

COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET



WARRANT FOR

2020 ANNUAL TOWN MEETING
Nantucket High School
Mary P. Walker Auditorium
Saturday, April 4, 2020 - 9:00 AM

AND

ANNUAL TOWN ELECTION
Nantucket High School
Tuesday, April 14, 2020
7:00 AM - 8:00 PM

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

To the Constables of the Town of Nantucket:

GREETING:

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

***SATURDAY, APRIL 4, 2020 AT 9:00 AM,
THEN AND THERE TO ACT ON THE ARTICLES
CONTAINED WITH THE ENCLOSED WARRANT:***

**ARTICLE 1
(Receipt of Reports)**

To receive the reports of various departments and committees as printed in the Fiscal Year 2019 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 2021)**

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 2021; 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 2020 tax levy; or to take any other action related thereto.

(Select Board)

ARTICLE 6

(Fiscal Year 2020 General Fund Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2020 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 2021)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2021:

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)	20.00 22.00
Dietician/Our Island Home (hourly)	41.00
Dispatcher (Per Diem - hourly)	30.00
Election Warden (hourly)	20.00
Election Worker (hourly)	15.00
Exercise Instructors/Senior Center (hourly)	Up to \$40.00
EMT, Call (hourly)	15.00 20.00
Fire Captain, Call (yearly)	150.00
Fire Fighter, Call (hourly)	15.00 20.00
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)	26.00 28.00
Our Island Home Ancillary (Per Diem - hourly)	20.00
Paramedic, Certified (Per Diem - hourly)	30.00
Registered Nurse/Our Island Home (Per Diem - hourly)	37.00 38.00
Registrar of Voters (yearly)	600.00
Registrar, Temporary Assistant (hourly)	15.00

Reserve Police Officer (hourly)	30.00
Seasonal Assistant Harbormaster (hourly)	30.00
Seasonal Lifeguard Supervisor (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, 2020 - April 1, 2021)*

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$15.50 \$16.00	\$16.50 \$17.00	\$17.50 \$18.00	\$19.00 \$19.50
B-Hourly*	\$16.50 \$17.00	\$17.50 \$18.00	\$18.50 \$19.00	19.50 \$20.00
C-Hourly*	\$17.50 \$18.00	\$18.50 \$19.00	\$19.50 \$20.00	\$20.50 \$21.00
D-Hourly*	\$19.50 \$20.00	\$20.00 \$20.50	\$20.50 \$21.00	\$21.00 \$21.50

*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 Dock Worker, Seasonal Recreational Coordinator, Seasonal Engineering Intern; Seasonal Waste Reduction 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 \$105,722

**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 2021 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 2021; 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 2021, 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; provided that one or more amounts to be raised and appropriated may be contingent upon a Proposition 2½ capital outlay exclusion ballot question; or to take any other action related thereto.

(Select Board)

ARTICLE 11

(Appropriation: 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 on 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

(Appropriation: Reconstruction of Lover's Lane)

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 on Lover's Lane, 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 13

(Appropriation: Construction and Improvements to Amelia Drive and Waitt Drive)

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 on Amelia Drive and Waitt Drive, 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 14

(Appropriation: Construction and Improvements to Children's Beach Storm Water Pump Station)

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 improvements to the Children's Beach Storm Water Pump Station, 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

(Appropriation: Fiscal Year 2021 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 2021, out of anticipated revenues of the designated funds, for the purposes set forth above; provided that any amounts to be raised and appropriated to support the operation of Our Island Home for Fiscal Year 2021 shall be contingent on the passage of a Proposition 2 and ½ override ballot question; or to take any other action related thereto.

(Select Board for the Various Departments Indicated)

ARTICLE 16

(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 17

(Enterprise Funds: Fiscal Year 2020 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2020 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 18

(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 19

(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 and/or paramedic 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 20

(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 21

(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 2021, 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 22

(Appropriation: Finalizing Fiscal Year 2021 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 2021 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 23
(Rescind Unused Borrowing Authority)

To see what action the Town will take to amend, appropriate or reappropriate, transfer, modify, repeal or rescind unused borrowing authority authorized by previous town meetings.

Or to take any other action related thereto.

(Select Board)

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

To see what sum the Town will vote to appropriate and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to deposit into the Other Post-Employment Benefits Liability Trust Fund established pursuant to Mass. General Law chapter 32B, section 20, for Fiscal Year 2021.

Or, to take any other action related thereto.

(Select Board)

ARTICLE 25
(Appropriation: Fiscal Year 2021 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 2021; or to take any other action related thereto.

(Select Board)

ARTICLE 26
(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 27

(Appropriation for Special Purpose Stabilization Fund for Town 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 Town Employee Accrued Liability Special Purpose Stabilization Fund established pursuant to M.G.L. Chapter 40, Section 5B, Paragraph 2, for the benefit of the Town of Nantucket General Fund (excluding the School Department), 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)

ARTICLE 28

(Amend Purpose of Special Stabilization Fund for Substance Abuse Prevention Efforts)

To see if the Town will vote to amend its acceptance of G.L. c. 40, Section 5B adopted pursuant to Article 30 of the 2018 Annual Town Meeting, to create a Substance Abuse Special Purpose Stabilization Fund as follows *(new language shown as highlighted text, language to be deleted shown by strike-out)*:

“...monies in said Fund to be used, subject to appropriation, to implement substance abuse and/or mental health programs in the Town, provide grants to nonprofit addiction and/or mental health treatment agencies, acquire public safety equipment and/or personnel related to substance abuse control and/or mental health, and related costs, and that the Human Services Contract Review Committee shall annually provide recommendations for such expenditures; provided that fifty (50) percent of the local option marijuana sales tax collected pursuant to General Laws Chapter 64N, Section 3, as amended by Section 13 of Chapter 55 of the Acts of 2017, and the vote taken under Article 3 of the November 6, 2017 Special Town Meeting, be deposited into the Substance Abuse Special Purpose Stabilization Fund...”;

and, also to change the name of the Fund to “Substance Abuse and Mental Health Special Purpose Stabilization Fund”; or to take any other action relative thereto.

(Select Board)

ARTICLE 29

(Appropriation: Harbor Place/Professional Services)

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 engaging the services of one or more engineers or consultants to develop conceptual plans for improvements to streets and sidewalks, water, sewer and stormwater improvements, and the development of transportation options for the redevelopment of the waterfront

area in the vicinity of Straight Wharf, New Whale Street, Commercial Street, and Candle Street, that may be required as part of the development of Harbor Place by private developers; or to take any other action relative thereto.

(Select Board)

**ARTICLE 30
(Nantucket Islands Land Bank Financing)**

To see if the Town will vote to pledge the full faith and credit of the Town pursuant to Chapter 669 of the Acts of 1983, as amended, to secure the principal of and interest on bonds or notes of the Nantucket Islands Land Bank to be issued (a) to finance the acquisition by purchase, eminent domain or otherwise by the Land Bank Commission of land or interests in land for the purposes of the Land Bank and (b) to fund any debt service reserve or reserves that may be required in connection with such financing; provided that the amount of such bonds or notes of the Land Bank guaranteed by the Town pursuant to any vote passed under this article shall be in addition to amounts of Land Bank indebtedness that the Town has previously agreed to guarantee; or, to take any other action as may be related thereto.

(Select Board for Nantucket Islands Land Bank Commission)

**ARTICLE 31
(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 26 ATM 2011 Town of Nantucket Nobadeer Field Complex	Fiscal year 2020 Community Preservation Committee Community Open Space reserved fund balance	\$436.95
Article 26 ATM 2011 Town of Nantucket Skate Park	Fiscal year 2020 Community Preservation Committee Community Open Space reserved fund balance	\$539.98
Article 28 ATM 2012 Town of Nantucket Nobadeer field complex	Fiscal year 2020 Community Preservation Committee Community Open Space Reserved Fund balance	\$519.27
Article 30 ATM 2017 Town of Nantucket Nobadeer field complex	Fiscal year 2020 Community Preservation Committee Community Open Space Reserved Fund balance	\$199.22
Total Transfers to Community Open Space Reserved Fund Balance		\$1,695.42

Article ATM 2017 South Church Preservation Fund	Fiscal Year 2020 Community Preservation Committee Community Historic Preservation reserved fund balance	\$38,375.36
Total Transfers to Community Historic Preservation Reserved fund balance		\$38,375.36
Total transfers back to Community Preservation Reserved Fund Balances		\$40,070.78

(Kenneth Beaugrand, et al)

ARTICLE 32

(Appropriation: Fiscal Year 2021 Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2021 Community Preservation Budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year.

Purpose	Amount
<u>Historic Preservation</u>	
St. Paul's Church in Nantucket Restoration and preservation of the East and North walls	\$218,700
Nantucket Preservation Trust Historic streetscapes preservation and rehabilitation in Conjunction with the University of Florida Preservation Institute Nantucket	\$46,000
Nantucket Maria Mitchell Association Restoration of the exterior of the observatory on Vestal Street	\$319,000
Nantucket Atheneum Fourth phase, conservation of the last of the historic paintings	\$24,000
First Congregational Church Summer church, North, South and West façade restoration	\$384,000
South Church Preservation Fund Restore the exterior painting on the front and tower, including scaffolding and carpentry restoration	\$220,000
Town of Nantucket, Assessors Office Phase 1 of three-year project to restore the Town's assessing Records	\$121,000
Nantucket Historical Association	

Restoration of the internal integrity of the Thomas Macy warehouse, providing ADA access and including “wet floor proofing” to address potential sea level rise	\$308,400
Landmark House- Nantucket Community Service Inc. To restore the roof on the Landmark House and Grossman wing	\$96,000
Sub-total	\$1,737,100
\$1,718,475 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, \$18,625, are from the Historic Preservation reserves.	
Community Housing	
Nantucket Affordable Housing Trust Fund For closing cost assistance for newly developed 800% AMI home ownership units in the Richmond development	\$150,000
Nantucket Interfaith Council Nantucket rental assistance program, housing and rental assistance to low and moderate-income Nantucket working families	\$170,000
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
Town of Nantucket Funds to pay the interest and principal of the Five Million Bond authorized at the 2019 Nantucket Town meeting to pay the cost of acquiring land, which may include buildings thereon, for the development of affordable housing and to pay cost of designing, constructing, reconstructing and equipping affordable housing.	\$350,000
Sub-total	\$782,000
\$115,752 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.	
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 Platform Tennis Association Lighting for the previously funded newly created pickle ball courts	\$81,000
Linda Loring Foundation Increasing accessibility to comply with the ADA guidelines for parking and existing trails areas	\$32,850
Sustainable Nantucket Community Farm Institute, phase 4 Funds for extension of farm electrical system and infrastructure Upgrades other than for pump	\$81,427
Sub-total	\$320,277
\$20,000 of the funds utilized in this category is from the Open Space reserves with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.	
Administrative	
Community Preservation Committee Administrative and operating expenses	\$125,000
Sub-total	\$125,000
All of the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
TOTAL	\$2,964,377
All amounts to be appropriated from the following sources:	
SOURCES	AMOUNT
Raised and appropriated from FY 2018 Community Preservation Surcharge	\$2,388,000
From State matching funds for FY 2018, to be received in 2019	\$400,000
From Interest	\$22,000
From Designated Reserves for Historic Preservation	\$18,625
From designated reserves for Open Space	\$20,000
From Undesignated Reserves	\$115,752

Total Revenues	\$2,964,377
<p>For fiscal year 2021 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.</p> <p>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.</p>	

(Kenneth Beaugrand, et al)

ARTICLE 33

(Appropriation: Health and Human Services - Fairwinds)

To see if the Town will vote to: Appropriate the sum of one hundred twenty-eight thousand dollars (\$128,000.00) from Free Cash or the General Fund or any other source to deposit in the Health & Human Services Department to fund the Fairwinds' behavioral health sliding fee services for indigent and uninsured patients.

; or otherwise act thereon.

(Tessandra de Alberdi, et al)

ARTICLE 34

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

To see if the Town will vote to appropriate the sum of One Hundred Fifty Five Thousand Dollars (\$155,000) 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 35

(Appropriation: Incineration of Solid Waste)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to contract with ECO WASTE SOLUTION, 5760 Shier-rings Road Dublin, OH 43016 or other suitable vendor. To provide the installation, operation and manage the incineration of up to 10 Tonnes/Per day of solid waste or to take any other action relative thereto.

(Clifford J. Williams, et al)

ARTICLE 36

(Appropriation: Legal Opinion for Beach Access)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to provide funding for a legal opinion that would give a direction to allow free access to the tidal flat's in and around the coastal area's of Nantucket. By investigating indepth the rights given to the Town of Nantucket by the Proprietors in 1841 as set forth by the colonial act of 1693, but not limited to any other means that would benefit the community or take any other action relative thereto.

