P	Ian Golding	Bylaw Amendment: Bicycles - New Article IV: Bicycle Passing Buffer Zone	See above.

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Q	Ken Beaugrand	Community Preservation Act FY 2020 Budget Transfers	Approved as to form. This is one of two standard Community Preservation Act articles each year.
R	Ken Beaugrand	Appropriation: Community Preservation Act FY 2021 Budget	Approved as to form. This is one of two standard Community Preservation Act articles each year.
S	Vallorie Oliver	Zoning Bylaw Amendment: Commercial Mid-Island – Height Restriction	Approved as to form. This zoning article should be referred to the Planning Board for a report and recommendation prior to Town Meeting.
T	Allen Reinhard	Sewer District Map Change: Hummock Pond Rd & Millbrook Rd	Approved as to form. If the Select Board does not recommend the article, a positive motion will require a two-thirds vote at Town Meeting for passage.
U	Brian Ryder	Zoning Map Change: R-5 to CTEC - Mary Ann Dr	Approved as to form. This zoning article should be referred to the Planning Board for a report and recommendation prior to Town Meeting.
V	Christopher A. Glowacki	Require Town Meeting Vote to Implement On-street Paid Parking	The Article is legally defective. Town Meeting does not have the authority to require that a parking regulation enacted by the Select Board under G.L. c. 40, § 22 be approved by Town Meeting. <u>See</u> opinion letter attached.

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Article No.	Lead Petitioner	Article Description	Comment
W	Curtis Barnes	Short-Term Rental Tax Cap	This article is legally defective. In order to change the percentage amount of the local option rooms excise tax, Town Meeting would have to amend its acceptance of G.L. c. 64G, §3A. Furthermore, the local option amount of the excise tax on short-term rentals cannot be different than the local excise tax payable by bed and breakfast establishments, hotels, motels and lodging houses.
X	Susan Ottison	Zoning Map Change: R-10 to CN - 3 Cobble Ct	Approved as to form. This zoning article should be referred to the Planning Board for a report and recommendation prior to Town Meeting.
Y	David Callahan	Conveyance: Paper Roads Abutting 4 Morgan Sq.	Approved as to form. The article would authorize the Select Board to convey land under the Yard Sale Program.
Z	Mary Bergman	Bylaw Amendment: Preservation of Historically Significant Buildings	Approved as to form. The bylaw would impose a waiting period of up to 12 months before a demolition permit or a building permit may be issued for a historically significant building.
AA	Elizabeth Finlay	Acquisition: East Hallowell Ln	Approved as to form. This Article is the acquisition portion of a Yard Sale transaction.
BB	Elizabeth Finlay	Conveyance: East Hallowell Ln	Approved as to form. This Article is the conveyance portion under the Yard Sale program.

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CC	Jessie Brescher	Acquisition: North Rd, Sconset	Approved as to form. This Article is the acquisition portion of a Yard Sale transaction.
DD	Jessie Brescher	Conveyance: North Rd, Sconset	Approved as to form. This Article is the conveyance portion of a Yard Sale transaction.
EE	David Iverson	Bylaw Amendment: Merchandise & Wares	This article seeks to amend Chapter 97 of the Town Code relative to the distribution of free samples outside of shops. Public streets and sidewalks are “public forums” for ideas, debate and advertising. To the extent that the article is limited to commercial items and the bylaw is challenged in Court, the Town will need to establish that the scope is content-neutral aimed at resolving safety and aesthetic issues regardless of speech. Under a four-part test for analyzing regulations of commercial speech, courts will evaluate: (1) whether the expression is protected by the First Amendment, (2) whether the asserted governmental interest is substantial, (3) whether the regulation directly advances the governmental interest asserted, and (4) whether it is not more extensive than is necessary to serve that interest. The Attorney General may raise these issues during her review, if the bylaw is approved by Town Meeting.

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FF	Susan M. Burns	Acquisition: Cherry St, Surfside	Approved as to form. This Article is the acquisition portion of a Yard Sale transaction.
GG	Nicole Evangelista	Conveyance: Cherry St, Surfside	Approved as to form. This Article is the conveyance portion of a Yard Sale transaction.
HH	Carol Butler	Zoning Bylaw Amendment: Removal of the setback area of a lot when calculating the ground cover ratio.	This amendment may have the effect of rendering many existing lots non-conforming as to zoning. This zoning article should be referred to the Planning Board for a report and recommendation prior to Town Meeting.
II	Carol Butler	Home Rule Petition: Unwanted Capital Projects	This Article is not in proper legal form. It appears that the intent of the Article is to propose a home rule petition but the wording is incomplete. This may be corrected in the motion. The article would substantially increase the authority of Town Meeting by shifting the executive authority of the Select Board to Town Meeting, beyond its traditional role of appropriating funds for capital projects.
JJ	Bruce Mandel	Bylaw Amendment: Plastics Ban	This proposed bylaw expands the single use plastics general bylaw enacted at the 2019 Annual Town Meeting, now codified as Chapter 124A of the Town Code. It also incorporates Section 125-3 of the Town Code (Biodegradable Packaging) into the new bylaw. Finally, it directs the Board of Public Works to rescind Section 71.00 of its regulations that

