

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF NANTUCKET  
2017 ANNUAL TOWN MEETING**



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

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

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**TOWN OF NANTUCKET  
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***NOTES:***

- 1. PETITION ARTICLES HAVE BEEN PRINTED AS SUBMITTED BY THE PETITIONERS AND MAY CONTAIN TYPOGRAPHICAL AND OTHER ERRORS***
  
- 2. UNLESS OTHERWISE NOTED UNDER THE FINANCE COMMITTEE MOTION, ALL VOTES NEEDED FOR PASSAGE OF ARTICLES IS A SIMPLE MAJORITY.***

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

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

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

*(Board of Selectmen)*

**ARTICLE 1  
(Receipt of Reports)**

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

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that the reports of various departments and committees as are printed in the Fiscal Year 2016 Annual Town Report or as may come before this meeting be accepted and filed with the permanent records of the Town.

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

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds for the payment, pursuant to Chapter 44 section 64 of the Massachusetts General Laws, of unpaid bills from previous fiscal years, including any bills now on overdraft; or to take any other action related thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that Twenty-two Thousand One Hundred Ninety-nine Dollars and Twenty Cents (\$22,199.20) be transferred from General Insurance to pay the General Fund unpaid bills from prior fiscal years; that Three Thousand Seven Hundred Forty-five Dollars and Sixty-four Cents (\$3,745.64) be



appropriated from Retained Earnings of the Nantucket Memorial Airport Enterprise Fund to pay the Airport Enterprise Fund unpaid bills from prior fiscal years; that Two Thousand Forty-three Dollars and Forty-four Cents (\$2,043.44) be appropriated from Retained Earnings of the Sewer Enterprise Fund to pay the Sewer Enterprise Fund unpaid bills from prior fiscal years; that Six Thousand Eight Hundred Seventy-three Dollars and Ninety-four Cents (\$6,873.94) be appropriated from Undesignated Fund Balance of the Community Preservation Committee (CPC) Fund to pay the CPC unpaid bills from prior fiscal years.

DEPARTMENT	VENDOR	AMOUNT
Human Resources	The Inquirer & Mirror, Inc.	\$140.00
Planning and Land Use Services	Blackwell & Assoc., Inc.	\$3,049.70
Planning and Land Use Services	Bracken Engineering, Inc.	\$2,190.00
Planning and Land Use Services	The Inquirer & Mirror, Inc.	\$6,208.03
Public Works	B.E. Byrne, Inc.	\$3,550.00
Public Works	Clarion	\$512.00
Public Works	Gulley Electric	\$132.40
Public Works	Medawar Electronic Inc.	\$41.98
Public Works	Pollard Water	\$97.90
Public Works	Timothy Lepore MD	\$330.00
Public Works	Willy Leveille	\$419.43
Town Administration	The Inquirer & Mirror, Inc.	\$133.45
Town Administration	Overseas Cleaning Service	\$1,161.50
Town Administration	Kopelman and Paige, PC	\$3,836.82
Commission on Disability	Brenda R. McDonough	\$395.99
<b>Subtotal General Fund Expense</b>		<b>\$22,199.20</b>
Airport	Pitney Bowes	\$65.01
Airport	Anderson & Kreiger	\$1,788.53
Airport	RICOH	\$376.01
Airport	Linda True	\$271.29
Airport	Verizon	\$313.07
Airport	National Grid	\$931.73
<b>Subtotal Airport Enterprise Fund</b>		<b>\$3,745.64</b>
		-
Sewer	Cape Air/Nantucket Air	\$211.12
Sewer	Fisher Scientific	\$332.32
Sewer	Woodard & Curran	\$1,500.00
<b>Subtotal Sewer Enterprise Fund</b>		<b>\$2,043.44</b>

Community Preservation Committee	RICOH	\$95.94
Community Preservation Committee	McCarthy Research Institute	\$400.00
Community Preservation Committee	Nantucket Office Products	\$6,378.00
<b>Subtotal Community Preservation Committee</b>		<b>\$6,873.94</b>

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

### ARTICLE 3

#### (Appropriation: Prior Year Articles)

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

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved to take no action on the Article.

### ARTICLE 4

#### (Appropriation: Reserve Fund)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of establishing a Reserve Fund pursuant to Chapter 40 section 6 of the Massachusetts General Laws, to provide for the extraordinary and unforeseen expenditures which may arise during Fiscal Year 2018; said sum not to exceed five (5) percent of the Fiscal Year 2017 tax levy; or to take any other action related thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that Five Hundred Thousand Dollars (\$500,000) be raised and appropriated from the Fiscal Year 2018 tax levy and other general revenues of the Town to establish a reserve fund for Fiscal Year 2018 pursuant to Chapter 40, section 6 of the General Laws.

### ARTICLE 5

#### (Rescind Unused Borrowing Authority)

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

Or to take any other action related thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that the unused borrowing authority for the following projects be rescinded:

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>ARTICLE/TOWN MEETING</i>	<i>AMOUNT TO BE RESCINDED</i>
Airport Enterprise Fund	Airport Taxiway to RW 33	Article 12/Annual Town Meeting 2011	\$2,000,000
Airport Enterprise Fund	Airport Environmental Stewardship	Article 12/Annual Town Meeting 2014	\$426,000
Airport Enterprise Fund	Airport Fire Fighting Vehicle	Article 12/Annual Town Meeting 2014	\$755,449
Airport Enterprise Fund	Airport Loader (1988) Rehab	Article 14/Annual Town Meeting 2014	\$1,551
Airport Enterprise Fund	Airport Utility Vehicle	Article 14/Annual Town Meeting 2015	\$65,000
Community Preservation Committee	Nobadeer Playing Fields	Article 32/Annual Town Meeting 2012	\$363,000
Wannacomet Water Enterprise Fund	WWCO Distribution Improvements	Article 12/Annual Town Meeting 2011	\$74,000
Wannacomet Water Enterprise Fund	WWCO Distribution Improvements	Article 12/Annual Town Meeting 2012	\$15,000
Siasconset Water Enterprise Fund	Sconset Water - SCADA	Article 13/Annual Town Meeting 2013	\$10,000

## ARTICLE 6

### (Fiscal Year 2017 General Fund Budget Transfers)

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

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that the amounts listed below be transferred between the various Fiscal Year 2017 accounts and expenditures as follows:

<i>FROM</i>	<i>To</i>	<i>AMOUNT</i>
General Insurance	Public Works, Expenses	\$75,000
Planning & Land Use Services, Salaries	Planning & Land Use Services, Expenses	\$30,000
General Insurance	Planning & Land Use Services, Expenses	\$21,000
General Insurance	Natural Resources, Expenses	\$25,000
Town Administration, Salaries	Town Administration, Expenses	\$10,000
General Insurance	Town Clerk, Expenses	\$20,000

Group Insurance	Boulevard road project OPM Services	\$18,240
Group Insurance	Bartlett OPM Services	\$3,465
Group Insurance	Milk Street Bike Path OPM Services	\$12,540
Group Insurance	Easy Street Bulkhead OPM services	\$8,273
Group Insurance	First Way OPM Services	\$720

## ARTICLE 7

### (Personnel Compensation Plans for Fiscal Year 2018)

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

#### *Schedule A -- Miscellaneous Compensation Schedule*

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	15.00
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to 50.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	19.00
Dietician/Our Island Home (hourly)	39.00
Election Warden (hourly)	20.00
Election Worker (hourly)	15.00
EMT, Call (hourly)	15.00
Fire Captain, Call (yearly)	150.00
Fire Fighter, Call (hourly)	15.00
Fire Lieutenant, Call (yearly)	125.00
Fire Chief, Second Deputy (yearly)	5,000.00
Fire Chief, Third Deputy (yearly)	5,000.00
Licensed Practical Nurse/Our Island Home (Per Diem - hourly)	25.00
Registered Nurse/Our Island Home (Per Diem - hourly)	35.00
Registrar of Voters (yearly)	600.00
Registrar, Temporary Assistant (hourly)	15.00
Seasonal Assistant Harbormaster (hourly)	30.00
Seasonal Maintenance Supervisor/Public Works (hourly)	21.00
Seasonal Health Inspector	30.00
Temporary Employee	various rates of pay
Veterans' Agent (hourly)	16.00

#### *Schedule B - Seasonal Employee Compensation Schedule*

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

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

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

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

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

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

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

Or to take any other action related thereto.