(Clifford J. Williams, et al)

ARTICLE 37

(Appropriation: Hazardous Waste)

To see if the Town will vote to: appropriate and also to raise or borrow pursuant to any applicable statute or transfer from available funds the sum of \$1,000,000. 1 million dollars or the amount there of to be spent by the Department of Public Works for the design, engineering, permitting, construction, and equipping a hazardous waste collection building to improve availability of disposal and transfer. The facility should be open to the public for a minimum of 4 days per month consisting of 3 business weekdays and 1 Saturday at 4 hours each day and/or by appointment. The facility shall be directed by the Department of Public Works and may be subcontracted to a private operator; or otherwise act thereon.

(Andrew G. Lowell, et al)

ARTICLE 38

(Re-establish Parks and Recreation Department)

To see if the Town will vote to direct Town Administration and the Select Board to reestablish the Parks and Recreation Department beginning in Fiscal Year 2021. The Department head, who shall be appointed by the Town Manager pursuant to Section 4-4(b) of the Town Charter, shall be an individual qualified (degree college or two years experience in recreational management), and shall be responsible for the maintenance of all parks and playing fields in the Town of Nantucket which are under the jurisdiction of the Nantucket Parks and Recreation Commission. The Department Head shall be responsible for ensuring that all recreational facilities are kept in good order to serve the public. He or she may coordinate projects with the Department of Public Works, subject to the approval of the Town Manager and the Parks and Recreation Commission. The salary and benefits shall be determined by the 2021 wage scale for the Town of Nantucket. The Department Head shall meet with the Parks and Recreation Commission on a monthly basis keeping them informed on the status of all current projects; and further to raise and appropriate or transfer from available funds a sum of money to fund the position for Fiscal Year 2021 or to take any other action relative thereto.

(Maria Zodda, et al)

ARTICLE 39

(Zoning Map Change: RC-2 to R-5 - Appleton Road)

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

MAP	LOT	NUMBER	STREET
66	19.1	2	Appleton Road
66	19.2	4	Appleton Road
66	477	12	Appleton Road

All as shown on a map entitled “2020 Annual Town Meeting Warrant Article 39 RC-2 to R-5” dated October 2019 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 R-5 - Bartlett Road and Boynton 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
67	14.9	10.5	Bartlett Road
67	666	10	Bartlett Road
67	14.8	8	Bartlett Road
67	14.1	8	Bartlett Road
67	484	6	Bartlett Road
67	665	1	Boynton Lane
67	664	3	Boynton Lane
67	117.9	8	Boynton Lane
67	117.8	6	Boynton Lane
67	117.7	4	Boynton Lane
67	117.4	2	Boynton Lane

All as shown on a map entitled “2020 Annual Town Meeting Warrant Article 40 RC-2 to R-5” dated October 2019 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 - Miacomet Avenue and Surfside 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	223.5	65½	Surfside Road
67	223.3	4	Miacomet Avenue
67	223.4	6	Miacomet Avenue
67	223.6	8	Miacomet Avenue
67	223.1	8A	Miacomet Avenue
67	223.9	10A	Miacomet Avenue
67	871	10B	Miacomet Avenue
67	215	11	Miacomet Avenue
67	216	9	Miacomet Avenue
67	881	9B	Miacomet Avenue
67	217	7	Miacomet Avenue
67	210.4	5	Miacomet Avenue
67	210.5	3	Miacomet Avenue

All as shown on a map entitled “2020 Annual Town Meeting Warrant Article 41 RC-2 to R-5” dated October 2019 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 CN - Bartlett Road, Thirty Acres Lane, Boynton Lane, and Surfside 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 Neighborhood Commercial (CN) district:

MAP	LOT	NUMBER	STREET
67	14.3	2	Bartlett Road
67	990	2R	Bartlett Road
67	14	4½	Bartlett Road
67	844	4	Bartlett Road
67	116	12	Bartlett Road
67	115.1	12½	Bartlett Road
67	114.1	16½	Bartlett Road
67	114	16	Bartlett Road

67	486	1	Thirty Acres Lane
67	14.2	7	Boynton Lane
67	485	11	Boynton Lane
67	117.5	12	Boynton Lane
67	554	16A	Boynton Lane
67	14.7	17	Boynton Lane
67	14.6	19	Boynton Lane
67	117.1	18	Boynton Lane
67	117	20	Boynton Lane
67	14.5	21	Boynton Lane
67	14.4	45	Surfside Road

All as shown on a map entitled “2020 Annual Town Meeting Warrant Article 42 RC-2 to CN” dated October 2019 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 CTEC - Appleton Road, Bartlett Road and Perry 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 2 (RC-2) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

MAP	LOT	NUMBER	STREET
66	476	8	Appleton Road
66	437	10	Appleton Road
66	19	32	Bartlett Road
67	110	30	Bartlett Road
67	111	28½	Bartlett Road
67	478	28	Bartlett Road
67	901	26	Bartlett Road
67	900	26½	Bartlett Road
67	425.5	24	Bartlett Road
67	902	1	Perry Lane
67	903	3	Perry Lane
67	112.3	5	Perry Lane
67	112.4	7	Perry Lane
67	112.5	9	Perry Lane
67	112.6	11	Perry Lane
67	112.1	12	Perry Lane
67	425.1	10	Perry Lane

67	425.2	8	Perry Lane
67	425.3	6	Perry Lane
67	425.4	4	Perry Lane

All as shown on a map entitled “2020 Annual Town Meeting Warrant Article 43 RC-2 to CTEC” dated October 2019 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 - 33 Old South Road and 24 Ticcoma 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 Residential 5 (R-5) and/or Commercial Neighborhood (CN) districts:

MAP	LOT	NUMBER	STREET
68	4	33	Old South Road
67	50	24	Ticcoma Way

All as shown on a map entitled “2020 Annual Town Meeting Warrant Article 44 RC-2 to R-5 and/or CN” dated October 2019 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 to CN - Francis, Union, and Washington Streets, and Salt Marsh Way)

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

MAP	LOT	NUMBER	STREET
42.2.3	42	77	Washington Street
42.2.3	20	80B	Washington Street
42.2.3	20.2	80C	Washington Street
42.2.3	20.3	80D	Washington Street
42.2.3	20.4	80E	Washington Street
42.2.3	20.5	80F	Washington Street
42.2.3	20.6	80G	Washington Street

42.2.3	20.7	80H	Washington Street
42.2.3	25	81	Washington Street
42.2.3	24	81	Washington Street
42.2.3	23	83	Washington Street
55.1.4	81	89	Washington Street
55.1.4	109	89A	Washington Street
55.1.4	110	89B	Washington Street
55.1.4	111	89C	Washington Street
55.1.4	112	89D	Washington Street
42.2.3	21	90	Washington Street
55.1.4	5	91	Washington Street
42.2.3	22	92	Washington Street
55.1.4	7	95	Washington Street
55.1.4	8	96	Washington Street
55.1.4	6.1	97	Washington Street
55.1.4	6	97	Washington Street
55.1.4	37	103	Washington Street
55.1.4	36	11	Salt Marsh Way
55.1.4	35	9B	Salt Marsh Way
55.1.4	69	70	Union Street
55.1.4	66	64	Union Street
55.1.4	64	58	Union Street
55.1.4	33	56	Union Street
55.1.4	32	54	Union Street
55.1.4	3	52	Union Street
55.1.4	4	2	Francis Street

All as shown on a map entitled “2020 Annual Town Meeting Warrant Article 45 RC to CN” dated October 2019 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: SR-1 to SOH - Bank Street, Beach Street, Broadway, Codfish Park Road, Elbow Lane, Fawcett Way, Front Street, Gully Road, Jackson Street, and North Gully 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 Sconset Residential 1 (SR-1) district in the Sconset Old Historic (SOH) district:

MAP	LOT	NUMBER	STREET
73.2.4	7	1	Bank Street
73.2.4	8	5	Bank Street
73.1.3	27	7	Bank Street
73.1.3	69	8	Bank Street
73.1.3	67	11	Bank Street
73.1.3	68	13	Bank Street
73.1.3	62	15	Bank Street
73.1.3	60	19	Bank Street
73.1.3	57	21	Bank Street
73.1.3	55	23	Bank Street
73.1.3	51	25	Bank Street
73.1.3	50	27	Bank Street
73.1.3	49	29	Bank Street
73.1.3	52	23R	Bank Street
73.1.3	23	7	Beach Street
73.1.3	24	9	Beach Street
73.2.4	10	10	Beach Street
73.1.3	25	11	Beach Street
73.1.3	26	15	Beach Street
73.2.4	37	1	Broadway
73.2.4	38	3	Broadway
73.2.4	4	5	Broadway
73.1.3	29	7	Broadway
73.1.3	72	8	Broadway
73.1.3	45	10	Broadway
73.1.3	71	11	Broadway
73.1.3	100	13	Broadway
73.1.3	113	15	Broadway
73.1.3	112	17	Broadway
73.1.3	111	19	Broadway
73.1.3	110	21	Broadway
73.1.3	109	23	Broadway
73.1.3	108	25	Broadway
73.1.3	91	27	Broadway
73.2.4	40	8	Codfish Park Road
73.2.4	39	10	Codfish Park Road
73.2.4	9	12	Codfish Park Road
73.2.4	11	16	Codfish Park Road

73.1.3	66	24	Codfish Park Road
73.1.3	65	26	Codfish Park Road
73.1.3	56	30	Codfish Park Road
73.1.3	54	32	Codfish Park Road
73.1.3	53	34	Codfish Park Road
73.1.3	47	36	Codfish Park Road
73.2.4	44.1	3	Elbow Lane
73.2.4	43	5	Elbow Lane
73.2.4	41	7	Elbow Lane
73.1.3	64	7	Fawcett Way
73.2.4	5	5	Front Street
73.1.3	28	7	Front Street
73.1.3	70	9	Front Street
73.1.3	99	11	Front Street
73.1.3	98	13	Front Street
73.1.3	97	15	Front Street
73.1.3	95	19	Front Street
73.1.3	94	21	Front Street
73.1.3	92	23	Front Street
73.1.3	93	23	Front Street
73.2.4	44.3	3	Gully Road
73.2.4	44.2	5	Gully Road
73.2.4	45	9	Gully Road
73.1.3	58	7	Jackson Street
73.1.3	61	8	Jackson Street
73.1.3	61.1	8	Jackson Street #1
73.1.3	61.2	6	Jackson Street #2
73.1.3	7	3	N Gully Road
73.1.3	48	8	N Gully Road
73.1.3	119	10	N Gully Road

All as shown on a map entitled “2020 Annual Town Meeting Warrant Article 46 SR-1 to SOH” dated October 2019 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 Map Change: R-20 to R-40 - Bayberry Lane and Rugged Road)

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

MAP	LOT	NUMBER	STREET
67	57	1	Bayberry Lane
67	74	2	Bayberry Lane
67	59	3	Bayberry Lane
67	58	4	Bayberry Lane
67	60	5	Bayberry Lane
67	73	6	Bayberry Lane
67	61	7	Bayberry Lane
67	72	8	Bayberry Lane
67	62	9	Bayberry Lane
67	71	10	Bayberry Lane
67	63	11	Bayberry Lane
67	70	12	Bayberry Lane
67	64	13	Bayberry Lane
67	69	14	Bayberry Lane
67	65	15	Bayberry Lane
67	68	16	Bayberry Lane
67	66	17	Bayberry Lane
67	67	18	Bayberry Lane
As altered by ANR Plan #8298, as may be amended			
67	915	30	Rugged Road

All as shown on a map entitled “2020 Annual Town Meeting Warrant Article 47 R-20 to R-40” dated October 2019 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 48

(Zoning Bylaw Amendment: Swimming Pool - Residential)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, by taking the following actions *(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 section 2A (definitions) as follows:

SWIMMING POOL - RESIDENTIAL

A structure designed ...

- In the VR District only...
- In the R-1, SR-1, R-5, and R-5L districts only, the following criteria must be met: (1) a minimum lot area of 7,500 square feet is required, and (2) side and rear yard setbacks of 10 feet shall apply to the residential swimming pool and associated mechanical equipment. This requirement shall apply to residential swimming pools for which a building permit is issued after September 30, 2020.

2. Amend section 7A (use chart) by replacing “A” with “A with lot ≥ 7,500 sq ft” in the “Swimming pool - residential” row in the R-1/SR-1 and R-5/R-5L columns.

Or, to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 49

(Zoning Bylaw Amendment: Sheds in the R-5 and R-10 Districts)

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 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):*

....