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			regulates biodegradable packaging in order to be consistent with the new bylaw, The single use plastics bylaw was approved by the Attorney General despite opposition from the beverage bottling industry. The new bylaw significantly expands the list of plastic products that will be banned.
KK	Clifford Williams	Appropriation: Incineration of Solid Waste	Approved as to form. The Article seeks to appropriate funds. Any motion will have to identify a specific funding source and amount. A positive vote is only an authorization to spend and does not mandate that the Select Board actually expend the funds. Town Meeting cannot require that the Town contract with a specific vendor.
LL	Clifford Williams	Appropriation: Legal Opinion for Beach Access	Approved as to form. The Article seeks to appropriate funds. Any motion will have to identify a specific funding source and amount. A positive vote is only an authorization to spend and does not mandate that the Select Board actually expend the funds.
MM	Theresa Williams	Directs Town officials to establish standards for performance of duties by Town officials and a complaint procedure to address appropriate redress of wrong doing or maladministration. Establish a Complaints Committee to Deal with	This article is legally defective and has been proposed in the past. The first section of this petition (published standards) constitutes a non-binding directive to Town Officials. The second section of this petition requires the establishment of a Complaints Committee that would be

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Article No.	Lead Petitioner	Article Description	Comment
		Complaints of Wrong Doing and Maladministration Against Town Officials.	empowered “to deal with complaints of wrongdoing and maladministration.” Such a Committee cannot be established merely by a vote of Town Meeting, whose authority is limited to establishing committees to study a particular question. In order for a “Complaints Committee” to effectively “deal with” complaints, such a Committee would have to be established by Charter or Bylaw. The election of a Committee at the Annual Election would require a special act or a charter amendment.
NN	Grant Sanders	Traffic Rules & Regulations: Limit Heavy Commercial Vehicle Deliveries in Core District	Approved as to form. This article is a non-binding directive to the Select Board to institute a pilot program under the Town’s traffic regulations which would limit heavy commercial vehicles within the downtown core district during certain hours.
OO	Julia Lindner	Noise Bylaw Amendment: Gas-powered Leaf Blowers	Approved as to form. The article proposes a general bylaw that would prohibit the commercial use of gas-powered leaf blowers
PP	Steven Cohen	Zoning Bylaw Amendment: Rural Affordable Development	The bylaw would allow for increased density in the LUG-2 and LUG-3 Zoning Districts by special permit if 50% of the building lots are subject to a Nantucket Housing Needs Covenant. This article should be referred to the Planning Board for a report and recommendation prior to Town Meeting.

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QQ	Steven Cohen	Zoning Bylaw Amendment: Residential Event Facility	The bylaw would require a special permit for the use of a lot for an Event, and would limit to 2 in a calendar year. This article should be referred to the Planning Board for a report and recommendation prior to Town Meeting.
RR	Linda Williams	Sewer District Map Change: Correia Ln & Marilyn Dr.	Approved as to form. If the Select Board does not recommend the article, a positive motion will require a two-thirds vote for passage at Town Meeting.
SS	Linda Williams	Bylaw Amendment: Outdoor Lighting	The article proposes certain amendments to the Town's outdoor Lighting Bylaw. The language of the petition, however, is vague and, as a result, unenforceable. Any motion made under this article would have to contain specific language changes to the bylaw and, as such, would be subject to further review prior to enactment.
TT	James Driscoll	Zoning Map Change: LUG-3 to LUG-1 - Driscoll Way	Approved as to form. This zoning article should be referred to the Planning Board for a report and recommendation prior to Town Meeting.
UU	Robert von Kampen	Zoning Map Change: VR to VN - Polpis Rd & Chatham Rd	Approved as to form. This zoning article should be referred to the Planning Board for a report and recommendation prior to Town Meeting.

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VV	Irean Schreiber	Zoning Map Change: LUG-2 to R-20 - 25 Rugged Rd	Approved as to form. This zoning article should be referred to the Planning Board for a report and recommendation prior to Town Meeting.
WW	Burton Balkind	Bylaw Amendment: Ch. 66 - Prohibit Obstructions on Beach	Approved as to form. This article proposes a bylaw amendment that would prohibit individuals from erecting obstructions below the mean high water line that have the effect of prohibiting individuals from exercising their rights of fishing, fowling, and navigation under the Colonial Ordinances.
XX	Rick Atherton	Zoning Bylaw Amendment/Home Rule Petition: Coastal Erosion Liability Waiver	Approved as to form. This zoning article should be referred to the Planning Board for a report and recommendation prior to Town Meeting.
YY	Andrew G. Lowell	Appropriation: Construction of a hazardous waste collection building.	Approved as to form. The Article seeks to appropriate funds. Any motion will have to specify a funding source. A positive vote is only an authorization to spend and does not mandate that the Select Board actually expend the funds.
ZZ	Andrew G. Lowell	Require PLUS to create and enforce regulations to hold land owners accountable for repairing damage to public property caused by permitting activities.	Although the word “require” is used, this Article is a non-binding directive to Town Administration to enact regulations.

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Article No.	Lead Petitioner	Article Description	Comment
AAA	Andrew G. Lowell	Require the Town to enact legislation or regulations to require that one out of 10 residential building permits be designated affordable.	This Article proposes a non-binding directive to the Town to either (1) develop a zoning bylaw proposal or (2) a home rule petition to achieve the intent of the article.

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