*(Board of Selectmen)*

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

*Schedule A -- Miscellaneous Compensation Schedule*

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	15.00
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to 50.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	19.00
Dietician/Our Island Home (hourly)	39.00
Election Warden (hourly)	20.00
Election Worker (hourly)	15.00
EMT, Call (hourly)	15.00
Fire Captain, Call (yearly)	150.00
Fire Fighter, Call (hourly)	15.00
Fire Lieutenant, Call (yearly)	125.00
Fire Chief, Second Deputy (yearly)	5,000.00
Fire Chief, Third Deputy (yearly)	5,000.00
Licensed Practical Nurse/Our Island Home (Per Diem - hourly)	25.00
Registered Nurse/Our Island Home (Per Diem - hourly)	35.00
Registrar of Voters (yearly)	600.00
Registrar, Temporary Assistant (hourly)	15.00
Seasonal Assistant Harbormaster (hourly)	30.00

Seasonal Maintenance Supervisor/Public Works (hourly)	21.00
Seasonal Health Inspector	30.00
Temporary Employee	various rates of pay
Veterans' Agent (hourly)	16.00

***Schedule B - Seasonal Employee Compensation Schedule  
(Spring, Summer, Fall, Winter/Effective April 2, 2017 - April 1, 2018)***

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

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

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

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

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

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

**ARTICLE 8**

**(Appropriation: Fiscal Year 2018 General Fund Operating Budget)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of supporting the offices, departments, boards and commissions of the Town of Nantucket for Fiscal Year 2018; or to take any other action related thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that the following Fiscal Year 2018 operating budget is established for the various offices, boards, and commissions of the Town as follows:

DEPARTMENT	Fiscal Year 2018			FY 2017
	PAYROLL	OPERATING	TOTAL BUDGET	ARTICLE 8 TOTAL
<b>GENERAL GOVERNMENT</b>				
Finance Committee		\$18,680	\$18,680	\$18,680
Finance & Operations	\$1,826,180	\$738,210	\$2,564,390	\$2,288,341
Human Resources	\$247,520	\$141,150	\$388,670	\$271,350
Information Systems / GIS	\$513,840	\$411,600	\$925,440	\$931,170
Legal		\$401,000	\$401,000	\$401,000
Moderator	\$180	\$1,500	\$1,680	\$1,680
Planning and Land Use Services	\$1,562,279	\$354,500	\$1,916,779	\$1,866,309
Natural Resources	\$573,888	\$189,812	\$763,700	\$643,696
Town Administration	\$991,961	\$765,300	\$1,757,261	\$1,506,665
Town Clerk	\$260,070	\$61,700	\$321,770	\$324,530
<i>Subtotal</i>	\$5,975,918	\$3,083,452	\$9,059,370	\$8,253,421
<b>SAFETY &amp; PROTECTION</b>				
Emergency Management		\$8,000	\$8,000	\$7,000
Fire Department	\$2,607,850	\$273,650	\$2,881,500	\$2,974,846
Police Department	\$5,311,340	\$757,530	\$6,068,870	\$5,703,644
Street Lighting		\$165,000	\$165,000	\$165,000
<i>Subtotal</i>	\$7,919,190	\$1,204,180	\$9,123,370	\$8,850,490
<b>MARINE &amp; COASTAL RESOURCES</b>				
Marine Department	\$767,900	\$83,750	\$851,650	\$815,588
<i>Subtotal</i>	\$767,900	\$83,750	\$851,650	\$815,588
<b>MAINTENANCE</b>				
Gas / Town Vehicles		\$375,000	\$375,000	\$375,000
Mosquito Control		\$107,689	\$107,689	\$105,063
Public Buildings		\$1,210,100	\$1,210,100	\$1,067,100
Public Works	\$2,395,990	\$582,000	\$2,977,990	\$2,912,356
Snow and Ice Removal	\$7,600	\$75,000	\$82,600	\$82,600
<i>Subtotal</i>	\$2,403,590	\$2,349,789	\$4,753,379	\$4,542,119
<b>HUMAN SERVICES</b>				
Human Services	\$265,071	\$63,950	\$329,021	\$436,060
<i>Subtotal</i>	\$265,071	\$63,950	\$329,021	\$436,060
<b>CULTURE &amp; RECREATION</b>				
Atheneum		\$719,719	\$719,719	\$702,165
Town Clock		\$4,700	\$4,700	\$4,700
Visitor Services	\$347,400	\$153,700	\$501,100	\$442,091

<i>Subtotal</i>	\$347,400	\$878,119	\$1,225,519	\$1,148,956
<b>CONTRACTUAL OBLIGATIONS</b>	\$386,611		\$386,611	\$386,611
<b>TOTAL OF DEPT OPERATING BUDGETS</b>	\$18,065,680	\$7,663,240	\$25,728,920	\$24,433,245
<b>EDUCATION</b>				
Community School	\$400,000	\$65,000	\$465,000	\$465,000
School Department	\$22,307,555	\$5,179,087	\$27,486,642	\$26,086,642
<i>Subtotal</i>	\$22,707,555	\$5,244,087	\$27,951,642	\$26,551,642
<b>GRAND TOTAL OF GEN GOV'T OPER BUDGETS</b>	\$40,773,235	\$12,907,327	\$53,680,562	\$50,984,887
<b>DEBT SERVICE</b>				
Principal & Interest		\$8,522,421	\$8,522,421	\$7,080,065
<i>Subtotal</i>		\$8,522,421	\$8,522,421	\$7,080,065
<b>INSURANCES</b>				
Auto Casualty		\$145,824	\$145,824	\$134,400
Blanket Liability		\$1,733,189	\$1,733,189	\$1,600,480
Claims Deductible		\$72,800	\$72,800	\$72,800
Insurance Consulting		\$44,800	\$44,800	\$44,800
Medical Insurance	\$12,629,650		\$12,629,650	\$11,640,230
Unemployment	\$170,000		\$170,000	\$170,000
Workers Compensation	\$246,250		\$246,250	\$197,000
Laborer's Union Pension	\$44,880		\$44,880	\$44,880
<i>Subtotal</i>	\$13,090,780	\$1,996,613	\$15,087,393	\$13,904,590
<b>ASSESSMENTS</b>				
Barnstable Retirement	\$4,255,533		\$4,255,533	\$3,921,257
<i>Subtotal</i>	\$4,255,533		\$4,255,533	\$3,921,257
<b>GRAND TOTAL OF OPERATING BUDGET</b>	\$58,119,548	\$23,426,361	\$81,545,909	\$75,890,799

And to meet these appropriations, the sum of Eighty Million Eight Hundred Thousand Four Hundred Nine Dollars (\$80,800,409) be raised and appropriated from the Fiscal Year 2018 tax levy and other general revenues of the Town; that Sixty-five Thousand Dollars (\$65,000) be transferred from the Central Office Modular in Article 10 of the 2015 Annual Town Meeting and; that Six Hundred Eighty Thousand Five Hundred Dollars (\$680,500) be transferred from Free Cash in the Treasury of the Town, for one-time expenses that are included in various departmental budgets.



The budget unanimously recommended by the Nantucket School Committee for the School Department, including the Nantucket Community School, for Fiscal Year 2018 is Twenty-Seven Million Nine Hundred Fifty-one Thousand Six Hundred Forty-two Dollars (\$27,951,642).

## ARTICLE 9

### (Appropriation: Health and Human Services)

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

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that Four Hundred Thousand Dollars (\$400,000) be raised and appropriated from the Fiscal Year 2018 tax levy and other general revenues of the Town for the Town Manager to expend to fund grants for the following health and human services, private not-for-profit agencies to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket, provided that the Town Manager with the approval of the Board of Selectmen, execute grant agreements with the respective agencies for Fiscal Year 2018, which contracts shall stipulate mutually agreed upon terms and conditions:

<i><b>AGENCY</b></i>	<i><b>AMOUNT</b></i>
A Safe Place	\$50,000
ASAP (Alliance for Substance Abuse Prevention)	\$16,125
Elder Services of Cape Cod	\$16,000
Health Imperatives	\$32,500
Fairwinds (f/k/a Family and Children Services)	\$120,000
Martha's Vineyard Community Services	\$16,000
Legal Services	\$4,375
Interfaith Council	\$60,000
Nantucket Cottage Hospital Social Services	\$75,000
Small Friends	\$10,000
<i><b>TOTAL</b></i>	<i><b>\$400,000</b></i>

## ARTICLE 10

### (Appropriation: General Fund Capital Expenditures)

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

*(Board of Selectmen)*

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

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>FUNDING SOURCE(S)</i>	<i>AMOUNT</i>
Public Works/ Facilities	Costs associated with the purchase and installation of playground equipment at the Tom Nevers Playground	Raise and appropriate \$100,000 from the Fiscal Year 2018 tax levy and other general revenues of the town	\$100,000
Fire Department	Replacement of Ambulance #2	Transfer \$279,000 from Ambulance Reserve Fund	\$279,000
Information Technology/GIS Department	Costs associated with replacement of desktops and printers	Raise and appropriate \$50,000 from the Fiscal Year 2018 tax levy and other general revenues of the town.	\$50,000
Information Technology/GIS Department	Costs associated with updating the town's GIS digital images	Transfer \$300,000 from Free Cash into the Treasury of the town	\$300,000
Public Works	Purchase of a pickup truck with plow	Raise and appropriate \$60,000 from the Fiscal Year 2018 tax levy and other general revenues of the town	\$60,000
Public Works	Purchase of a one ton dump truck with plow	Raise and appropriate \$75,000 from the Fiscal Year 2018 tax levy and other general revenues of the town	\$75,000
Public Works	Purchase of a grader	Transfer \$200,000 from Free Cash into the Treasury of the town	\$200,000
Public Works	Purchase of a leaf/vacuum truck	Transfer \$100,000 from Free Cash into the Treasury of the town	\$100,000
Public Works	Purchase of mowing equipment	Transfer \$3,949 from Free Cash into the Treasury of the town; transfer \$35,000 from Article 10 of the 2010 Annual Town Meeting (Conversion of Heating System located at 2 Fairgrounds Rd - Free Cash); transfer \$10,558 from Article 10 of the 2009 Annual Town Meeting (Professional Services for design, construction, repairs and improvements to bicycle paths island wide - Free Cash); transfer	\$50,000