~~(4)~~ In the R-5 District ~~only~~, the ten-foot side yard setback may be reduced to five feet ~~under one of~~ **subject to** the following ~~conditions~~:

(a) A five-foot side yard setback may apply to a secondary dwelling or accessory structure that is located within 20 feet of the rear lot line, or to sheds of not more than 50 square feet in ground cover and eight feet in height, as measured from the top of the slab or pier foundation; or,

(b) Where a common driveway of at least 10 feet in width is provided to allow access to two or more lots.

(5) In the R-10 District the ten-foot side and/or rear yard setback may be reduced to five feet for sheds of not more than 50 square feet in ground cover and eight feet in height, as measured from the top of the slab or pier foundation.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 50

(Zoning Bylaw Amendment: Driveways)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 20.1B, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-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):*

... A Certificate of Appropriateness issued by the Nantucket Historic District Commission (HDC) is required prior to driveway access approval by the DPW for lots located within the "Core Historic Districts" as shown on the map entitled "Core Historic Districts", dated April 9, 2019, as may be amended from time to time by the HDC.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 51

(Zoning Bylaw Amendment: Demolition Delay)

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

Issuance of building and use permits.

- A. No building or structure shall be used, erected, constructed, relocated, added to or otherwise subjected to alteration, or demolished without a building or use permit having been issued by the Building Commissioner or Local Inspector for any use or structure. No lot shall be changed from its use preexisting the July 27, 1972, effective date of this chapter, except to its natural condition allowed by § 139-7A(5) above, without a use permit or a building permit permitting such use. No such permit shall be issued until such construction, erection, relocation, addition, alteration, demolition or use, as proposed, shall comply in all respects with the provisions of this chapter as determined by the Zoning Enforcement Officer or with a decision rendered by the Board of Appeals, the Planning Board, or the courts in the case of appeals. [Amended 4-10-2000 ATM by Art. 46, AG approval 8-2-2000]
- (1) Demolition delay. [Added 4-14-1997 ATM by Art. 40, AG approval 8-5-1997]
- (a) Statement of purpose. The purpose of this section is to establish a predictable

process for reviewing requests to demolish residential structures in order to:

- [1] Establish an appropriate waiting period during which the Town and the applicant can propose and consider alternatives to the demolition of a building of residential value;
 - [2] Minimize the quantity of demolition debris ending up in the landfill;
 - [3] Create an incentive for reuse of residential structures;
 - [4] Give interested parties an opportunity to acquire reusable residential structures.
- (b) Buildings subject to demolition delay. All residential structures are subject to review by the Building Commissioner **or a registered design professional** for the purpose of determining whether such buildings have any residential reuse potential.
- (c) Issuance of demolition permit. The requirements set forth in this section are in addition to, and not in lieu of, the requirements of any other codes, ordinances, statutes, or regulations applicable to the demolition of buildings. No demolition permit shall be issued for a building that is subject to review, pursuant to Subsection **A(1)(b)** above, unless:
- [1] It is determined that demolition is necessary, pursuant to Subsection **A(1)(d)** below.
 - [2] It is determined that said building has no residential reuse potential due to the existing condition of the structure or physical barriers to moving the structure such as significant trees, bridges, etc.
 - [3] The demolition delay period set forth in Subsection **A(1)(f)** below has expired.
- (d) Required demolition or repair.
- [1] Demolition. Nothing in this section shall restrict any authority in the general laws for the Building Commissioner or Building Inspector to order the building owner, or Town, to demolish a building at any time if it is determined that the condition of a building or part thereof presents an imminent and substantial danger to the public health or safety.
 - [2] Repair. Nothing in this section shall restrict any authority in the general laws for the Building Commissioner or Building Inspector to require the applicant to take reasonable action to prevent the need for required demolition ~~of a significant building~~, which may include securing the building and making it safe so that it does not present an imminent and substantial danger to the public.
- (e) Issuance of building, use, or occupancy permit.
- [1] If it has been determined that a building ~~is subject to review~~ **has re-use potential** pursuant to Subsection **A(1)(b)** above, no building permits shall be issued for the erection of a new building on the site of such building subject to review before

issuing a demolition permit for such building subject to review in compliance with this section.

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

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

(f) Procedure.

[1] ~~An application for~~ A request for review of reuse potential pursuant to this section shall be made to the Building Commissioner or Local Inspector. The request shall be made by letter, email or any other method acceptable to the building official. ~~manner provided in this Subsection A(1)(f). If the applicant is not the owner of record of the building, the owner or owners of record shall co-sign the application.~~

~~[2] The applicant (or building owner) is encouraged to apply for review under this section as early as possible, so that any necessary review, and any delay period required by this section, may be completed prior to, or during, any other review to which the building or its site may be subject.~~

~~[3] Application for review under this section shall be made in connection with an application for a demolition permit.~~

[4] After its receipt of an application, pursuant to this Subsection A(1)(f), the following determinations shall be made:

[a] Whether immediate demolition is required pursuant to Subsection A(1)(d); and

[b] Whether said structure has any residential reuse potential pursuant to Subsection A(1)(c)[2].

[5] ~~A notice of determination shall be made issued~~ within 20 days after the request. ~~the application filing date.~~ If it is determined that the structure does not require immediate demolition and that it does have reuse potential the applicant shall place a public notice in a local newspaper.

[a] Contents of public notice.

~~INVITATION FOR LETTERS OF INTEREST REGARDING AVAILABILITY OF HOUSE WHICH MUST BE MOVED FROM CURRENT LOCATION A house at (street address), scheduled for demolition, is being made available to any interested parties subject to the owner's conditions. The Building Commissioner is accepting Letters of Interest for 30 days from the date of this publication. All interested parties should submit a letter of interest to the Building Commissioner. The house must be moved within 60 days of this publication.~~

Subject to the Chapter 139 Section 26A(1) of the Code of the Town of Nantucket (the so-called "demolition delay bylaw"), a house located at INSERT ADDRESS is being made available to any interested party subject to the ability to move the structure within 60 days from the date of this publication, in addition to meeting any conditions imposed by the current owner. A letter of interest must be submitted to INSERT OWNER/CONTACT ADDRESS AND EMAIL with a copy provided to the Town of Nantucket Building Commissioner at 2 Fairgrounds Road or by e-mail at INSERT BUILDING COMMISSIONER E-MAIL within 30 days from the date of this publication. Letters of interest received after 30 days may be considered at the discretion of the property owner.

[6] A published copy of said notice shall be presented to the Building Department. From the date of publication of said notice, any interested parties shall have 30 days to respond in writing to the Building Commissioner. If any bona fide letters of interest, as determined by the Building Commissioner or Building Local Inspector, are received within the thirty-day period no demolition permit shall be issued for a period of 30 days thereafter.

[7] If no bona fide letters of interest are received within the thirty-day period, a demolition permit may be issued.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 52

(Zoning Bylaw Amendment and Zoning Map Amendment: Technical Amendments)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket and to amend the Zoning Map, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-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 2A (definitions) as follows:

INCLUSIONARY UNIT

Any rental dwelling unit required pursuant to § 139-11JH restricted to employee occupancy.

LANDSCAPE CONTRACTOR

A business engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground. Exterior storage of equipment and/or materials must be effectively screened by a wall, fence, or densely planted vegetative buffer.

2. Amend section 12 by deleting the existing title in its entirety and replacing it with the following, and by reordering section 12 by placing the existing subsections in the order listed in the title:

Town Overlay District (TOD), Country Overlay District (COD), Formula Business Exclusion Overlay District (FBED), Mid Island Planned Overlay District (MIPOD), Village Height Overlay District (VHOD), Nantucket Cottage Hospital Overlay District (NCHOD), Public Wellhead Recharge District (PWED), Flood Hazard Overlay District (FHOD), Harbor Overlay District (HOD), Solar Energy Overlay District (SEOD).

3. Amend section 30E(8) by deleting it in its entirety and replacing it with the following language consistent with the provisions of MGL c. 40A s. 11 as follows:

A special permit, or any extension, modification or renewal thereof, shall not take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time, or if it is a special permit which has been approved by reason of the failure of the permit granting authority or special permit granting authority to act thereon within the time prescribed, a copy of the application for the special permit-accompanied by the certification of the Town Clerk stating the fact that the permit granting authority or special permit granting authority failed to act within the time prescribed, and whether or not an appeal has been filed within that time, and that the grant of the application resulting from the failure to act has become final, is recorded in the registry of deeds for Nantucket County and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.

4. Amend the Zoning Map by placing a portion of property at 32 Crooked Lane (Map 41, Parcel 331) currently located in the Residential 40 (R-40) district in the Residential 20 (R-20) district, as shown on a map entitled "2020 Annual Town Meeting Warrant Article __ R-40 to R-20" dated October 2019 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 53

(Zoning Map Change: R-5 to CTEC - Mary Ann Drive)

To see if the Town will vote approve the zoning map change from the existing R-5 zone to the CTEC zone on the following three, (3) properties;

- 14 MARYANN DRIVE, Map 68, Parcel 444
- 16 MARY ANN DRIVE, Map 68, Parcel 445,
- 18 Mary Ann Drive, Map 68 Parcel 446,

; or otherwise act thereon.

(Brian Ryder, et al)

ARTICLE 54

(Zoning Map Change: R-10 to CN - 3 Cobble Court)

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 10 (R-10) district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
55	260	3	Cobble Court

All as shown on the attached map.

Or to take any other action related thereto.

(Susan C. Ottison, et al)

ARTICLE 55

(Zoning Map Change: VR to VN - Polpis Road and Chatham Road)

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

Map	Lot	Number	Street
54	128/188	2	Polpis Road
54	187	4	Polpis Road
54	186	11	Chatham Road
54	125	13	Chatham Road
54	124	10	Polpis Road
54	183	12	Polpis Road
54	181	16	Polpis Road
54	180	18	Polpis Road

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

All as shown on the attached map.

Or to take any other action related thereto.

(Robert Von Kampen, et al)

ARTICLE 56

(Zoning Map Change: LUG-2 to R-20 - Rugged Road)

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

Map	Lot	Number	Street
67	166	25	Rugged Road

- 1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing property, currently located in the Limited Use General - 2 (LUG-2) district, to the Residential-20 (R-20) zoning district:

All as shown on the attached map.

Or to take any other action related thereto.

(Irene Schreiber, et al)

ARTICLE 57

(Zoning Map Change: LUG-3 to LUG-1 - Driscoll Way)

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

Map	Lot	Number	Street
76	4.1	2	Driscoll Way
76	4.2	6	Driscoll Way
76	4.3	10	Driscoll Way

- 1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties, currently located in the Limited Use General - 3 (LUG-3) district, to the Limited Use General - 1 (LUG-1) zoning district:

All as shown on the attached map.

Or to take any other action related thereto.

(James M. Driscoll II, et al)

ARTICLE 58

(Zoning Bylaw Amendment: Commercial Mid-Island - Height Restriction)

Reason and Intent;

At the 2016 Annual Town Meeting, Article 36 was adopted. The article had several sections, was complicated and in the case of changes in Section 17A, not in the best interests of Nantucket. The change in Section 17A involved the change of the height restriction for the SMI District from 30 feet to 40 feet. . This Article will reestablish the same height limitation as exist in the other districts referenced in Chapter 17 Section 17A.

The Article:

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

To amend section 17A as follows:

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

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

Or to take any other action related thereto.

(Vallorie Oliver, et al)

ARTICLE 59

(Zoning Bylaw Amendment: Residential Event Facility)

To see if the Town will vote to: add Residential Event Facility as a definition in Section 139-2 and Use Chart in Section 139-7A.

Residential Event Facility - A residential lot or lots in common ownership or common use or control that are used for events that meet three of the following criteria: 1) more than 50 people in attendance, 2) use of a tent larger than 150 square feet, 3) exterior live or amplified music after 8pm, and 4) serviced by a caterer. No lot shall act as a Residential Event Facility for more than two events per calendar year, and no event shall last longer than two calendar days. No lot shall act as a Residential Event Facility for more than one event per calendar year without first of obtaining a Special Permit from the Planning Board, with restrictions and conditions as may be appropriate, upon the finding that 1) the use is not substantially detrimental to the neighborhood or contrary to public health, public safety, and/or traffic safety, and 2) the applicant has sufficiently addressed issues of health, safety, and nuisance which the Planning Board may deem appropriate, including hours of operation, days of operation, fire safety, sanitation, food safety, alcohol service, architectural access, parking, traffic safety, lighting, trash, noise, screening, accessibility to responsible persons, site management and abutter notices.

To amend the Use Chart of Section 139-7A to add Residential Event Facility as a use by Special Permit in all zoning districts.

(Steven Cohen, et al)

ARTICLE 60

(Zoning Bylaw Amendment: Rural Affordable Development)

To see if the Town will vote to: amend Section 139 to provide for a **Rural Affordable Development** option, allowing for division of lots of 120,000 square feet or larger in the LUG-2 and LUG-3 zoning districts, with a 50% affordable housing requirement and other provisions to allow moderate development while protecting the rural nature of these areas, substantially as provided in the attached Exhibit A.

Exhibit A to Annual Town Meeting - Citizen's Article

Rural Affordable Development

To see if the Town will vote to: amend Section 139 to provide for a **Rural Affordable Development** option with the purpose to provide for housing that is affordable to those who earn at or below 150% of the Nantucket County median household income; to help households to continue to reside on Nantucket; to generate and preserve affordable housing in the Town of Nantucket in perpetuity; to provide for affordable and accessible housing with moderate density in rural areas; all in order to maintain Nantucket's diversity and unique sense of community.

1) In the LUG-2 and LUG-3 zoning districts, the Planning Board, acting as the special permit granting authority, may issue a special permit for Rural Affordable

Development, authorizing the division of a lot (or abutting lots) into two or more lots, provided the following requirements and/or conditions shall apply:

- a) The initial lot or lots shall have a lot area of at least 120,000 square feet,
- b) At least 50% of the resulting buildable lots shall be subject to a Nantucket Housing Needs Covenant for affordable ownership by a Qualified Purchaser Household, or for affordable rental to a Qualified Rental Household,
- c) Lots subject to a Nantucket Housing Needs Covenant shall contain at least 20,000 square feet of lot area,
- d) Lots not subject to a Nantucket Housing Needs Covenant shall contain at least 40,000 square feet of lot area,
- e) Each buildable lot shall be restricted to one dwelling, which shall be a single family dwelling,
- f) Each buildable lot shall have adequate access and parking,
- g) Each buildable lot shall have adequate utilities and services, including sewer or septic capacity and water capacity, and
- h) Each lot shall be restricted from any further lot division that results in any additional building lots.

2) To mitigate impacts on the rural nature of the area, and to preserve natural resources, water quality, wildlife habitat, scenic views, and existing mature vegetation, the Planning Board may impose conditions related to such on any lot, including conditions that reasonably provide for the following:

- a) Screening of structures and parking areas,
- b) Buffers from abutting properties,
- c) Limitations on improving or clearing of specified portions of any lot,
- d) Limitations on the number and location of curb cuts,
- e) Limitations on the ground cover, height or location of any structures,
- f) Limitations on grade changes,
- g) Limitations on uses on any lot, and
- h) Mitigation of environmental impacts.

3) In determining the initial lot size and the subsequent percentage of lots subject to a Nantucket Housing Needs Covenant, the Planning Board shall apply a credit to the application for any abutting lot already subject to such covenant that was divided from the applicant lot at the time of the imposition of that covenant.

4) Except as otherwise provided, the ground cover ratio and setback requirements of the underlying zoning district shall apply to each lot.

5) Provided that the Planning Board finds that doing so will not have an adverse impact on the rural nature of the area and will promote the intent of this section, the Planning Board may provide the following relief by special permit:

- a) Waive the regularity formula in § 139-16D,
- b) Provide for a reduction in frontage, providing that each lot shall have not less than 20 feet of frontage or shall have a recorded easement of sufficient width and grade to provide access,
- c) Provide for the reduction of the front yard setback to not less than 20 feet and the

side and rear yard setbacks to not less than 10 feet,

6) Planning Board approval of a Rural Affordable Development special permit shall not substitute for approval of a definitive subdivision or approval not required (ANR) plan.

(Steven Cohen, et al)

ARTICLE 61

(Zoning Bylaw Amendment/Home Rule Petition: Coastal Erosion Liability Waiver) Reason and Intent;

This article was included in the 2015 ATM. It was recommended for adoption by the Finance Committee, but was “Not adopted by Majority Voice Vote”. With the passage of time, protecting the Town from liability due to climate change and sea level rise is only more important. The impact is prospective and the sooner action is taken, the sooner protection will begin. It is just a matter of property owners accepting personal responsibility. The article below is exactly the same as the one for 2015 and was drafted by Town Counsel.

The Article:

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 139-26, as follows (NOTE: new language is shown as highlighted text; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket); and to further authorize the Board of Selectmen to file a Home Rule Petition with the General Court to effectuate the purposes and intent of the zoning amendment should it be deemed necessary and/or prudent to do so by the Board of Selectmen:

Chapter 139 ZONING

Article V. Administration and Enforcement

§ 139-26. Issuance of building and use permits.

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

Officer or with a decision rendered by the Board of Appeals, the Planning Board, or the courts in the case of appeals.

(1) Demolition delay.

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

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

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

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

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

(2) Any applicant seeking a building permit pursuant to the terms of this Section for construction on Shorefront Land or property within 300 feet of Shorefront Land shall be required to, in consideration for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement ("Release") acknowledging the potential for coastal erosion in the vicinity of the property at issue and the potential for impacts on or elimination of public access to said property due to coastal erosion. Pursuant to said Release and the issuance of a permit, the applicant shall understand and be advised that the proposed construction/reconstruction site at or within 300 feet of the Shorefront Land may be subject to extraordinary hazards and damage from waves during storms, erosion, retreat, settlement, sinking, or subsidence

and said Owner shall assume full and sole risk for such hazards, including any restrictions on public access to said property. As such, the Owner shall unconditionally waive any present, future, and unforeseen causes of action and claims of liability on the part of the Town arising from the aforementioned or other natural hazards and relating to said permit approval and resultant construction, as a condition of approval. Further, the Owner shall agree to indemnify and hold harmless the Town and its departments, boards, officials and employees for any acts or omissions and related cost of defense, including, but not limited to, claims related to impacts on or reductions in public access to said property, arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner, Owner's successor-in-interest and/or third parties.

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

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

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

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

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

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

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

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

(Rick Atherton, et al)

ARTICLE 62

(Bylaw Amendment: Preservation of Historically Significant Buildings)

To see if the Town will vote to amend the Nantucket General By-Laws by adding a new chapter to the Nantucket town code for the purpose of preserving and protecting significant buildings within the Town as set forth below; and further to authorize the Select Board to file any Home Rule legislation that may be necessary to carry out the purposes of this article.

Title of Bylaw

Preservation of Historically Significant Buildings

Intent and Purpose

This by-law is enacted for the purpose of preserving and protecting significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town. Through this bylaw, owners of preferably preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings and residents of the town are alerted to impending demolitions of significant buildings. By preserving and protecting significant buildings, streetscapes and neighborhoods, this bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work. To achieve these purposes the Historic District Commission (HDC) is authorized to advise the Building Inspector with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this by-law.

Definitions

APPLICANT-Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

APPLICATION-An application for the demolition of a building.

BUILDING-Any combination of materials forming a shelter for persons, animals, or property.

BUILDING COMMISSIONER - The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.

COMMISSION - The Historic District Commission (HDC) or its designee.

DEMOLITION-Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

DEMOLITION PERMIT - The building permit issued by the Building Inspector for a demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building.

PREFERABLY PRESERVED - Any significant building which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished.

A preferably preserved building is subject to the twelve-month demolition delay period of this bylaw.

SIGNIFICANT BUILDING - Any building within the town which is in whole or in part fifty years or more old and which has been determined by the Commission or its designee to be significant based on any of the following criteria:

The Building is listed on, or is within an area listed on, the National Register of Historic Places; or

The Building has been found eligible for the National Register of Historic Places; or

The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or

The Building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

Procedure

No demolition permit for a building which is in whole or in part fifty years or more old shall be issued without following the provisions of this bylaw. If a building is of unknown age, it shall be assumed that the building is over 50 years old for the purposes of this bylaw.

An applicant proposing to demolish a building subject to this bylaw shall file with the

Building Commissioner an application containing the following information:

The address of the building to be demolished.

The owner's name, address and telephone number.

A description of the building.

The reason for requesting a demolition permit.

A brief description of the proposed reuse, reconstruction or replacement.

A photograph or photograph(s) of the building.

The Building Commissioner shall within seven days forward a copy of the application to the Commission. The Commission shall within fifteen days after receipt of the application, make a written determination of whether the building is significant.

A significant building is defined as: any building within the town which is in whole or in part fifty years or more old and which has been determined by the Commission or its designee to be significant based on any of the following criteria:

The Building is listed on, or is within an area listed on, the National Register of Historic Places; or

The Building has been found eligible for the National Register of Historic Places; or

The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or

The Building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

Upon determination by the Commission that the building is not significant, the Commission shall so notify the Building Commissioner and applicant in writing. The Building Commissioner may then issue the demolition permit.

Upon determination by the Commission that the building is significant, the Commission shall so notify the Building Commissioner and the applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Commissioner within fifteen days of receipt of the application, the Building Commissioner may proceed to issue the demolition permit.

If the Commission finds that the building is significant, it shall hold a public hearing within thirty days of the written notification to the Building Commissioner. Public notice of the time, place and purpose of the hearing shall be posted in a

conspicuous place in town hall for a period of not less than seven days prior to the date of said hearing and the applicant and the building inspector shall be notified in writing of the meeting time and place.

The Commission shall decide at the public hearing or within fourteen days after the public hearing whether the building should be preferably preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed.

If the Commission determines that the building is not preferably preserved, the Commission shall so notify the Building Commissioner and applicant in writing. The Building Commissioner may then issue the demolition permit.

If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Commissioner and applicant in writing. No demolition permit may then be issued for a period of twelve months from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Commissioner in writing within twenty-one days of the public hearing, the Building Commissioner may issue the demolition permit.

Upon a determination by the Commission that any building which is the subject of an application is a preferably preserved building, no building permit for new construction or alterations on the premises shall be issued for a period of twelve months from the date of the determination unless otherwise agreed to by the Commission.

No permit for demolition of a building determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Commissioner and have found to comply with all laws pertaining to the issuance of a building permit or if for a parking lot, a certificate of occupancy for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

The Building Commissioner may issue a demolition permit or a building permit for a preferably preserved building within the twelve months if the Commission notifies the Building Commissioner in writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition permit or the building permit.

Following the twelve-month delay period, the Building Commissioner may issue the demolition permit.

Administration

The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw.

The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.

The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a municipal employee.

The Commission may pro-actively develop a list of significant buildings that will be subject to this bylaw. Buildings proposed for the significant building list shall be added following a public hearing.

Emergency Demolition

If after an inspection, the Building Commissioner finds that a building subject to this bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Building Commissioner may issue an emergency demolition permit to the owner of the building or structure. The Building Commissioner shall then prepare a report explaining the condition of the building and the basis for his decision which shall be forwarded to the Commission.

Enforcement and Remedies

The Commission and/or the Building Commissioner are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this by-law or to prevent a threatened violation thereof. Any owner of a building subject to this bylaw that demolished the building without first obtaining a demolition permit in accordance with the provisions of this bylaw shall be subject to a fine of not more than Three Hundred Dollars. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed or unless otherwise agreed to by the Commission.

If a building subject to this bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless the building permit is for the faithful restoration referred to above or unless otherwise agreed to by the Commission.

Historic District Act

Nothing in this by-law shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this by-law do so conflict, that act shall prevail.

Severability

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

;or otherwise act thereon.

(Mary Bergman, et al)

ARTICLE 63 (Affordable Housing Requirements)

To see if the Town will vote to: To require the Town of Nantucket to create and enforce legislation and regulations to enact and enforce the attachment of the state mandated 10% affordable housing to our local building permit process. 10% of new residence permits issued annually (both year round and seasonal) shall be designated affordable. For each 10 residential permits issued 1 shall be affordable; or otherwise act thereon.

(Andrew G. Lowell, et al)

ARTICLE 64 (Public Property Damage)

To see if the Town will vote to: require the Town of Nantucket through the PLUS department to create and enforce regulations to hold accountable all land owners to repair damage to public property caused by permitted activity. All applicants to the PLUS Department must submit photos of surroundings 500 feet beyond each boundary to a public way areas of concern shall include streets/roads, shoulders, sidewalks, medians and bike paths. These areas shall be inspected and approved before a certificate of occupancy or completion is issued; or otherwise act thereon.

(Andrew G. Lowell, et al)

ARTICLE 65 (Short-Term Rental Tax Cap)

To see if the Town will vote to cap the Short Term Rental Tax on Nantucket at a total of 10% of the gross rental cost. (It is noted that 5.6% of the Tax is the State portion of the tax. Therefore, the Nantucket portion of the Tax would be 4.4%)

; or otherwise act thereon.