		\$493 from Article 10 of the 2015 Annual Town Meeting (Replacement Scott Airpaks - General Revenues)	
Public Works	Repair/restoration of Siasconset Flagpole and Monument	Transfer \$100,000 from Free Cash into the Treasury of the town	\$100,000
Police	Costs associated with the replacement and installation of dispatch equipment	Transfer \$930,150 from free cash into the Treasury of the town.  Raise and appropriate \$40,030 from the Fiscal 2018 Tax Levy and other general revenues of the town.	\$970,180
School	NPS building improvements	Transfer \$300,000 from Free Cash into the Treasury of the town	\$300,000
School	Paving at NHS/CPS	Transfer \$300,000 from Free Cash into the Treasury of the town	\$300,000
School	NHS/CPS HVAC upgrade	Transfer \$450,000 from Free Cash into the Treasury of the town	\$450,000
School	Backus Lane playground and playing field improvements	Raise and appropriate \$375,000 from the Fiscal Year 2018 tax levy and other general revenues of the town	\$375,000
Public Works	Costs associated with the construction, repair and maintenance of downtown sidewalks and pedestrian walkways	Transfer \$500,000 from Free Cash into the Treasury of the town	500,000
Public Works	Costs associated with the Boulevard, Lovers Lane and Okorwaw roads reconstruction	Transfer \$1,000,000 from Proceeds from Real Estate Sales account	\$1,000,000
Public Works	Costs associated with island-wide public road repairs and maintenance	Transfer \$600,000 from Proceeds from Real Estate Sales account  Raise and appropriate \$300,000 from the Fiscal Year 2018 tax levy and other general revenues of the town	\$900,000
Public Works	Professional services and associated costs, including engineering, design and permitting of a rotary at the intersection of Old South Rd/Fairgrounds Rd	Transfer \$150,000 from Free Cash into the Treasury of the town	\$150,000
Public Works	Costs associated with repairs to the Old South Rd bike path	Transfer \$75,000 from Free Cash into the Treasury of the town	\$75,000
Public Works	Costs associated with storm water improvements	Transfer \$500,000 from Free Cash into the Treasury of the town	\$500,000
<b>Total</b>			<b>\$6,834,180</b>

And, to meet this appropriation that Three Million Nine Hundred Nine Thousand Ninety-nine Dollars (\$3,909,099) be transferred from Free Cash in the Treasury of the Town so specified; that Two Hundred Seventy-nine Thousand Dollars (\$279,000) be transferred from the Ambulance Reserve Fund for the items so specified; that One Million Six Hundred Thousand Dollars (\$1,600,000) be transferred from the Proceeds from Real Estate Sales Account so specified; that Forty-six Thousand Fifty-one Dollars (\$46,051) be transferred from prior year articles so specified; that One Million Thirty Dollars (\$1,000,030) be raised and appropriated from the Fiscal Year 2018 tax levy and other general revenues of the Town so specified.

All of these sources totaling Six Million Eight Hundred Thirty-four Thousand One Hundred Eighty Dollars (\$6,834,180).

## ARTICLE 11

### (Appropriation: Fiscal Year 2018 Enterprise Funds Operations)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the operation of the Enterprise Funds of the Town of Nantucket for Fiscal Year 2018, out of anticipated revenues of the designated funds, for the purposes set forth above; or to take any other action related thereto.

*(Board of Selectmen for the Various Departments Indicated)*

**FINANCE COMMITTEE MOTION:** Moved that the following Fiscal Year 2018 operating budgets be approved for the Enterprise Funds, with the Siasconset Water appropriation to be expended through the Siasconset Water Commission; the Wannacomet Water appropriation to be expended through the Nantucket Water Commission; the Airport appropriation to be expended through the Nantucket Airport Commission; the remaining appropriations to be spent through the Board of Selectmen:

<i>FUND</i>	<i>FY 2018 PAYROLL</i>	<i>FY 2018 EXPENSES</i>	<i>FY 2018 TOTAL BUDGET</i>	<i>FY 2017 TOTAL BUDGET</i>
Airport	\$4,735,965	\$4,675,710	\$9,411,675	\$9,129,040
Our Island Home	\$6,842,102	\$1,402,660	\$8,244,762	\$8,122,512
Sewer	\$1,589,485	\$5,676,967	\$7,266,452	\$6,870,975
Siasconset Water	\$41,862	\$1,025,911	\$1,067,773	\$1,073,363
Solid Waste	\$27,975	\$9,100,909	\$9,128,884	\$9,839,533
Wannacomet Water	\$1,801,400	\$4,002,690	5,804,090	\$5,535,256
<b>TOTAL</b>	<b>\$15,038,789</b>	<b>\$25,884,847</b>	<b>\$40,923,636</b>	<b>\$40,570,679</b>

Further, that the above appropriations be funded as follows:

<i>FUND</i>	<i>FUNDING SOURCES</i>	<i>AMOUNTS</i>
Airport	FY 18 Anticipated Revenues	\$8,493,600
Airport	Retained Earnings	\$218,075

Airport	Retained Earnings - Passenger Facility Charge	\$400,000
Airport	Transfer from Fuel Revolver	\$300,000
Our Island Home	FY 18 Anticipated Revenues	\$4,284,095
Our Island Home	FY 18 Tax Levy and Other General Revenues	\$1,511,446
Our Island Home	Retained Earnings	\$2,449,221
Sewer	FY 18 Anticipated Revenues	\$6,804,820
Sewer	Retained Earnings	\$461,632
Solid Waste	FY 18 Anticipated Revenues	\$3,236,666
Solid Waste	FY 18 Tax Levy and Other General Revenues	\$5,892,218
Siasconset Water	FY 18 Anticipated Revenues	\$1,067,773
Wannacomet Water	FY 18 Anticipated Revenues	\$5,804,090

**TOTAL FUNDING SOURCES**

**\$ 40,923,636**

## ARTICLE 12

### (Appropriation: Enterprise Funds Capital Expenditures)

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

*(Board of Selectmen for the Various Departments Indicated)*

**FINANCE COMMITTEE MOTION:** Moved that the following capital expenditures be appropriated for the Enterprise Fund departments with the Airport appropriations to be expended through the Airport Commission; the Sewer Enterprise, Solid Waste Enterprise and Our Island Home Enterprise Fund appropriations to be expended by the Town Manager with the approval of the Board of Selectmen/Board of Public Works/Sewer Commissioners; the Siasconset Water appropriation to be expended through the Siasconset Water Commission; and the Wannacomet Water appropriations to be expended through the Nantucket Water Commission:

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>FUNDING SOURCE(S)</i>	<i>AMOUNT</i>
Airport	Costs associated with the purchase and replacement of Airport Equipment and Vehicles	Transfer \$30,842 from Article 12 of the 2013 Annual Town Meeting (Airfield Vehicles)	\$261,044
		Transfer \$52,470 from Article 12 of the 2014 Annual Town Meeting (Airfield Vehicles)	
		Transfer \$9,732 from Article 14 of the 2016 Annual Town Meeting.	
		Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$168,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and	

		interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	
Airport	Costs associated with the extension of the luggage bag belt at the Airport Terminal	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$200,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	\$200,000
Airport	Costs associated with upgrading fire suppression system at the fuel farm	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$70,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be	\$70,000

		borrowed to pay such costs by a like amount.	
Airport	Costs associated with replacing piping at the fuel farm	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$436,100 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	\$436,100
Airport	Costs associated with the removal and replacement of paint and beads and rubber markings on the airfield	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$176,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	\$176,000
Airport	Costs associated with replacement of lights on the centerline and touchdown zone of the airfield, replacement of airline podiums, and repave a section of internal roadway used by airport personnel	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$52,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. Any premium	\$52,000

		received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	
Airport	Supplemental Funding to Article 14 of the 2015 Annual Town Meeting for costs associated with Environmental Impact Report	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$450,000 in addition to the \$300,000 authorized at the 2015 Annual Town Meeting for a total of \$750,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	\$450,000
Airport	Costs associated with the ALP (Airport Layout Plan) Update, Safety Management Systems Narrative	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$250,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	\$250,000



Airport	Costs associated with reconstruction of Apron Area 3 and replacement of perimeter fencing	<p>Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$2, 2 00,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.</p>	\$2,200,000
<i>Subtotal Airport Enterprise Fund</i>			<i>\$4,095,144</i>
Sewer	Costs associated with pump station upgrades	Transfer \$100,000 from Certified Retained Earnings in the Sewer Enterprise Fund	\$100,000
Sewer	Costs associated with development of Capacity Maintenance Operations and Management (CMOM) Plan	<p>Authorize the Treasurer with the approval of the Selectmen to borrow \$1,750,000 and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78 for the purpose of financing the sewer system capacity management operation and maintenance (CMOM) planning, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Selectmen determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Treasurer with the approval of the Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise</p>	\$1,750,000

		to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Town Manager is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	
Sewer	Costs associated with the purchase of a replacement generator	Transfer \$175,000 from Certified Retained Earnings in the Sewer Enterprise Fund	\$54,700
Sewer	Costs associated with the replacement of tanker truck	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$250,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	\$250,000
Sewer	Costs associated with force main assessment and inspections	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$500,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available	\$500,000

		funds of the Sewer. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	
Sewer	Costs associated with comprehensive evaluation of Siasconset collection system	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$693,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	\$693,000
Sewer	Costs associated with extension of water line to the Surfside Wastewater treatment Facility and adjacent employee housing	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$250,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	\$250,000

Sewer	Costs associated with replacement of manholes on Flora Street	Transfer \$100,000 from Certified Retained Earnings in the Sewer Enterprise Fund	\$100,000
Sewer	Costs associated with replacement of the sewer main and manholes on Farmer Street	Transfer \$100,000 from Certified Retained Earnings in the Sewer Enterprise Fund	\$100,000
Sewer	Costs associated with extension of fiber optic communication lines to Surfside Wastewater Treatment Facility	Transfer \$75,000 from Certified Retained Earnings in the Sewer Enterprise Fund	\$75,000
Sewer	Supplemental funding to Article 12 of the 2014 Annual Town Meeting for costs associated with professional services, construction and repairs to the Sea Street Pump Station	Transfer \$560,000 from Certified Retained Earnings in the Sewer Enterprise Fund	\$560,000
Sewer	Costs associated with study/review/professional services in connection with Madaket and adjacent area for water quality improvement, including possible dredging in certain areas	Transfer \$200,000 from Certified Retained Earnings in the Sewer Enterprise Fund	\$200,000
<b>Subtotal Sewer Enterprise Fund</b>			<b>\$4,632,700</b>
Our Island Home	Costs associated with building improvements, maintenance and quality measures improvement	Transfer \$200,000 from Certified Retained Earnings in the Our Island Home Enterprise Fund	\$200,000
Our Island Home	Costs associated with renovation of kitchen and laundry rooms	Transfer \$200,000 from Certified Retained Earnings in the Our Island Home Enterprise Fund	\$200,000
<b>Subtotal Our Island Home Enterprise Fund</b>			<b>\$400,000</b>
Siasconset Water	Water Main Replacement	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$2,340,250 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Siasconset Water Enterprise Fund revenues, state or federal grants, and other available funds of the Siasconset Water Enterprise Fund. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	\$2,340,250
<b>Subtotal Siasconset Water Enterprise Fund</b>			<b>\$2,340,250</b>

Solid Waste	Costs associated with repairs and replacement of equipment at the Materials Recovery Facility (MRF building)	Transfer \$50,000 from Free Cash into the Solid Waste Enterprise Fund	\$50,000
Solid Waste	Continuation of Landfill Mining Program	Transfer \$700,000 from the Fiscal Year 2018 Tax Levy and Other General Revenues of the Town	\$700,000
<b>Subtotal Solid Waste Enterprise Fund</b>			<b>\$750,000</b>
Wannacomet Water	Water Main Replacement	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$2,420,635 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Wannacomet Water Enterprise Fund revenues, state or federal grants, and other available funds of the Wannacomet Water Enterprise Fund. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	\$2,420,635
Wannacomet Water	Hydrant Replacement	Transfer \$175,000 from Certified Retained Earnings in the Wannacomet Water Enterprise Fund	\$175,000
<b>Subtotal Wannacomet Water Enterprise Fund</b>			<b>\$2,595,635</b>
<b>Total All Enterprise Funds</b>			<b>\$13,640,685</b>

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

### ARTICLE 13

#### (Enterprise Funds: Fiscal Year 2017 Budget Transfers)

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

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that the amounts listed below be transferred from the various accounts listed to the various enterprise fund accounts listed for Fiscal Year 2017 as follows:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Airport Fuel Revolving Fund	Airport Enterprise Fund	\$200,000
Airport Fuel Revolving Fund	Airport Enterprise Fund, Expenses	\$120,000
Airport Enterprise Fund, Expenses	Airport Enterprise Fund, Salaries	\$75,000
Airport Retained Earnings, PFC Reserves	Airport Enterprise Fund	\$400,000
Airport Retained Earnings	Airport Capital Projects, Airport Ramp Rehab	\$124,458
Airport Retained Earnings	Airport Capital Projects, Painting/Repair Fuel Tank Pipes	\$64,090
Airport Retained Earnings	Airport Capital Projects, 2017 Airport Equipment	\$50,381
Free Cash	Solid Waste Enterprise Fund, Expenses	\$1,500,000

#### ARTICLE 14

##### (Appropriation: New Facility for Our Island Home)

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

##### *(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved to appropriate the sum of Thirty Million Dollars (\$30,000,000) to be spent by the Town Manager with the approval of the Board of Selectmen, to pay costs of professional services for design, permitting, engineering, construction supervision, and other related professional services, for the construction, installation and equipping of a new facility for Our Island Home to be located on all or a portion of 44 and 48 Miacomet Road and a portion of the abutting parcel located at 21 South Shore Road presently owned by the Town and leased to the Residences at Sherburne Commons, Inc.; and the payment of all other costs incidental and related thereto; that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow the sum of Thirty Million Dollars (\$30,000,000) pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority, and to issue bonds and notes of the Town therefore; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of

the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**BOARD OF SELECTMEN COMMENT:** The concept of a new Our Island Home facility has been discussed for at least the last ten years; and, off and on prior to that. A work group established by the Board of Selectmen in 2012 issued a report in 2013 recommending a new facility be constructed on Town-owned property near Sherburne Commons. Following the appropriation of \$1,000,000 in Fiscal Year 2016 for design of a new facility - which has included a feasibility study, alternative operational model review, financial analysis, review of the current facility and site, review and study of other sites; and, following numerous public meetings, forums, discussions and presentations, the Board of Selectmen voted in May of 2016 to construct a new facility on Town-property near the Sherburne Commons site. Since then, more thorough review has occurred of that site and due to archeological concerns and space needs, a different site in the same vicinity has been identified. This site is privately owned and will need to be purchased by the Town (Article 15 of this warrant).

The Board of Selectmen has spent much of the last eighteen months reviewing options and need for a new Our Island Home facility. The current facility is outdated (operationally and physically), quality measures are low and capital investments have been deferred in anticipation of constructing a new facility. Further delays could jeopardize the facility's licensure and negatively impact operations. After careful consideration and evaluation of options as well as analyzing the financial impact of a new facility, the Board has concluded that while the ownership and operation of a skilled nursing facility is not a typical municipal function, Our Island Home is an integral part of our community and a new facility should be constructed at the location off of Miacomet Road.

## **ARTICLE 15**

### **(Appropriation: Real Property Acquisition)**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portion of a parcel of land located at 44 and 48 Miacomet Road, consisting of 2.6 acres, more or less, as described in deeds recorded with the Nantucket Registry of Deeds in Book 314, Page 141 and Book 503, Page 106, to be acquired and held by the Board of Selectmen for general municipal purposes, housing and/or the purpose of a nursing home and residential facility and other ancillary purposes; and further to see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, to acquire said parcels and any other costs incidental and related thereto; or to take any other action related thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain, the fee or lesser interests in all or any portion of a parcel of land located at 44 and 48 Miacomet Road, consisting of 2.6 acres, more or less, as described in deeds recorded with the Nantucket Registry of

Deeds in Book 314, Page 141 and Book 503, Page 106, to be acquired and held by the Board of Selectmen for general municipal purposes, housing and/or the purpose of a nursing home and residential facility and other ancillary purposes; and that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow the sum of Two Million Five Hundred Thousand Dollars (\$2,500,000) pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority, and to issue bonds and notes of the Town therefore. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

## ARTICLE 16

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

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding the following properties to the Town Sewer District.

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

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

Or to take any other action related thereto.

*(Board of Selectmen/Sewer Commissioners)*

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

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

## ARTICLE 17

### (Zoning Bylaw and Zoning Map Change: Sherburne Commons)

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

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



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

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

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

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

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

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

- a. Amend section 2A as follows:

#### ELDER HOUSING FACILITIES

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

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

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

- d. Amend section 14 as follows:

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

**A. Permitted uses in all districts:**

- (1) Apartments for occupants age 55 or older or disabled.
- (2) Elder housing facility (nursing home);
- (3) Services and facilities for the benefit of the elderly, long-term care residents, disabled persons, and/or others for whom social-welfare programs may be provided.

**B. ~~(Reserved)~~**

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

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

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

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

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

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION: Moved to take the following actions:**

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

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

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

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

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

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

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

- a. Amend section 2A as follows:

#### **ELDER HOUSING FACILITIES**

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

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

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

- d. Amend section 14 as follows:

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

- A. Permitted uses in all districts:

- (1) Apartments for occupants age 55 or older or disabled.
- (2) Elder housing facility (nursing home);
- (3) Services and facilities for the benefit of the elderly, long-term care residents, disabled persons, and/or others for whom social-welfare programs may be provided.

**B. (Reserved)**

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

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

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

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

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

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

## **ARTICLE 18**

### **(Appropriation: Sewer Project/Additional Nantucket Harbor Shimmo Parcels and Plus Infill Parcels in Town Sewer District)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, to pay costs of professional services for design, permitting, engineering, construction supervision, and other related professional services, for the construction, installation and equipping of the extension of municipal sewer lines and associated infrastructure for needs areas established in the Comprehensive Wastewater Management Plan Update adopted June 3, 2015 and described as #2 Drew Lane, #4 Drew Lane, #11 Gardner Road, and #7 Shawkemo Road in the planned "Nantucket Harbor Shimmo" (formerly titled "Monomoy") sewer extension and for #6 Marsh Hawk Lane and #8 Marsh Hawk Lane in the planned "Plus Parcels - Infill in Town Sewer District" sewer extension including all

payment of all costs incidental and related thereto, and acquisition of any interests in land as may be necessary or appropriate; and further to authorize said Board of Selectmen to acquire any such interests in land by purchase, gift, and/or eminent domain; and to authorize the Board of Selectmen acting as the Board of Sewer Commissioners to assess all or a portion of the project costs as betterments; or to take any other action related thereto.

*(Board of Selectmen/Sewer Commissioners)*

**FINANCE COMMITTEE MOTION:** Moved that the Town appropriate the sum of One Hundred Thousand Dollars (\$100,000) from certified retained earnings in the Sewer Enterprise Fund, to be spent by the Town Manager with the approval of the Board of Selectmen, to pay the costs of professional services for design, permitting, engineering, construction supervision, and other related professional services, for the construction, installation and equipping of the extension of municipal sewer lines and associated infrastructure for needs areas established in the Comprehensive Wastewater Management Plan Update adopted June 3, 2015 and described as #2 Drew Lane, #4 Drew Lane, #11 Gardner Road, and #7 Shawkemo Road in the planned “Nantucket Harbor Shimmo” (formerly titled “Monomoy”) sewer extension and for #6 Marsh Hawk Lane and #8 Marsh Hawk Lane in the planned “Plus Parcels - Infill in Town Sewer District” sewer extension including all payment of all costs incidental and related thereto, and acquisition of any interests in land as may be necessary or appropriate; and further to authorize said Board of Selectmen to acquire any such interests in land by purchase, gift, and/or eminent domain.