(Curtis Barnes, et al)

ARTICLE 66 (Town Meeting Vote Required to Implement On-street Paid Parking)

To see if the town will vote to require a vote of town meeting prior to the implementation by the Town of Nantucket of paid on-street parking.

(Christopher Glowacki, et al)

ARTICLE 67
(Prohibiting Roundabouts Near Schools)

To see if the Town will vote to: Prohibit the construction of a rotary, a roundabout or a traffic circle by any other name on any public way within 1000 feet of a public school in the Town of Nantucket.

; or otherwise act thereon.

(John F. McGrady, Jr., et al)

ARTICLE 68
(Complaint Committee)

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.

(Theresa Williams, et al)

ARTICLE 69
(Traffic Rules and Regulations: Limit Heavy Commercial Vehicle Deliveries in Core District)

To see if the Town will vote to direct the Select Board, as part of its administration of the Town's public ways pursuant to Article 200 of the Town's Code of Bylaws (the "**Traffic Rules and Regulations**"), to develop a pilot program between June 15, 2020, and September 15, 2020, for (a) tracking the level of compliance of certain Heavy Commercial Vehicles, as defined in the Traffic Rules and Regulations, with a vehicle body length exceeding twenty-one (21) feet ("**Large HCVs**") with the Town's Noise Bylaw; and (b) adjusting the hours of delivery by Large HCVs to the downtown core district to between 5:00 am to 10:00 am and 3:30 pm to 5:00 pm during such period for the purposes of reducing traffic congestion and gathering more granular data than is currently available on time of day, size and weight of vehicle, type of commercial use, and access locations of Large HCVs on the Town's public ways within the downtown core district with the purpose of considering further regulation of the size of such vehicles permitted on said public ways (or a subset thereof), which public ways may be so accessed, in which areas, and during which hours; or take any other action on the matter.

Explanation: There has been a noticeable increase in commercial deliveries, especially from the largest heavy commercial vehicles, delivering in the downtown core district. ACKNow volunteers its time and resources working with the Town to put together the requisite analytical framework by collaborating with businesses and commercial delivery companies to put a pilot program in place for the summer of 2020, including adjusting delivery times for the largest heavy commercial vehicles in the downtown core district and identifying measurable factors that will determine the success of the pilot program and whether it should be permanently implemented. This pilot project is an opportunity to learn about one aspect of congestion and inform a long-term strategy to help alleviate commercial traffic in the island's downtown core district.

(Grant Sanders, et al)

ARTICLE 70

(Bylaw Amendments: Name Change of Board of Selectmen to Select Board)

To see if the Town will vote to amend the Town Code to be consistent with Chapter 110 of the Acts of 2019, including without limitation the Zoning Bylaw set forth in Chapter 139, to rename the Board of Selectmen as the Select Board, by striking out, in every instance in which they appear, the words "Board of Selectmen" or "Selectmen" and inserting in place thereof the words "Select Board"; and by striking out, in every instance in which they appear, the word "Selectman" and "Selectmen" and inserting in place thereof the words "Select Board Member" or "Select Board Members"; and further to authorize the Town Clerk to make non-substantive, ministerial revisions to ensure that gender and numerical issues in related text is revised to properly reflect such change in title; and, further, to amend Chapter 38 of the General Code in its title and by inserting the following new §38-6:

§38-6. Select Board.

For the purposes of this Code and otherwise, the former Board of Selectmen shall be referred to as the Select Board and members of the Board shall be referred to as "Select Board Members." The Select Board shall have all the powers and duties of a board of selectmen under the General Laws and any special laws applicable to the Town of Nantucket, as well as such other powers and duties as are provided in this Code;

Or to take any other action relative thereto.

(Select Board)

ARTICLE 71

(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 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):*

§19-21. Revolving accounts established

FUND	REVENUE SOURCE	AUTHORITY TO SPEND	USE OF FUND
Solar Rebate Program Municipal Aggregation Operational Adder	Operational Adder from the energy aggregation program	Town Manager with approval of Board of Selectmen Select Board	Rebates for residential solar energy systems and other uses authorized by the Town's Municipal Aggregation Plan

Or to take any other action related thereto.

(Select Board)

ARTICLE 72

(Bylaw Amendment: Single-Use Plastics)

To see if the Town will vote to amend Chapter 124A (Single-Use Plastics) 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*):

Chapter 124A 125A. Single-Use Plastics

Article I. Regulation of Sale, Distribution and Commercial Use of Certain Single-Use Plastics

§ 124A 125A-1. Definitions and purpose.

A. Definitions:

COMMERCIAL USE

Using the petroleum-based plastic products listed herein Use by a business, directly/indirectly for financial gain or convenience.

PETROLEUM-BASED PLASTIC

Plastics Plastic materials manufactured using petroleum-derived polymers. Plant-based Compostable plastics as defined by ASTM International are exempted from this bylaw.

.....

§ 124A 125A-2. Sale, distribution and commercial use of petroleum-based single-use plastic products.

It shall be unlawful to sell, distribute or ~~otherwise~~ commercially use the following single-use petroleum-based plastic products in the Town and County of Nantucket on or after June 1, 2020:

- A. Straws and drink stirrers;
- B. ~~Six-pack can and bottle flexible yokes~~ Flexible can and bottle yokes;
- C. ~~Single-use drinking~~ Drinking cups and lids;
- D. Plates, bowls and ~~noncompostable~~ eating utensils;
- E. Drinking water in ~~single-serve polyethylene terephthalate (PET)~~ plastic or non-recyclable containers of one liter (34 ounces) or less; and
- F. Single-use, non-recyclable coffee beverage pods.

§ 124A 125A-3. Exemptions for emergencies and other.

- A. Drinking water. Sales occurring after a declaration of an emergency adversely affecting availability and/or quality of drinking water to Nantucket residents by the Emergency Management Director or other duly authorized Town, Commonwealth or United States official shall be exempt from this bylaw until seven calendar days after such declaration has ended.
- B. Medical packaging and medically required usage are exempted providing no recyclable alternatives are available.
- C. ~~Plant-based~~ Compostable plastics are exempted from this bylaw.

(Select Board)

ARTICLE 73

(Bylaw Amendment: Single-Use Plastics)

To see if the Town will vote to:

- 1) make certain amendments to the bylaw “The Regulation of Commercial Sale, Distribution and Use of Single Use Plastics” as approved in Special Town Meeting 2018, Article 16 (Called”STM2018-16”);
- 2) request that the Board of Public Works vote to rescind Board of Public Works Regulation 71.00 (“Regulation 71.00”) as adopted by the Board of Public Works pursuant to the authority granted under section 125-3 of the Code of the Town of Nantucket and the general authority of the Board of Public Works pursuant to Chapter

169 of the Acts of 1965, as amended by Chapter 259 of the Acts of 1987, in order to incorporate the purpose and intent of that Regulation into the bylaw STM2018-16;

3) to remove from the Code of the Town of Nantucket § 125-3 Biodegradable Packaging [Amended 12-12-1989 STM by Art. 2, approved 3-14-1990]; and

4) once Regulation 71.00 is rescinded, and § 125-3 Biodegradable Packaging is removed from the Code of The Town of Nantucket, replace both with the revised bylaw "The Regulation of Commercial Sale, Distribution and Use of Certain Single Use Plastics" the text of which follows (with underlined text below showing additions to the version of the bylaw that was approved at STM 2018 as printed in the Warrant, double strike throughs (—) to show deletions and *underlined italic blue* font to indicate language transferred from Regulation 71.00 and Code of the Town of Nantucket § 125-3 Biodegradable Packaging. None of these markings shall appear in the final version of the bylaw.);

the purpose of which is to make certain correction, clarifications; additions of definitions and items to be banned effective June 1, 2021 or take any other action relative thereto.

To Be Rescinded if Board of Public Works so votes:

Board of Public Works vote to rescind Board of Public Works Regulation 71.00 as adopted by the Board of Works pursuant to the authority granted under section 125-3 of the Code of the Town of Nantucket and the general authority of the Board of Public Works pursuant to Chapter 169 of the Acts of 1965, as amended by Chapter 259 of the Acts of 1987

To Be Removed:

§ 125-3 Biodegradable packaging. [Amended 12-12-1989 STM by Art. 2, approved 3-14-1990] All packaging added to or supplied by vendors or commercial establishments within the Town of Nantucket for merchandise of any type being removed from the establishment shall comply with such rules and regulations requiring the use of biodegradable packaging to the maximum extent reasonably practicable as might be established by the Board of Public Works after a public hearing; provided, however, that this section shall take effect April 15, 1990. "Biodegradable packaging" means any packaging other than plastic or Styrofoam.

To Be Replaced with The Following:

Section I. Definitions and Purpose

Definitions:

Single-use plastics - are petroleum-based plastic products that are intended to be used only once before they are thrown away. They are "disposable" products. The items covered by this Bylaw are listed herein.

Commercial use - using the petroleum-based plastic products listed herein by a business, directly/indirectly for financial gain or convenience.

Petroleum -based plastic - plastics manufactured using petroleum derived polymers. Plant-based plastics are exempted from this Bylaw.

Compostable - This category of plastic is comprised of two basic types. 1) a material that breaks down without mechanical assistance, which is defined herein as “compostable”; and 2) materials requiring mechanical assistance such as the application of high temperatures not achievable in backyard compost piles for a period of several days, which is defined herein in as “commercially compostable”.

Compostable plastic is defined by the standards association ASTM International (ASTM) as “a plastic that undergoes degradation by biological processes during composting to yield carbon dioxide (CO₂), water, inorganic compounds, and biomass at a rate consistent with other known compostable materials and that leaves no visible, distinguishable, or toxic residue.” All petroleum-based plastics that are compostable break eventually breakdown into smaller pieces of petroleum-based plastics, some of which are not visible to the unaided human eye. These particles are known as micro-plastic particles and have been found in most bottled waters and in the human and other animals’ bodies due to ingestion of affected food sources.

They are made from materials that can naturally breakdown into usable compost material in back yard compost piles. These materials will enrich the soil and returns nutrients to the earth. According to the US Federal Trade Commission Green Guide updated October 2012, “Some materials break down into usable compost material that enriches the soil and returns nutrients to the earth.”

Compostable plastics are typically made from some type of renewable raw material. Corn starch is one of the most common materials, as is hemp, but there are other similar options. Regardless of what compostable plastic is made from, it’s transformed into a polymer that looks and feels like traditional plastic. Compostable plastics can be difficult to recycle. Most of them require commercial/industrial composting facilities. Compostable plastic material cannot breakdown through natural processes and must be sent off island to a commercial composting facility where it is processed at high heat for several days. Nantucket currently does not have the commercial composting capabilities.

Commercially Compostable - The American Society for Testing and Materials (now known as ASTM International) has published specific guidelines that must be met for a material to be labeled as commercially compostable. In broad terms, those guidelines are:

- “It must able to be broken down by biological treatment at a commercial or industrial composting facility”;
- “Decomposition of the plastic must occur at a rate similar to the other elements of the material being composted (within 6 months)”;

- It will “Leave no toxic residue that would adversely impact the ability of the finished compost to support plant growth”

It is compostable material that cannot breakdown through natural processes and must be sent off island to a commercial composting facility where it is processed at high heat for several days.

Biodegradable - According to the US Federal Trade Commission Green Guide updated October 2012, “Something that’s biodegradable, like food or leaves, breaks down and decomposes into elements found in nature when exposed to light, air, moisture, certain bacteria, or other organisms.”

According to the Federal Trade Commission (FTC), a biodegradable product is one that in its entirety will “*completely break down and return to nature, i.e., decompose into elements found in nature within a reasonably short period of time (one year) after customary disposal*”.

The American Society for Testing and Materials (now known as ASTM International) defines biodegradable plastic as “*a plastic in which all the organic carbon can be converted into biomass, water, carbon dioxide, and/or methane via the action of naturally occurring microorganisms such as bacteria and fungi, in timeframes consistent with the ambient conditions of the disposal method.*”

Currently there is no data to support that many of the things claiming to be biodegradable will be broken down in landfills.

Drinking Water - is potable, unflavored, non-carbonated water that is safe to drink or to use for food preparation.

Flavored Water - a category of beverage marketed as water which contains an array of additional ingredients, including, but not limited to, natural and artificial flavors, sugars, sweeteners, vitamins, minerals and other “enhancements”. (source: Medical Dictionary)

Carbonated Water - water that contain dissolved carbon dioxide gas, either artificially injected under pressure or occurring due to natural geological processes. Carbonation causes small bubbles to form, giving the water an effervescent quality. Also known as “sparkling water”, “tonics”, “soda water”, “club soda”, “tonic water”, “seltzer” “pop” and the like. (source: Wikipedia and The Free Dictionary)

Boxed Water - Any type of drinking water, flavored water, carbonated water packaged in an aseptic carton, like the type often used for holding coconut water, soymilk, soups and the like. These cartons are typically promoted as being more than 75% made from recycled paper or other fibers, but the rest of it is often a set of plastic parts such as a cap and pouring ring and internal layers made from petroleum-based plastics such as polyethylene and aluminum.

Energy Drink - a type of drink containing sugar and/or other stimulant compounds when packaged in a petroleum based plastic container or packaged in a paper or similar fiber package like the containers used for Boxed Water.

Purpose:

The purpose of the Bylaw 2018-16 and the amendments to Bylaw 2018-16 proposed herein is to protect the health and safety of Nantucket's present and future generations, protect the Town's single source aquifer, its scenic visage, historic status, reduce litter, reduce the threat to the environment caused by rapid filling of the landfill space and by possible introduction of toxic by-products into the groundwater and general environment, protect marine animals and food sources and save the citizens of the Town money. There are safe alternatives for each of the single-use petroleum-based plastic items banned. This bylaw applies to commercial sale, distribution and use of these plastic products. However, individuals need to do their part to strive to conserve, protect and preserve our environment.

The Town of Nantucket recognizes that discarded packaging constitutes the largest single category of waste within the Town and County of Nantucket's waste stream and is, therefore, a necessary focus of any effort towards reducing the filling of the Towns landfill as well as towards reducing the economic and environmental costs of waste management.

The Town finds that discarded non-biodegradable packaging and plastic contained within the waste stream of Nantucket is a fundamental cause of problems associated with solid waste disposal.

The Town understands that the landfill space within the Town and County of Nantucket is diminishing rapidly; that the availability of solid waste receiving areas outside the Island of Nantucket is becoming increasingly uncertain and expensive; and, that for both economic and environmental reasons, measures to simplify the chemical complexity of solid waste and, thereby, to streamline solid waste management must be vigorously pursued.

The Town finds that the chemical composition and the ability of a substance to biodegrade are meaningful and useful criteria to focus upon when establishing public policy that is intended to improve the management and disposal of solid waste, reduce the cumulative impact of litter, encourage composting and other forms of recycling, and otherwise anticipate environmental problems that may be caused by municipal solid waste disposal programs.

The Town finds and determines that the use of plastics and other non-biodegradable packaging has become widespread throughout the island and the resulting mixed substance waste stream is a serious impediment to solid management programs for the Town and County of Nantucket.

The Town further finds that the widespread use of plastics and non-biodegradable packaging poses a threat to the environment on the Island of Nantucket by causing

rapid filling of the landfill space and by the possible introduction of toxic by-product into the groundwater and general environment of the island of Nantucket.

The economic and environmental problems associated with the mixed substance waste stream are so severe that a program of incrementally simplify the chemical composition of solid waste, thereby encouraging the composting of putrescible wastes and encouraging other forms of recycling of solid waste substances, is a policy goal of the Town of Nantucket.

BY-LAW:

Section II. ~~Commercial~~ Sale, distribution and ~~commercial~~ use of petroleum-based single use plastic products.

It shall be unlawful to commercially sell, distribute or otherwise ~~commercially~~ use the following single-use petroleum-based plastic products in the Town and County of Nantucket on or after June 1, 2020:

- Straws and drink stirrers;
- ~~Six-pack~~ Can and bottle flexible yokes (no limit on capacity size);
- Single use drinking cups and lids;
- Plates and ~~non-compostable~~ eating utensils;
- Drinking water in single-serve polyethylene terephthalate (PET) containers of 1 liter (34 ounces) or less; ~~and~~
- Single use, non-biodegradable ~~recyclable~~ coffee or other beverage pods

It shall be unlawful to commercially sell, distribute or use the following single-use petroleum-based plastic and other listed products in the Town and County of Nantucket on or after June 1, 2022:

- Flushable wipes containing plastic fibers, cloth fibers and/or anti-bacterial chemicals;
- Cellulose acetate and or any other type of plastic fiber cigarette filters;
- Plastic mesh tea bags;
- Any type of non-deposit, plastic beverage container of 63 ounces or less, including, but not limited to water, flavored water, sparkling water, soda, energy drinks;
- Boxed water containers with components of petroleum based plastic materials such as pouring spouts, caps and as a liner;
- Plastic and glass nip bottles with capacities of up to 200ml;
- Plastic stick ear buds;
- Small, individual plastic bottles of body wash, shampoo, conditioner, body lotion with capacities of up to 200ml;
- Plastic shopping bags, take-out bags, take-out containers, clam-shell containers and similar containers;
- Any and all non-recyclable petroleum based plastic products with resin identification codes #3 through #7

Any and all packaging added to or supplied by a vendor within the Town of Nantucket for the purpose of transporting merchandise of any type shall be biodegradable and compostable.

Reusable compostable ~~€~~containers and recyclable paper or cardboard containers are allowable alternatives and, where not a health hazard as determined by the Board of Health or public law, vendors shall encourage the use of such containers by allowing customers to bring their own containers or by providing such reusable containers at no charge or for a reasonable fee.

Each vendor within the Town of Nantucket shall display a notice proximate to the point of sale device ~~cash register~~ and plainly visible to its patron stating the following:

“All packaging added or supplied by this vendor or commercial establishment for merchandise of any type being removed from this establishment must be biodegradable, compostable packaging. No non-biodegradable packaging may be added to or supplied by this vendor or commercial establishment for merchandise of any type being removed from the establishment.”

Section III. Exemption for Emergencies and other

Drinking water (plain, unflavored) - Sales occurring after a declaration of an emergency adversely affecting availability and/or quality of drinking water to Nantucket residents by the emergency Management Director or other duly authorized Town, Commonwealth or United States official shall be exempt from this Bylaw until seven (7) calendar days after such declaration has ended.

Medical packaging and medically required usage are exempted providing no recyclable alternatives are available.

Plant-based, biodegradable or compostable plastics are exempted from this Bylaw.

Section IV. Enforcement Process

Enforcement of this Bylaw shall be the discretionary responsibility of the Town Manager or her/his designee. Police officers and Health Agents have the authority to enforce this Bylaw. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales, distribution or otherwise engaging in the commercial use of the prohibited plastic products in violation of this Bylaw shall be subject to a noncriminal disposition fine as specified in Article II of Chapter 1 of the Code of the Town of Nantucket under M.G.L. Chapter 40, § 21D. Any such fines shall be paid to the Town of Nantucket. Enforcement shall be through the process of noncriminal disposition under MGL c. 40, § 21D and Article II of Chapter 1 of the Code of the Town of Nantucket.

V. Suspension of the Bylaw

If the Town Manager determines that the cost of implementing and enforcing this Bylaw has become unreasonable, then the Town Manager shall so advise the Select Board, and the Select Board shall conduct a public hearing to inform the citizens of such costs.

After the public hearing, the Select Board may continue this Bylaw in force or may suspend it permanently or for such length of time as they may determine.

VI. Severability

The provisions of this bylaw and article are severable. If any part of this section should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the bylaw or article, and the remainder of the bylaw or article shall stay in full force and effect.

(Bruce Mandel, et al)

NOTE: Due to formatting restrictions, the references to “underlined italic blue” are shown in underlined italic black text.

ARTICLE 74

(Bylaw Amendment: Coastal Areas and Open Spaces, Protection of)

To see if the town will vote to amend the Code of the Town of Nantucket, Chapter 66 (“Coastal areas, open spaces, protection of”), by adding a new section 66-3.2.0 as follows:

Insert a numbered one (“1.0”) in front of the existing text of section 66-3. Insert a new paragraph numbered two (“2.0”) as follows:

2.0. No person shall, without a valid permit(s), place any obstruction, including, for example, but not limited to, fencing, rope lines, or other barrier of any kind, that has the effect of prohibiting individuals from accessing the beach below the mean high water mark for the use of fishing, fowling, and navigation rights protected by Chapter 91 of the General Laws of the Commonwealth.

(Burton Balkind, et al)

ARTICLE 75

(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 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 bicycles 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 with the exception of major intersections to be determined by the TON, 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 any location at which a multi-use/shared path intersects with or is crossed by a public or private way with the exception of major intersections to be determined by the TON, 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 bicyclist, pedestrians or other users of the path.

For the purposes of paragraphs A and B in §57-14, a major intersection shall be considered to be the intersection between a main road, e.g. the Milestone Road, or secondary road that bears as much vehicular traffic as a main road, and a multi-use path.

§57-15. 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 76 (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 action relative thereto:

Article IV. Bicycle Passing Buffer Zone

§57-16. 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 bicycles and motor vehicles.

§57-17. 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.

§57-18. 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 77

(Bylaw Amendment: Merchandise and Wares)

To see if the Town will vote to amend Chapter 97 (Merchandise and Wares, Display of), §97-1 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*):

§ 97-1, Display restricted.

- A. No person, firm, association or corporation shall display, store or maintain any merchandise or wares (except flowers, potted plants and window boxes of flowers) on any Town street or sidewalk or on the exterior (including any door or shutter which, when opened externally, displays such merchandise or wares) of any commercial structure, building, warehouse or other establishment, whether the same is offered for sale, rent, lease or exhibition as a type or example of merchandise or wares on display for sale in the interior of the establishment or at any other location **or offer for sale or distribution free samples of such merchandise on any town street or sidewalk.**

(David Iverson, et al)

ARTICLE 78

(Bylaw Amendment: Outdoor Lighting)

[HISTORY: Adopted by the Annual Town Meeting of the Town of Nantucket 4-14-2005, Art. 52, approved 10-18-2005. Amendments noted where applicable.]

To see if the Town will vote to amend Chapter 102. Outdoor Lighting. of the Code of the Town of Nantucket by adding the following amendments:

- A. Authorize a special monthly inspection night shift, with a pay differential for night time work.
- B. Follow up to date State of the Art Standards to integrate new technology available to ensure the continuing attraction and potential expansion of Nantucket as a tourist destination for star gazing, if necessary using private-public funding.

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE 79

(Bylaw Amendment: Noise - Gas-powered Leaf Blowers)

To see if the Town will vote to amend the Town of Nantucket Noise Bylaw in the following manner: Amend Section 101-2 of the Town’s Code of Bylaws to prohibit, on a Town-wide basis commencing on December 1, 2020, the use of gas-powered leaf blowers at all times of the day on all days of the year, by any commercial landscaper, commercial landscape company, or other entity engaged in the business of providing home and yard repair, clean-up, and maintenance services for a fee; or take any other action on the matter.

Explanation: Complaints regarding gas-powered leaf blowers by property owners and gardening contractors have been increasing as the use of these tools has also increased. The environmental impact of such gas-powered equipment has also become a growing concern. Finally, it appears that some local commercial landscaping companies have already adopted battery-powered leaf blowers as an effective alternative with much reduced noise levels.

(Julia Lindner, et al)

ARTICLE 80

(Bylaw Amendment: Capital Projects)

Protection of citizens of Nantucket from unwanted capital projects:

§_1. Capital Projects.

If a capital project has been rejected twice by Town Meeting and/or at the ballot box, the Select Board of the town of Nantucket shall not proceed with the same or a substantially similar project no matter what funding sources may become available therefore without the approval of Town Meeting and if applicable at the ballot box;

§ 2 definition of Capital Projects.

The town meeting of the town of Nantucket by majority vote is authorized to adopt and amend from time to time a definition of “capital projects” to implement this Act.

§__3. Effective date.

This Act shall be effective upon passage.

Or to take any other action relative thereto.

(Carol Butler, et al)

ARTICLE 81

(Bylaw Amendment: Washington Street Parking Lot)

To see if the Town will vote to amend the General Bylaws of the Town by adding a new section as follows:

§_____ Washington Street Lot

There shall be no paid parking allowed at the Washington Street Town Parking Lot without the approval of Town Meeting. No more than seven parking spaces in said lot may be reserved for official Town vehicle use.

And further to authorize the Town Clerk, after consultation with the Town Manager, to insert the bylaw in the appropriate section of the Town Code in accordance with § 1-9 of the Town Code;

Or to take any other action relative thereto.

(Robert R. DeCosta, et al)

ARTICLE 82

(Bylaw Amendment: Board of Sewer Commissioners/Siasconset Sewer District Map Change - 320R Milestone Road)

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 adding the following parcel to the Siasconset Sewer District:

MAP	LOT	NUMBER	STREET
73	55	320R	Milestone Road

Or to take any other action related thereto.