**BOARD OF SELECTMEN COMMENT:** The parcels contained in the Article should logically have been included within the scope of the original project; however, they cannot be added at this point without a vote of Town Meeting. The Board supports the inclusion of these properties to the scope of this project. We do not expect further properties to be added. The Board notes that while the authorization to assess betterments has been removed in the Finance Committee Motion to this Article (and the Board is no longer seeking that authorization for this specific project), it does not want to preclude the possibility of betterment assessments for future projects and/or properties that are not part of the scope of an existing project.

## **ARTICLE 19**

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

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding the following parcels located adjacent to or within the “Nantucket Harbor/Shimmo” and “Plus Parcels - Infill in Town Sewer District” sewer needs areas designated within the Comprehensive Wastewater Management Plan adopted June 3, 2015 to the Town Sewer District:

### **Nantucket Harbor/Shimmo Needs Areas**

Map	Lot	Number	Street
43	209	2	Drew Lane

44	23.1	4	Drew Lane
43	6	11	Gardner Road
43	5	7	Shawkemo Road

Plus Parcels - Infill in Town Sewer District

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

Map	Lot	Number	Street
56	396	6	Marsh Hawk Lane
56	395	8	Marsh Hawk Lane

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

Or to take any other action related thereto.

*(Board of Selectmen/Sewer Commissioners)*

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

Nantucket Harbor/Shimmo Needs Areas

Map	Lot	Number	Street
43	209	2	Drew Lane
44	23.1	4	Drew Lane
43	6	11	Gardner Road
43	5	7	Shawkemo Road

Plus Parcels - Infill in Town Sewer District

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

Map	Lot	Number	Street
56	396	6	Marsh Hawk Lane
56	395	8	Marsh Hawk Lane

## ARTICLE 20

### (Appropriation: Waterways Improvement Fund)

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

Or to take any other action related thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that Three Hundred Thirty-two Thousand Two Hundred Seventy-six Dollars (\$332,276) be appropriated from the Waterways Improvement Fund for the purpose of (1) maintenance, dredging, cleaning and improvement of harbors, inland waters and great ponds, (2) the public access thereto, (3) the breakwaters, retaining walls, piers, wharves and moorings thereof, and (4) law enforcement and fire prevention in the Town and County of Nantucket, and any other purpose allowed by applicable law.

## ARTICLE 21

### (Appropriation: Ambulance Reserve Fund)

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

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that Seven Hundred Six Thousand Eight Hundred Fifty-one Dollars (\$706,851) be appropriated from the Ambulance Reserve Fund for the purpose of purchasing ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for three (3) ambulances, and other such related costs to operate the Town's ambulance services, including up to six (6) full-time firefighter/EMT and/or paramedic positions. All expenditures to be made by the Fire Chief, subject to the approval of the Town Manager.

## ARTICLE 22

### (Appropriation: County Assessment)

To see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to pay the County of Nantucket such assessment as is required for Fiscal Year 2018, and to authorize the expenditure of these funds for County purposes, all in accordance with the Massachusetts General Laws and in accordance with the County Charter (Chapter 290 of the Acts of 1996), the sum of One Hundred Seventy Thousand Two Hundred One Dollars (\$170,201); or to take any other action related thereto.

Or to take any other action related thereto.

*(Board of Selectmen/County Commissioners)*

**FINANCE COMMITTEE MOTION:** Moved that One Hundred Seventy Thousand Two Hundred One Dollars (\$170,201) be raised and appropriated from the Fiscal Year 2018 tax levy and other general revenues of the Town to fund the Fiscal Year 2018 county assessment.

## ARTICLE 23

### (Appropriation: Finalizing Fiscal Year 2018 County Budget)

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

*(Board of Selectmen/County Commissioners)*

**FINANCE COMMITTEE MOTION:** Moved to take no action on the Article.

**FINANCE COMMITTEE COMMENT:** The Finance Committee, at its meeting on January 26, 2017, acting as the Nantucket County Review Committee in accordance with section 2.7 of the Nantucket County Charter, endorsed the Fiscal Year 2018 Nantucket County budget, which was also adopted by the Nantucket County Commissioners on January 25, 2017. Thus no action is required.

## ARTICLE 24

### (Designation of Use of Bond Proceeds)

To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium



applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or to take any action relative thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that the Town vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

## **ARTICLE 25**

### **(Appropriation: Ferry Embarkation Fee)**

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

Or to take any other action related thereto.

*(Board of Selectmen)*

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

## **ARTICLE 26**

### **(Appropriation: Affordable Housing Trust Fund)**

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

Or, to take any other action related thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that Five Hundred Thousand Dollars (\$500,000) be appropriated from Free Cash in the Treasury of the Town to be deposited into the Affordable Housing Trust Fund.

**FINANCE COMMITTEE COMMENT:** Developing strategies to increase the supply of affordable housing is one of Nantucket's most fundamental challenges. Over the past two years the Town and the Community Preservation Committee have provided significant financial resources to the AHTF. While the release of the Housing Production Plan in 2016 was an excellent start, the AHTF needs to focus on more concrete plans to utilize these funds and explain how these strategies will increase the supply of affordable housing options for Nantucketers.

## **ARTICLE 27**

### **(Appropriation: Other Post-Employment Benefits Trust Fund)**

To see what sum the Town will vote to appropriate and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to deposit into the Other Post-Employment Benefits Liability Trust Fund established pursuant to Mass. General Law chapter 32B, section 20, for Fiscal Year 2018.

Or, to take any other action related thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that Five Hundred Thousand Dollars (\$500,000) be appropriated from the FY 2018 tax levy and other general revenues of the Town to be deposited by the Treasurer into the Other Post-employment Benefits Trust Fund.

## **ARTICLE 28**

### **(Establishment of and Appropriation for Stabilization Fund for Airport)**

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

*(Board of Selectmen for Airport Commission)*

**FINANCE COMMITTEE MOTION:** Moved that the provisions of M.G.L. Chapter 40, Section 5B, Paragraph 2, to create a special purpose stabilization fund for the benefit of the Nantucket Airport, such fund to be used for the future payment of accrued liabilities for compensated absences due any employee upon termination of the employee's full-time employment are hereby accepted; and further, to appropriate Two Hundred Thousand Dollars (\$200,000) from the Airport Fuel Revolving Fund to be placed in said special purpose stabilization fund.

## **ARTICLE 29**

### **(Appropriation: Collective Bargaining Agreement/Laborer's Union)**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for

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

Or to take any other action related thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved to take no action on the Article.

**FINANCE COMMITTEE COMMENT:** Negotiations with the Laborer's Union were not completed in time for an appropriation to be put forward before the 2017 Annual Town Meeting.

### **ARTICLE 30**

#### **(Appropriation: Collective Bargaining Agreement/Fire)**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2018 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Fire Department union employees (represented by the Nantucket Professional Firefighters Local 2509) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved to take no action on the Article.

**FINANCE COMMITTEE COMMENT:** Negotiations with the Fire Union were not completed in time for an appropriation to be put forward before the 2017 Annual Town Meeting.

### **ARTICLE 31**

#### **(Appropriation: Collective Bargaining Agreement/Airport Union)**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2018 in a collective bargaining contract between the Town of Nantucket (represented by the Airport Commission) and Airport union employees (represented by the Massachusetts Laborer's District Council of the Nantucket Memorial Airport Employees of the Laborer's International Union of North America, Local 1060) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

*(Board of Selectmen for Airport Commission)*

**FINANCE COMMITTEE MOTION:** Moved to take no action on the Article.

**FINANCE COMMITTEE COMMENT:** Negotiations with the Airport Union were not completed in time for an appropriation to be put forward before the 2017 Annual Town Meeting.

## **ARTICLE 32**

### **(Appropriation: Collective Bargaining Agreement/Our Island Home)**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2018 in collective bargaining contracts between the Town of Nantucket (represented by the Board of Selectmen) and Our Island Home union employees (represented by the Service Employees Union International, Local 1199) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved to take no action on the Article.

**FINANCE COMMITTEE COMMENT:** Negotiations with the Our Island Home Union were not completed in time for an appropriation to be put forward before the 2017 Annual Town Meeting.

## **ARTICLE 33**

### **(Appropriation: Collective Bargaining Agreement/Public Works)**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2018 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and Public Works union employees (represented by the American Federation of State, County and Municipal Employees (AFSCME) Council 93, Local 2346) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved to take no action on the Article.

**FINANCE COMMITTEE COMMENT:** Negotiations with the Public Works Union were not completed in time for an appropriation to be put forward before the 2017 Annual Town Meeting.