(Select Board acting as the Board of Sewer Commissioners)

ARTICLE 83

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change - 154R Cliff Road)

To see if the Town will vote to: Amend the sewer district map to include 154R Cliff Road, identified as Nantucket Tax Accessor's Map 41, Parcel 73.1, which is currently outside the core sewer district.

; or otherwise act thereon.

(Bryan Swain, et al)

ARTICLE 84

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change - 18 Kimball Avenue)

To see if the Town will vote to: Amend the sewer district map to include 18 Kimball Avenue, identified as Nantucket Tax Accessor's Map 30, Parcel 109, which is currently outside the core sewer district.

; or otherwise act thereon.

(Bryan Swain, et al)

ARTICLE 85

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change - 11 Milestone Crossing)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding 11 Milestone Crossing shown on Map 68 as Parcel 455 to the Town Sewer District.

(Joyce Karyotakis, et al)

ARTICLE 86

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change - 1 West Chester Street Ext.)

To see if the Town will vote to amend the Nantucket Sewer District under Nantucket Code, §41-3.A, by including in the Nantucket Sewer District and the map referenced therein the land situated at and known as 1 West Chester Street Extension, shown upon Nantucket Assessor’s Map 41 as Parcel 180;

or take other action with regard thereto.

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

ARTICLE 87

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes - Hummock Pond Road and Millbrook Road)

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

Map	Parcel	Number	Street
56		101	Hummock Pond Road
56		103	Hummock Pond Road
56		5	Millbrook Road

Or to take any other action related thereto.

(Allen Reinhard, et al)

ARTICLE 88

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes - Correia Lane and Marilyn Drive)

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

Map	Parcel	Number	Street
80	54	16	Correia Lane
80	55	17	Correia Lane
80	56	15	Correia Lane
80	57	13	Correia Lane
80	58	9	Correia Lane
80	58.1	11	Correia Lane
80	59	12	Correia Lane
80	60	8	Correia Lane
80	61	4	Correia Lane
80	63	3	Correia Lane
80	326	3	Marylin Drive

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE 89

(Acceptance of Massachusetts General Law: Sewer User Charge Deferrals for Eligible Citizens)

To see if the Town will accept the provisions of Massachusetts General Laws Chapter 83, Section 16G which allows the Town to enter into agreements with eligible individuals who meet certain income criteria to defer sewer user charges; or take any other action related thereto.

(Select Board)

ARTICLE 90

(Acceptance of Massachusetts General Law: Property Revaluation Services Contracts)

To see if the Town will vote, pursuant to the provisions of Massachusetts General Laws Chapter 30B, Section 12, to authorize the Chief Procurement Officer of the Town to award contracts for a term of up to five (5) years, including any renewal, extension or option period, for property revaluation services; or take any other action related thereto.

(Select Board)

ARTICLE 91

(Acceptance of Massachusetts General Law: Part-time Building Inspector)

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 143, Section 3Z which provides for part-time building inspectors to practice for hire or engage in the business for which he is certified, licensed or registered under the building code while serving as such inspector; provided, however, that within the area over which he has jurisdiction as an inspector, he shall not exercise any of his powers and duties as such inspector, including those of enforcement officer of the state building code for construction, reconstruction, alteration, repair, demolition or removal work done by himself, his employer, employee or one employed with him.

The inspection of such work shall be performed by the inspector of buildings or building commissioner of another city, town, or district or by a special assistant inspector of buildings who is appointed solely for the purpose of performing such inspections by the mayor of a city, the board of selectmen of a town or the governing board of a district.

This section shall take effect in a city, town or district upon its acceptance in a city, by the vote of the city council, subject to the provisions of the charter of such city; in a town, by a vote of town meeting; in a municipality having a town council form of government, by a vote of the town council, subject to the provisions of the charter of such municipality; and in any district, by the vote of the cities and towns of the district.

Or to take any other action related thereto.

(Select Board)

ARTICLE 92

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

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation set forth below; provided, however, that the General Court may with the approval of the Select Board, 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 Wannacommet 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, Article 68 of the 2018 Annual Town Meeting and Article 78 of the 2019 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2019, may expire unless renewed by a confirmatory town meeting vote.

ARTICLE 93

(Home Rule Petition: Real Estate Conveyance - Portions of 170 and 174 Orange Street and 2 Milestone Road)

To see if the Town will vote to authorize the Nantucket Islands Land Bank to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of portions of certain parcels of land in the Town of Nantucket owned by the Nantucket Islands Land Bank for open space purposes, as described in more detail below and as shown on a map entitled "2020 Annual Town Meeting Warrant Article 93" dated January 2020 and filed with the Office of the Town Clerk, to the Town of Nantucket for roadway, bicycle, drainage, utility, and sidewalk purposes, provided, however, that the General Court may with the approval of the Nantucket Islands Land Bank, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE NANTUCKET ISLANDS LAND BANK TO TRANSFER, CONVEY OR OTHERWISE DISPOSE OF PORTIONS OF CERTAIN LANDS

SITUATED IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE PURPOSES TO THE TOWN OF NANTUCKET FOR ROADWAY, BICYCLE, DRAINAGE, UTILITY, AND SIDEWALK PURPOSES

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

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Nantucket Islands Land Bank may transfer, convey or otherwise dispose of portions of certain parcels of land situated in the Town of Nantucket to the Town of Nantucket for roadway, bicycle, drainage, utility, and sidewalk purposes associated with the Milestone Rotary described as follows:

- Tax Assessor's Map 55, Parcel 63 (a portion of) 170 Orange Street;
- Tax Assessor's Map 55, Parcel 64 (a portion of) 174 Orange Street;
- Tax Assessor's Map 55, Parcel 65 (a portion of) 2 Milestone Road;

Any such disposition shall be on such terms and conditions as the Nantucket Islands Land Bank deem appropriate, which may include the reservation of restrictions and easements and the exchange of suitable property from the Town of Nantucket to mitigate the loss of open space land as determined by the Nantucket Islands Land Bank Commissioners, all as shown on a map entitled "2020 Annual Town Meeting Warrant Article 93" dated January 2020 and filed with the Office of the Town Clerk.

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 94

(Home Rule Petition: Town Charter - Select Board Amendment/Airport Capital Projects)

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 Select Board, to make 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 as follows:

1. Striking out the first sentence of the second paragraph said section 2.1 and replacing it with the following:

Notwithstanding the foregoing, certain powers of Town Meeting as to real estate acquisitions and funding of capital projects at Nantucket Airport shall also be vested in the Select Board, as specified in Sections 3.3 and 3.6, subject to the voters' right to petition, as specified in Sections 2.1(b), 3.3, and 3.6.

2. Striking out section 2.1(b) and replacing it with the following:

To veto any real estate acquisition voted by the Select Board pursuant to Section 3.3 or any vote regarding funding of capital projects at the Nantucket Airport pursuant to Section 3.6; provided, however, that a petition proposing such veto in the form of a Town Meeting warrant article is signed by at least ten registered voters and provided that the petition is timely filed with the Town Clerk. The Town Clerk shall then present the petition to the Select Board within the time permitted for inclusion of the article in the next Annual Town Meeting or Special Town Meeting warrant. The Select Board or the Nantucket Airport Commission, as applicable may proceed with the real estate acquisition or use of funding of capital projects to benefit the Airport unless a petition to veto such acquisition or funding is filed with the Town Clerk within 15 days of the public notice provided for Section 3.6 of this Charter.

SECTION 2. Section 3.1 of article III of said charter is hereby amended by adding a new section 3.6 as follows:

Section 3.6 Funding for the Benefit of the Nantucket Airport

At the request of the Nantucket Airport Commission, the Select Board may, notwithstanding any law to the contrary, vote to appropriate, borrow or transfer from available funds any sum of money to be placed in the Airport enterprise fund, or any other fund established for the benefit of Nantucket Airport, in order to permit the Nantucket Airport Commission or the Nantucket Airport to qualify for available grants and loans; provided that the amount of such appropriation or borrowing shall not exceed the total cost of the Capital Project for which the appropriation or borrowing is authorized pursuant to Section 2.1(b) of this Charter; and provided further that any amount authorized to be appropriated, borrowed or transferred by the Select Board shall, subject to any applicable grant or loan requirements and applicable laws, be reduced by the amount of any such grant or loan funds received prior to the issuance of bonds or notes or the expenditure of funds by the Nantucket Airport Commission.

The Select Board shall publish a public notice of such vote in a newspaper having general circulation within the Town. Any such vote shall be subject to veto by Town Meeting if a petition as set forth in Section 2.1(b) is filed with the Town Clerk within 15 days following the date such public notice is published.

Nothing in this section of the Charter shall affect the acceptance of gifts pursuant to

Chapter 44, Section 53A of the General Laws.

(Select Board for Nantucket Memorial Airport Commission)

ARTICLE 95

(Home Rule Petition: Real Estate Easement Conveyance - Candle House Lane)

To see if the Town will vote to authorize the Nantucket Islands Land Bank to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the easement conveyance of all or portions of certain parcels of land in the Town of Nantucket owned by the Nantucket Islands Land Bank for open space purposes, as described in more detail below and as shown on a map entitled "2020 Annual Town Meeting Warrant Article 95" dated January 2020 and filed with the Office of the Town Clerk, to the Town of Nantucket for drainage purposes, provided, however, that the General Court may with the approval of the Nantucket Islands Land Bank, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE NANTUCKET ISLANDS LAND BANK TO CONVEY DRAINAGE EASEMENTS OF PORTIONS OF CERTAIN LANDS SITUATED IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE PURPOSES TO THE TOWN OF NANTUCKET FOR UNDERGROUND DRAINAGE PURPOSES

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

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Nantucket Islands Land Bank may convey an easement(s) under all or portions of certain parcels of land situated in the Town of Nantucket to the Town of Nantucket for underground drainage purposes, provided that the overall use and appearance of said properties remains as open space, described as follows:

- Tax Assessor's Map 55.4.4, Parcel 105, 14 Candle House Lane;
- Tax Assessor's Map 55.4.4, Parcel 104, 16 Candle House Lane.

Any such disposition shall be on such terms and conditions as the Nantucket Islands Land Bank deem appropriate, which may include the reservation of restrictions and easements and the exchange of suitable property from the Town of Nantucket to mitigate any impact of open space value as determined by the Nantucket Islands Land Bank Commissioners, all as shown on a map entitled "2020 Annual Town Meeting Warrant Article 95" dated January 2020 and filed with the Office of the Town Clerk.

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 96

(Home Rule Petition: Amending the Town Charter Relative to the Audit Committee)

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 Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage. *(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):*

Article III, Select Board, Section 3.5(c), Further Powers of the Select Board

The Select Board shall have the power:

...

(c) To establish as may be advisable or needed one or more advisory committees to conduct any inquiry or investigation or to make planning, policy or other recommendations; ~~further, to establish and shall so establish as a permanent standing committee of the town a three member audit committee whose duties shall include appointment of an outside audit firm, review of the annual audit results and evaluation of the internal accounting procedures and controls. The audit committee shall be composed of three members each serving a term of one year. The committee will consist of the Chairman of the Select Board, the Chairman of the Finance Committee and one member of the Select Board appointed by the Select Board.~~

Article III, Select Board, insert **Section 3.6 - Audit Committee**

(a) **Members.** In accordance with this charter, the Select Board shall establish a five-member Audit Committee consisting of the Chairman of the Select Board, the Chairman of the Finance Committee, one appointed member from the Select Board and two members of the Nantucket community. The public members will be appointed by the Select Board. Each member shall be a voting member and be appointed for 1-year terms.

(b) **Purposes, Duties, and Responsibilities of the Audit Committee.** The Audit Committee shall represent the Select Board in discharging its responsibility relating to the accounting, reporting, and financial practices of the Town, and shall have general responsibility for surveillance of internal controls and accounting and audit activities of the Town. Specifically, the Audit Committee shall:

(1) Evaluate and recommend to the Select Board a firm of independent certified public accountants as auditors of the Town.

- (2) Review with the independent auditors their audit procedures, including the scope, fees and timing of the audit, and the results of the annual audit examination and any accompanying management letters.
- (3) Review the written statement from the outside auditor of the Town concerning any relationships between the auditor and the Town or any other relationships that may adversely affect the independence of the auditor and assess the independence of the outside auditor.
- (4) Review and discuss with the Finance Director and the independent auditors the Town's annual audited consolidated financial statements, including an analysis of the auditors' judgment as to the quality of the Town's accounting principles.
- (5) Review the adequacy of the Town's internal controls.
- (6) Review significant changes in the accounting policies of the Town and accounting and financial reporting rule change that may have a significant impact on the Town's financial reports.
- (7) Review material pending legal proceedings involving the Town and other contingent liabilities.
- (8) Review the adequacy of the Audit Committee Charter on an annual basis.