#### **ARTICLE 34**

##### **(Appropriation: Collective Bargaining Agreement/Police)**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2018 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and Police Department union employees (represented by the Massachusetts Coalition of Police, Locals 330 and 330a, International Association of Police Associations (IAPA), and American Federation of Labor - Congress of Industrial Organizations (AFL-CIO)) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION: Moved to take no action on the Article.**

**FINANCE COMMITTEE COMMENT: Negotiations with the Police Union were not completed in time for an appropriation to be put forward before the 2017 Annual Town Meeting.**

#### **ARTICLE 35**

##### **(Appropriation: Collective Bargaining Agreement/Wannacomet Water)**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2018 in a collective bargaining contract between the Town of Nantucket (represented by the Nantucket Water Commission) and Wannacomet Water union employees (represented by the Utility Workers of America, American Federation of Labor - Congress of Industrial Organizations (AFL-CIO), Local Union 359) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

*(Board of Selectmen for Nantucket Water Commission)*

**FINANCE COMMITTEE MOTION: Moved to take no action on the Article.**

**FINANCE COMMITTEE COMMENT: Negotiations with the Wannacomet Water Union were not completed in time for an appropriation to be put forward before the 2017 Annual Town Meeting.**

#### **ARTICLE 36**

##### **(Surplus Equipment Disposition: Airport Fuel Truck)**

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

Or to take any other action related thereto.

*(Board of Selectmen for Airport Commission)*

**FINANCE COMMITTEE MOTION:** Moved that the Nantucket Memorial Airport Commission is hereby authorized to dispose of by sale, a 2006 Isuzu Refueler, valued between \$25,000 and \$35,000, pursuant to M.G.L., c. 30B, and guidelines established under Chapter 38-2 (Obsolete Town Equipment - Disposition) of the Code of the Town of Nantucket.

### **ARTICLE 37**

#### **(Appropriation: FY 2018 Community Preservation Committee)**

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

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

painting of all wood trim and foundation and brick repair , and detail carpentry	\$55,000
<b>Town of Nantucket, Department of Public Works</b> Restoration and erection of the base of the Sconset Flag Pole	\$45,000
<b>Nantucket Town Clerk</b> Phase one of the restoration and microfilming of the Lewis funeral ledgers and burial records	\$50,000
<b>Sub-total</b>	<b>\$782,691</b>
<b>\$55,000 of the funds utilized for this category is from the Reserve for Historic Preservation with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.</b>	
<b>Community Housing</b>	
<b>Nantucket Affordable Housing Trust Fund</b> Allocation to the fund subject to the fund obtaining approval from the CPC commissioners before the grant funds are expended on each particular project for affordable housing	\$400,000
<b>Nantucket Interfaith Council</b> Housing and rental assistance program	\$110,000
<b>Habitat for Humanity Nantucket Inc.</b> Construct additional houses at Sachem's Path and Ticcoma Way	\$200,000
<b>Housing Nantucket</b> Rehabilitation of community housing units created with CPA funds	\$ 94,204
<b>Sachem's Path Nantucket, LLC</b> Phase two infrastructure	\$250,000
<b>HallKeen Management</b> Restoration of the east and south windows in Academy Hill Apartment building	\$250,600
<b>Town of Nantucket</b> 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
<b>Sub-total</b>	<b>\$1,416,600</b>
<b>\$8,500 of the funds utilized in this category is from the Reserve for Community Housing with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.</b>	

<b><u>Open Space Conservation/Recreation</u></b>	
<b>Town of Nantucket</b> 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
<b>Linda Loring Foundation</b> Funds to create a shed and for invasive species removal	\$16,500
<b>Sustainable Nantucket Community Farm Institute, phase 2</b> Funds to enclose and prepare and additional 6.5 acres for farming	\$85,400
<b>Preservation Institute Nantucket</b> Document historic Nantucket waterfront, identify vulnerable areas, streets, properties and resources and time frame of increased flooding and create tools to assist the community to make informed decisions about protection and adaptation.	\$72,105
<b><u>Sub-total</u></b>	<b>\$299,005</b>
\$60,000 of the funds utilized in this category is from the Open Space reserves with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.	
<b><u>Administrative</u></b>	
<b>Community Preservation Committee</b> Administrative and operating expenses	\$120,000
<b><u>Sub-total</u></b>	<b>\$120,000</b>
All of the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<b><u>TOTAL</u></b>	<b>\$2,618,500</b>
All amounts to be appropriated from the following sources:	
<b><u>SOURCES</u></b>	<b><u>AMOUNT</u></b>
Raised and appropriated from FY 2018 Community Preservation Surcharge	\$2,087,000
From State matching funds for FY 2017, to be received in 2018	\$ 395,000
From Interest	\$ 13,000



From Designated Reserves for Historic Preservation	\$ 55,000
From Designated Reserves for Open Space	\$ 60,000
From Designated Reserves for Community Housing	\$ 8,500
<b>Total Revenues</b>	<b>\$ 2,618,500</b>
<p>For fiscal year 2018 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)*

**FINANCE COMMITTEE MOTION:** Moved that the following sums be appropriated or reserved for later appropriation from the Community Preservation Fund Fiscal Year 2018 revenues or other available funds as indicated herein, for the administrative and operating expenses of the Community Preservation Committee, the undertaking of community preservation projects and all other necessary and proper expenses, for Fiscal Year 2018 community preservation purposes as set forth herein, with each item considered a separate appropriation to be spent by the Community Preservation Committee, as shown below with any strikeouts indicating deletions from the Community Preservation Committee article and any highlighted text indicated additions/modifications:

Purpose	Amount
<b>Historic Preservation</b>	
Nantucket Historical Association First phase of digitizing the Nantucket Whaling logbooks and Journals	\$40,000
Museum of African American History Fifth phase of restoration; interior carpentry, painting and floor finishes and exterior painting of Boston Higginbotham House, restoration of garage and restoration of driveway and accessible paths.	\$225,735
St. Paul's Church Restoration of Bell Tower	\$100,000
Nantucket Preservation Trust in collaboration with Preservation Institute Nantucket	

Completion of database and properties summary for Nantucket interiors inventory	\$23,600
American Legion Post 82 Second phase of conservation and restoration of exterior brick walls on east and north facades	\$93,000
Nantucket Atheneum First phase, conservation of four historic paintings	\$17,500
Nantucket Island School of Design & the Arts Preservation and restoration of two silos and stabilization of long barn	\$132,856
St Mary, Our Lady of the Isle Restoration of exterior doorways and entryways, exterior painting of all wood trim and foundation and brick repair , and detail carpentry	\$55,000
Town of Nantucket, Department of Public Works Restoration and erection of the base of the Sconset Flag Pole	\$45,000
Nantucket Town Clerk Phase one of the restoration and microfilming of the Lewis funeral ledgers and burial records	\$50,000
Sub-total	\$782,691
\$55,000 of the funds utilized for this category is from the Reserve for Historic Preservation with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.	
<u>Community Housing</u>	
Nantucket Affordable Housing Trust Fund Allocation to the fund subject to the fund obtaining approval from the CPC commissioners before the grant funds are expended on each particular project for affordable housing	\$400,000
Nantucket Interfaith Council Housing and rental assistance program	\$110,000
Habitat for Humanity Nantucket Inc. Construct additional houses at Sachem's Path and Ticcoma Way	\$200,000
Housing Nantucket Rehabilitation of community housing units created with CPA funds	\$94,204
Sachem's Path Nantucket, LLC Phase two infrastructure	\$250,000
<del>Hall Keen Management</del> Restoration of the east and south windows in Academy Hill Apartment building	\$250,600

Town of Nantucket Funds to pay the interest and principal of the Bond authorized at the 2015 Nantucket Town Meeting for the balance of the infrastructure at the Sachem's Path affordable housing complex	\$112,000
<u>Sub-total</u>	\$1,416,600 \$1,166,000
\$8,500 of the funds utilized in this category is from the Reserve for Community Housing with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.	
<u>Open Space Conservation/Recreation</u>	
Town of Nantucket Funds to pay the interest and principal of the Bond authorized at the 2012 Nantucket Town Meeting for the creation of an artificial turf playing field at Nobadeer Farm Road.	\$125,000
Linda Loring Foundation Funds to create a shed and for invasive species removal	\$16,500
Sustainable Nantucket Community Farm Institute, phase 2 Funds to enclose and prepare and additional 6.5 acres for farming	\$85,400
Preservation Institute Nantucket Document historic Nantucket waterfront, identify vulnerable areas, streets, properties and resources and time frame of increased flooding and create tools to assist the community to make informed decisions about protection and adaptation.	\$72,105
<u>Sub-total</u>	\$299,005
\$60,000 of the funds utilized in this category is from the Open Space reserves with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.	
<u>Administrative</u>	
Community Preservation Committee Administrative and operating expenses	\$120,000
<u>Sub-total</u>	\$120,000
All of the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	

<b><u>TOTAL</u></b>	<b>\$2,618,500</b> <b>\$2,367,900</b>
<b>All amounts to be appropriated from the following sources:</b>	
<b><u>SOURCES</u></b>	<b><u>AMOUNT</u></b>
Raised and appropriated from FY 2018 Community Preservation Surcharge	<b>\$2,087,000</b> <b>\$1,836,400</b>
From State matching funds for FY 2017, to be received in 2018	<b>\$395,000</b>
From Interest	<b>\$13,000</b>
From Designated Reserves for Historic Preservation	<b>\$55,000</b>
From Designated Reserves for Open Space	<b>\$60,000</b>
From Designated Reserves for Community Housing	<b>\$8,500</b>
<b><u>Total Revenues</u></b>	<b>\$2,618,500</b> <b>\$2,367,900</b>
<p>For fiscal year 2018 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>	

**BOARD OF SELECTMEN COMMENT:** At the Annual Town Meeting, the Board intends to move to request restoration of funding in the amount of \$250,600 removed by the Finance Committee motion for HallKeen Management for the restoration of the east and south windows in the Academy Hill Apartment building.

#### **ARTICLE 38**

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

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

Map	Lot	Number	Street
42.3.1	19	6	Old North Wharf
42.3.1	82	7	Old North Wharf
42.3.1	20	8	Old North Wharf
42.3.1	22		Old North Wharf
42.3.1	21	10	Old North Wharf
42.3.1	23	10	Old North Wharf
42.3.1	24	11	Old North Wharf
42.3.1	251	12	Old North Wharf
42.3.1	252	14	Old North Wharf
42.3.1	26	15	Old North Wharf
42.3.1	253	16	Old North Wharf
42.3.1	27	17	Old North Wharf
42.3.1	254	18	Old North Wharf
42.3.1	255	10	Old North Wharf
42.3.1	28	21	Old North Wharf
42.3.1	256	22	Old North Wharf
42.3.1	225	23	Old North Wharf
42.3.1	257	24	Old North Wharf
42.3.1	262	25	Old North Wharf
42.3.1	258	26	Old North Wharf
42.3.1	261	27	Old North Wharf
42.3.1	259	28	Old North Wharf
42.3.1	225.3	29A	Old North Wharf
42.3.1	225.1	29B	Old North Wharf
42.3.1	225.2	29C	Old North Wharf
42.3.1	260	30	Old North Wharf
42.3.1	83	10	Still Dock
42.3.1	84.5	14	Still Dock
42.3.1	84.1	14B	Still Dock
42.3.1	84.2	14C	Still Dock
42.3.1	84.3	14D	Still Dock
42.3.1	84.4	14E	Still Dock
42.3.1	85	18	Still Dock
42.2.4	6	21	Commercial Wharf
42.2.4	5	23	Commercial Wharf
42.2.4	4	25	Commercial Wharf
42.2.4	3	29	Commercial Wharf
42.3.1	38	3	Commercial Street
42.3.1	38	3	Commercial Street
42.2.4	10	13	Commercial Street

42.2.4	9	15	Commercial Street
42.3.2	22	24	Washington Street
42.3.2	23	26	Washington Street

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

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial (RC) district in the Residential Old Historic (ROH) district:

Map	Lot	Number	Street
42.3.1	19	6	Old North Wharf
42.3.1	82	7	Old North Wharf
42.3.1	20	8	Old North Wharf
42.3.1	22		Old North Wharf
42.3.1	21	10	Old North Wharf
42.3.1	23	10	Old North Wharf
42.3.1	24	11	Old North Wharf
42.3.1	251	12	Old North Wharf
42.3.1	252	14	Old North Wharf
42.3.1	26	15	Old North Wharf
42.3.1	253	16	Old North Wharf
42.3.1	27	17	Old North Wharf
42.3.1	254	18	Old North Wharf
42.3.1	255	10	Old North Wharf
42.3.1	28	21	Old North Wharf
42.3.1	256	22	Old North Wharf
42.3.1	225	23	Old North Wharf
42.3.1	257	24	Old North Wharf
42.3.1	262	25	Old North Wharf
42.3.1	258	26	Old North Wharf
42.3.1	261	27	Old North Wharf
42.3.1	259	28	Old North Wharf
42.3.1	225.3	29A	Old North Wharf
42.3.1	225.1	29B	Old North Wharf
42.3.1	225.2	29C	Old North Wharf
42.3.1	260	30	Old North Wharf
42.3.1	83	10	Still Dock
42.3.1	84.5	14	Still Dock

42.3.1	84.1	14B	Still Dock
42.3.1	84.2	14C	Still Dock
42.3.1	84.3	14D	Still Dock
42.3.1	84.4	14E	Still Dock
42.3.1	85	18	Still Dock
42.2.4	6	21	Commercial Wharf
42.2.4	5	23	Commercial Wharf
42.2.4	4	25	Commercial Wharf
42.2.4	3	29	Commercial Wharf
42.3.1	38	3	Commercial Street
42.3.1	38	3	Commercial Street
42.2.4	10	13	Commercial Street
42.2.4	9	15	Commercial Street
42.3.2	22	24	Washington Street
42.3.2	23	26	Washington Street

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

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### ARTICLE 39

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

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

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

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

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial (RC) district in the Commercial Downtown (CDT) district:

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

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

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### ARTICLE 40

##### (Zoning Bylaw Amendment: Harbor Overlay District)

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

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

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



42.3.1	24	11	Old North Wharf
42.3.1	26	15	Old North Wharf
42.3.1	27	17	Old North Wharf
42.3.1	28	21	Old North Wharf
42.3.1	83	10	Still Dock
42.3.1	84	14B	Still Dock
42.3.1	85	18	Still Dock
42.3.1	16	6	Easy Street
42.3.1	78	10	Easy Street
42.3.1	13	14	Easy Street
42.4.2	23	26	Easy Street
42.4.2	16	31	Easy Street
42.3.1	12	17	S. Water Street
42.3.1	11.1	17	S. Water Street

3. By amending section 12I as follows:

I. Harbor Overlay District (HOD).

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

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

of more than 100 square feet.

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

*(Board of Selectmen for Planning Board)*

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

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

Map	Lot	Number	Street
42.3.1	135	2	Straight Wharf
42.3.1	136	6	Straight Wharf
42.3.1	137	10	Straight Wharf
42.3.1	138	12	Straight Wharf
42.3.1	139	16	Straight Wharf
42.3.1	86	20	Straight Wharf
42.3.1	80	4	Old North Wharf
42.3.1	81	3	Old North Wharf
42.3.1	82	7	Old North Wharf
42.3.1	24	11	Old North Wharf
42.3.1	26	15	Old North Wharf
42.3.1	27	17	Old North Wharf
42.3.1	28	21	Old North Wharf
42.3.1	83	10	Still Dock
42.3.1	84.5	14	Still Dock
42.3.1	84.1	14B	Still Dock
42.3.1	84.2	14C	Still Dock
42.3.1	84.3	14D	Still Dock
42.3.1	84.4	14E	Still Dock
42.3.1	85	18	Still Dock
42.3.1	16	6	Easy Street
42.3.1	78	10	Easy Street
42.3.1	13	14	Easy Street
42.4.2	23	26	Easy Street
42.4.2	16	31	Easy Street
42.3.1	12	17	S. Water Street
42.3.1	11.1	17	S. Water Street

3. By amending section 12I as follows:

I. Harbor Overlay District (HOD).

- (1) ~~The Harbor Overlay District shall be located as depicted on the map entitled "Harbor Overlay District," dated January 2008 incorporated by reference and made a part hereof. The district as shown on said map shall be considered an overlay district to be superimposed on the Zoning Map of the Town of Nantucket, Massachusetts.~~
- (2) The purposes of the Harbor Overlay District are to ensure that:
  - (a) Existing water-dependent uses are not displaced by nonwater-dependent uses;

- (b) Harbor waters and the immediate shoreline and pier areas are zoned to protect water-dependent uses;
  - (c) Commercial and residential uses allowed by the underlying district regulations are compatible with, support, or otherwise do not interfere with water-dependent uses of the district; and
  - (d) In new structures, replacement of commercial use with residential use is limited, except where the lot(s) is located within a residential zoning district.
- (3) Uses allowed or permitted in this overlay district are the same as those uses allowed or permitted in the underlying district except as modified by the following:
- (a) No new nonwater-dependent use or extension of an existing nonwater-dependent use on shorefront land shall:
    - [1] Displace or significantly disrupt an existing water-dependent use;
    - [2] Unreasonably diminish the capacity of the site to accommodate future water-dependent uses;
    - [3] Impede or infringe upon existing public access.
  - (b) In new structures located on shorefront land within a commercial zoning district, residential uses shall only be allowed above the first floors except for stairways and other mechanical or accessory functions related thereto;
  - (c) New residential uses shall not be established on pile-supported structures over coastal waters with access from the HOD, except where the lot is located within a residential zoning district;
  - (d) Any new structure shall be set back a minimum of 25 feet from the mean high water line.
  - (e) Any new nonwater-dependent use shall be limited to a maximum ground cover ratio of 50%.
  - (f) New structures located on shorefront land within a commercial zoning district, which in this subsection shall include extensions of existing structures, shall contain the following water-dependent uses and/or uses accessory to these water-dependent uses or provide these on the lot:
    - [1] Recreational boating-related: commercial marina; boat ramp or other public boating access facilities; boat haul-out facilities; boat repair and maintenance or waterfront facilities associated with inland sites providing these services; launch service; fuel and pump-out services; upland boat storage; services such as ice, laundry, bait, provisions; businesses such as ship chandlery, fishing outfitter; parking.

- [2] Commercial fishing related: berthing; loading/unloading areas; gear storage facilities; parking; seafood wholesaler, retail fish market.
- [3] Commercial charter boat: berthing, support facilities.
- [4] Waterfront public access and amenities (as an enhancement to all other uses, except where water-dependent operations would present a safety concern): public restrooms, seating, physical access or view easement.
- [5] Passenger and cargo ferry pier and facilities.
- (g) Existing structures located within a commercial zoning district and used for residential purposes are exempt from Subsection (f) and may be altered or extended, provided that the existing ground cover of the structure(s), as of the date of the vote on this motion at Town Meeting April 1, 2017, is not increased by a total of more than 100 square feet.
- (4) Additional requirements within the HOD.
  - (a) Notwithstanding the provisions of § 139-23H(3) and 139-23I, all new commercial uses or extensions of commercial uses that increase the ground cover ratio of the lot or parking requirements, and which are not otherwise subject to major site plan review, shall be subject to minor site plan review by the Director of Planning designated by the Planning Board for site plan review purposes, and such professional planning staff to whom the Director of Planning shall delegate this responsibility, for all uses and expansions up to, and including, 3,999 square feet of gross commercial floor area (including roofed over area).
  - (b) The Planning Board shall be the special permit granting authority for all commercial uses requiring a special permit within the HOD.
  - (c) In reviewing a use or expansion requiring either a minor or major site plan review within the HOD, the Planning Board and/or the Director of Planning or his designee shall make a determination that the proposed use or improvements are generally consistent with site plan review standards contained in § 139-23, and with the standards set forth in § 139-12I.
- (5) The following uses are prohibited in the Harbor Overlay District:
  - (a) Cruise ship terminals or support facilities owned or operated in conjunction with vessels moored outside of the Harbor.
  - (b) Personal watercraft rental.
  - (c) Private docks unless allowed in § 139-22C and D.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### **ARTICLE 41**

##### **(Zoning Map Change: North Water Street)**

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

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

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

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

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

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### **ARTICLE 42**

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

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

Map	Lot	Number	Street
55	266	51	Sparks Avenue
55	912	109	Pleasant Street

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

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial (RC) district in the Commercial Mid-Island (CMI) district:

Map	Lot	Number	Street
55	266	51	Sparks Avenue
55	912	109	Pleasant Street

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

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### **ARTICLE 43**

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

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

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

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

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial (RC) district in the Commercial Mid-Island (CMI) district:

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



55	301.7	118	Orange Street
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All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 43” dated December 2016 and filed herewith at the Office of the Town Clerk.