(c) Meetings. The Audit Committee shall meet as often as may be deemed necessary. The Audit Committee shall meet in executive session (without the presence of staff) with the independent auditors at least annually. The Audit Committee shall report to the full Select Board with respect to its meetings. The majority of the members of the Audit Committee shall constitute a quorum.

Or to take any other action related thereto.

(Select Board)

ARTICLE 97

(Home Rule Petition: Prohibiting Glyphosate)

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 PROHIBITING THE USE OF GLYPHOSATE 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. The use of glyphosate, or any product containing glyphosate, as one of the ingredients is hereby prohibited in the Town of Nantucket.

SECTION 2. This act shall take effect upon passage.

(Cheryl Emery, et al)

ARTICLE 98

(Long-term Lease Authorization for Solar Facilities)

To see if the Town will vote to authorize the Select Board to enter into one or more leases of Town land currently held for general municipal purposes for terms not exceeding twenty (20) years for the installation and operation of solar facilities under such terms and conditions as the Select Board deems to be in the best interests of the Town; or to take any other action related thereto.

(Select Board)

ARTICLE 99

(Real Estate Acquisition: 24 Surfside Road)

To see if the Town will vote to authorize the Select Board to acquire for school purposes the fee interest in the property known as 24 Surfside Road, shown on Tax Assessor's Map 55 as Parcel 243; all as shown on a map entitled "2020 Annual Town Meeting Warrant Article 99 Acquisition of 24 Surfside Road" dated January 2020 on file at the Office of the Town Clerk; and further to transfer a sum of money from the Proceeds from the Sale of Land Account, said funds to be transferred for the purpose of acquiring said parcel; or to take any other action relative thereto.

(Select Board)

ARTICLE 100

(Real Estate Conveyance: Industrial Land and Acquisition: 57 Surfside Road)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee title or lesser interests in all or any portions of the property shown as Lot N-1, containing 16,447± square feet, known as 10 Shadbush Road; Lot N-2, containing 16,332± square feet, known as 14 Shadbush Road; and Lot N-3, containing 5,376± square feet, known as 16 Shadbush Road on a plan entitled "Subdivision Plan of Land in Nantucket, MA, prepared by the Town of Nantucket," dated June 6, 2016, recorded with Nantucket County Registry of Deeds as Plan No. 2016-59, subject to Chapter 30B of the Massachusetts General Laws and a determination by the Select Board that such conveyance is in the best interests of the Town and; further, to authorize the Select Board to acquire by purchase, gift or eminent domain for sewer purposes a portion of the property at 57 Surfside Road, shown on Tax Assessor's Map 67 as Parcel 218, shown as Lots 9 and 10 on a sketch plan on file with the office of the

Town Clerk and a twenty-foot (20') wide sewer easement over a portion of the property known as 4 Windy Way, shown on Tax Assessor's Map 67 as Parcel 118.6.

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article 100 Conveyance of Industrial Land and Acquisition of 57 Surfside Road" dated January 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 101
(Real Estate Acquisition: 114 Orange Street)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the property known as 114 Orange Street, shown on Tax Assessor's Map 55 as Parcel 403.

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article 101 Acquisition of 114 Orange Street" dated January 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 102
(Real Estate Conveyance: 114 Orange Street)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of 114 Orange Street shown on Assessor's Map 55 as Parcel 403 to the Nantucket Islands Land Bank for all purposes pursuant to their enabling legislation, to be on any terms and conditions the Select Board deem appropriate, and may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article 102 Conveyance of 114 Orange Street," dated January 2020 and filed herewith at the office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 103
(Real Estate Acquisition: 64 North Liberty Street)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, and/or general municipal purposes the

fee title or lesser interests in all or portions of the property known as 64 North Liberty Street shown on Tax Assessor's Map 41 as Parcel 233.

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article 103 Acquisition of 64 North Liberty Street" dated January 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 104

(Real Estate Acquisition: 1 Hatch Circle (corner of Bartlett Road and Raceway Drive)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, and/or general municipal purposes, including affordable housing purposes, the fee title or lesser interests in all or portions of the property known as 1 Hatch Circle, shown on Tax Assessor's Map 66 as Parcel 277.

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article 104 Acquisition of 1 Hatch Circle" dated January 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 105

(Real Estate Acquisition: East Hollowell Lane)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain the fee or lesser interests together with any public and private rights of passage for public ways and/or general municipal purposes in the portion of East Hollowell Lane lying between the easterly boundary of Lot 10 on Land Court Plan No. 12022-B at the Nantucket County Registry District of the Land Court traveling east to the westerly border of Lot 1 on Land Court Plan No. 12022-B, consisting of approximately 5,191 square feet as shown on the plan attached hereto, or to take any other action related thereto.

(Elizabeth Finlay, et al)

ARTICLE 106

(Real Estate Conveyance: East Hollowell Lane)

To see if the Town will vote to authorize the Board of Selectmen to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of East Hollowell Lane lying between the easterly boundary of Lot 10 on Land Court Plan No. 12022-B at the Nantucket County Registry District of the Land Court traveling east to the westerly border of Lot 1 on Land Court Plan No. 12022-B, consisting of approximately 5,191 square feet as shown on the plan attached hereto, subject to Chapter 30B of the

Massachusetts General Laws and guidelines established under the “Nantucket Yard Sales” program on file at the Select Board’s Office, such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions, or take any action related thereto.

(Elizabeth Finlay, et al)

ARTICLE 107

(Real Estate Acquisition: North Road)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain the fee or lesser interests together with any public or private rights of passage for public ways and/or general municipal purposes in the portion of North Road (Siasconset) lying between the easterly line of Lot 9 on Land Court Plan No. 21902-C registered at the Nantucket County Registry District of the Land Court and the easterly line of Lot 1A on Plan No. 2014-58 at the Nantucket Registry of Deeds, consisting of approximately 2,146 square feet as shown on the plan attached hereto, or to take any other action related thereto.

(Jessie Brescher, et al)

ARTICLE 108

(Real Estate Conveyance: North Road)

To see if the Town will vote to authorize the Board of Selectmen to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of North Road (Siasconset) lying between the easterly line of Lot 9 on Land Court Plan No. 21902-C registered at the Nantucket County Registry District of the Land Court and the easterly line of Lot 1A on Plan No. 2014-58 at the Nantucket Registry of Deeds, consisting of approximately 2,146 square feet as shown on the plan attached hereto, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the “Nantucket Yard Sales” program on file at the Select Board’s Office, such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions, or take any action related thereto.

(Jessie Brescher, et al)

ARTICLE 109

(Real Estate Acquisition: Cherry Street)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain the fee or lesser interests together with any public and private rights of passage for public ways and/or general municipal purposes in the portion of Cherry Street lying between the westerly line of Folger Avenue and the easterly line of Lot 2 on Plan No. 2017-58 filed at the Nantucket Registry of Deeds consisting of approximately 6,733 square feet as shown on the plan attached hereto, or to take any other action related thereto.

(Susan M. Burns, et al)

ARTICLE 110

(Real Estate Conveyance: Cherry Street)

To see if the Town will vote to authorize the Board of Selectmen to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of land known as in the portion of Cherry Street lying between the westerly line of Folger Avenue and the easterly line of Lot 2 on Plan No. 2017-58 filed at the Nantucket Registry of Deeds consisting of approximately 6,733 square feet as shown on the plan attached hereto, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's Office, such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions, or take any action related thereto.

(Nicole Evangelista, et al)

ARTICLE 111

(Real Estate Acquisition: North Carolina 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 title or lesser interests, together with any public or private rights of passage, in the portion of an unconstructed private way called North Carolina Avenue (also called North Carolina Street), between (a) a line extending the northeasterly boundary of Lot 15, Block 143, on Land Court Plan 3092-H (Map 59.3, Parcel 242) across North Carolina Avenue and (b) the easterly sideline of Starbuck Road as shown on Land Court Plan 3092-21;

or take other action with regard thereto.

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

ARTICLE 112

(Real Estate Conveyance: North Carolina Avenue)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land pursuant to M.G.L., c. 30B, and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in the portion of an unconstructed private way called North Carolina Avenue (also called North Carolina Street), between (a) a line extending the northeasterly boundary of Lot 15, Block 143, on Land Court Plan 3092-H (Map 59.3, Parcel 242) across North Carolina Avenue and (b) the easterly sideline of Starbuck Road as shown on Land Court Plan 3092-21;

or take other action with regard thereto.

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

ARTICLE 113

(Real Estate Conveyance: 4 Morgan Square)

To see if the Town will vote to: Authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests of all or a 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 Select Board office, any such disposition to be such terms and conditions as the Select Board deem appropriate, which may include the reservation of easements and restrictions, in the portion of 4 Morgan Square lying between the Northly lot line of the property know as Assessors Map 87 Parcel 3.1 and The Southerly lot line of 21 Folger Ave. of the property known as Assessors Map 80 Parcel 4.2.and the Easterly lots lines of 64 South Shore Rd known as Map 80 Parcel 111 and 66 South Shore Road known as Map 80 Parcel 44 and 68 South Shore Rd known as Map 80 and Parcel 43.

; or otherwise act thereon.

(David Callahan, et al)

ARTICLE 114

(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 action relative thereto:

Article IV. Bicycle Accident Database

§57-19. 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 bicycles and motor vehicles.

§57-20. Bicycle Accident Database

To see if the Town will vote to use up to \$50,000 (fifty thousand) from collected Motor Vehicle Excise Taxes to develop and 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. 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. Any doctor, nurse, or first responder or other medical provider providing treatment to an individual injured as a bicyclist in an accident with a motor vehicle shall be requested to make a report to the Chief of Police for inclusion in the Bicycle Accident Database. 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.

§57-21. 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 115

(Appropriation: Insurance Reimbursement Account)

To see what sums the Town will vote to appropriate from the Insurance Proceeds Over \$150,000 Account, for the purposes of repayment of debt for the sewer force main failure on January 4, 2018; or to take any other action related thereto.

(Select Board)

ARTICLE 116

(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 2020 tax levy.

Or to take any other action related thereto.

(Select Board)

ARTICLE 117

(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 FOURTEENTH DAY OF APRIL, 2020
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
Select Board	Two for terms of three years
School Committee	Two for terms 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	Two for terms of three years
Planning Board	One for a term of five years
Nantucket Water Commission	One for a term of three years
Siasconset Water Commission	One for a term of three years

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

1. Operating Override

Shall the Town of Nantucket be allowed to assess an additional \$5,000,000 in real estate and personal property taxes for the purpose of supporting the operation of Our Island Home for the fiscal year beginning on July 1, 2020?

2. Debt Exclusion for 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 on 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?

3. Debt Exclusion for Reconstruction of Lover’s 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 make various transportation-related improvements on Lover’s Lane, 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 Construction and Improvements to Amelia Drive and Waitt Drive

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 on Amelia Drive and Waitt Drive, 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 Construction and Improvements to Children’s Beach Storm Water Pump Station

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 improvements to the Children’s Beach storm water pump station, 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. Capital Outlay Exclusion

Shall the Town of Nantucket be allowed to assess an additional \$896,160 in real estate and personal property taxes for the following purposes in the amounts as follows for the fiscal year beginning July 1, 2020?

<i>Department</i>	<i>Purpose</i>	<i>Amount</i>
Fire	Replacement of Self-contained Breathing Apparatus Equipment	\$101,160
Marine	Additional Sewage Pump-out Boat	\$150,000
Public Works	Replacement of 6-Wheel Dump Truck	\$180,000
Public Works	Replacement of F-350 Truck	\$60,000
Public Works	Replacement of two (2) small pick-up trucks	\$90,000
Public Works	Replacement of Street Sweeper	\$250,000
School	Replacement of Bobcat	\$65,000
	<i>Total Capital Exclusion:</i>	<i>\$896,160</i>

7. Capital Outlay Exclusion

Shall the Town of Nantucket be allowed to assess an additional \$266,522 in real estate and personal property taxes for the continuation of closed caption television camera assessment of storm water drainage systems within the Town for the fiscal year beginning July 1, 2020?

Non -Binding Ballot Questions:

1. Are you satisfied with our current open town meeting form of government?

2. Would you like the Town to invest time and resources to investigate alternative forms of local government for further review?

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 22nd day of January in the year Two Thousand Twenty.

Dawn E. Hill Holdgate, Chair

Rita Higgins, Vice Chair

Jason M. Bridges

Matthew G. Fee

Kristie Ferrantella

SELECT BOARD OF NANTUCKET, MA

Pursuant to Chapter 39, section 10 of the General Laws of the Commonwealth and the Warrant of January 22, 2020 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