**PLANNING BOARD COMMENT:** The applicant voluntarily agreed to a height restriction on any future development or changes to existing structures. The Board determined that based on the location of these properties on the edge of the creeks, a height restriction was appropriate.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### ARTICLE 44

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

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

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

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

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial (RC) district in the Commercial Neighborhood (CN) district:

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

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

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### **ARTICLE 45**

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

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

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

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

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential 1 (R-1) district in the Commercial Neighborhood (CN) district:

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

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

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### **ARTICLE 46**

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

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

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

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

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

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

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing that portion of the following properties located upon Lot 8 shown on Land Court Plan 13614-E currently located in the Residential Commercial (RC) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
68	800	100	Nantucket Inn
68	801	101	Nantucket Inn
68	802	102	Nantucket Inn
68	803	103	Nantucket Inn
68	804	104	Nantucket Inn
68	805	106	Nantucket Inn
68	806	107	Nantucket Inn
68	808	108	Nantucket Inn
68	809	109	Nantucket Inn
68	810	110	Nantucket Inn
68	811	111	Nantucket Inn
68	812	112	Nantucket Inn

68	814	114	Nantucket Inn
68	815	115	Nantucket Inn
68	816	116	Nantucket Inn
68	817	117	Nantucket Inn
68	818	118	Nantucket Inn
68	819	119	Nantucket Inn
68	820	120	Nantucket Inn
68	821	121	Nantucket Inn
68	822	122	Nantucket Inn
68	823	123	Nantucket Inn
68	824	124	Nantucket Inn
68	825	125	Nantucket Inn
68	826	126	Nantucket Inn
68	827	127	Nantucket Inn
68	828	128	Nantucket Inn
68	829	129	Nantucket Inn
68	830	130	Nantucket Inn
68	831	131	Nantucket Inn
68	832	132	Nantucket Inn
68	833	133	Nantucket Inn
68	834	134	Nantucket Inn
68	835	135	Nantucket Inn
68	836	136	Nantucket Inn
68	837	137	Nantucket Inn
68	838	138	Nantucket Inn
68	839	139	Nantucket Inn
68	840	140	Nantucket Inn
68	841	141	Nantucket Inn
68	842	142	Nantucket Inn
68	843	143	Nantucket Inn
68	844	144	Nantucket Inn
68	845	145	Nantucket Inn
68	846	146	Nantucket Inn
68	847	147	Nantucket Inn
68	848	148	Nantucket Inn
68	849	150	Nantucket Inn
68	850	151	Nantucket Inn
68	851	152	Nantucket Inn
68	852	153	Nantucket Inn
68	853	200	Nantucket Inn
68	900	201	Nantucket Inn

68	901	202	Nantucket Inn
68	902	203	Nantucket Inn
68	903	204	Nantucket Inn
68	904	204	Nantucket Inn
68	905	205	Nantucket Inn
68	906	206	Nantucket Inn
68	907	207	Nantucket Inn
68	908	208	Nantucket Inn
68	909	209	Nantucket Inn
68	910	210	Nantucket Inn
68	911	211	Nantucket Inn
68	912	212	Nantucket Inn
68	914	214	Nantucket Inn
68	915	215	Nantucket Inn
68	916	216	Nantucket Inn
68	917	217	Nantucket Inn
68	918	218	Nantucket Inn
68	919	219	Nantucket Inn
68	920	220	Nantucket Inn
68	921	221	Nantucket Inn
68	924	224	Nantucket Inn
68	925	225	Nantucket Inn
68	926	226	Nantucket Inn
68	927	227	Nantucket Inn
68	928	228	Nantucket Inn
68	929	229	Nantucket Inn
68	930	230	Nantucket Inn
68	931	231	Nantucket Inn
68	932	232	Nantucket Inn
68	933	233	Nantucket Inn
68	934	234	Nantucket Inn
68	935	235	Nantucket Inn
68	936	236	Nantucket Inn
68	937	237	Nantucket Inn
68	938	238	Nantucket Inn
68	941	241	Nantucket Inn
68	942	242	Nantucket Inn
68	943	243	Nantucket Inn
68	944	244	Nantucket Inn
68	945	245	Nantucket Inn
68	946	246	Nantucket Inn

68	947	247	Nantucket Inn
68	948	248	Nantucket Inn
68	949	249	Nantucket Inn
68	950	250	Nantucket Inn
68	951	251	Nantucket Inn

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

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### ARTICLE 47

##### (Zoning Map Change: R-20 to CN - Airport Road)

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

Map	Lot	Number	Street
68	48	1	Airport Road

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

Or to take any other action related thereto.

*(Kim Glowacki, et al)*

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

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### ARTICLE 48

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

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

Map	Lot	Number	Street
69	226	1A	Park Circle
69	225	1B	Park Circle
69	224	2A	Park Circle
69	223	2B	Park Circle
69	222	3A	Park Circle
69	221	3B	Park Circle



69	220	4A	Park Circle
69	219	4B	Park Circle
69	218	5A	Park Circle
69	217	5B	Park Circle
69	216	6A	Park Circle
69	215	6B	Park Circle
69	213	7A	Park Circle
69	214	7B	Park Circle
69	210	9A	Park Circle
69	211	9B	Park Circle
69	208	10A	Park Circle
69	209	10B	Park Circle
69	206	11A	Park Circle
69	207	11B	Park Circle
69	205	12A	Park Circle
69	204	12B	Park Circle
69	203	13A	Park Circle
69	202	13B	Park Circle
69	200	14A	Park Circle
69	201	14B	Park Circle
69	235	15A	Park Circle
69	236	15B	Park Circle
69	237	16A	Park Circle
69	238	16B	Park Circle
69	233	17A	Park Circle
69	234	17B	Park Circle
69	240	18A	Park Circle
69	239	18B	Park Circle
69	231	19A	Park Circle
69	232	19B	Park Circle
69	242	20A	Park Circle
69	241	20B	Park Circle
69	229	21A	Park Circle
69	230	21B	Park Circle
69	248	22A	Park Circle
69	247	22B	Park Circle
69	227	23A	Park Circle
69	228	23B	Park Circle
69	245	24A	Park Circle
69	246	24B	Park Circle
69	243	25A	Park Circle

69	244	25B	Park Circle
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All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 48 RC-2 to R-5” dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

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

69	233	17A	Park Circle
69	234	17B	Park Circle
69	240	18A	Park Circle
69	239	18B	Park Circle
69	231	19A	Park Circle
69	232	19B	Park Circle
69	242	20A	Park Circle
69	241	20B	Park Circle
69	229	21A	Park Circle
69	230	21B	Park Circle
69	248	22A	Park Circle
69	247	22B	Park Circle
69	227	23A	Park Circle
69	228	23B	Park Circle
69	245	24A	Park Circle
69	246	24B	Park Circle
69	243	25A	Park Circle
69	244	25B	Park Circle

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

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### ARTICLE 49

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

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

Map	Lot	Number	Street
69	269.1	16A	Nobadeer Farm Road
69	269.2	16B	Nobadeer Farm Road
69	269.3	16C	Nobadeer Farm Road
69	28	18	Nobadeer Farm Road
69	26	20	Nobadeer Farm Road
69	32.1	40A	Nobadeer Farm Road
69	32.2	40B	Nobadeer Farm Road
69	33.1	42C	Nobadeer Farm Road
69	33.2	42D	Nobadeer Farm Road
69	32.3	42E	Nobadeer Farm Road
69	32.4	42F	Nobadeer Farm Road

69	33.3	42G	Nobadeer Farm Road
69	33.4	42H	Nobadeer Farm Road
69	24.4	95	Hinsdale Road
69	27.1	98A	Hinsdale Road
69	27.2	98B	Hinsdale Road
69	27.3	98C	Hinsdale Road
69	27.4	98D	Hinsdale Road
69	270.4	3A	Sun Island Road
69	270.3	3B	Sun Island Road
69	270.2	3C	Sun Island Road
69	270.1	3D	Sun Island Road

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

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

Map	Lot	Number	Street
69	269.1	16A	Nobadeer Farm Road
69	269.2	16B	Nobadeer Farm Road
69	269.3	16C	Nobadeer Farm Road
69	28	18	Nobadeer Farm Road
69	26	20	Nobadeer Farm Road
69	32.1	40A	Nobadeer Farm Road
69	32.2	40B	Nobadeer Farm Road
69	33.1	42C	Nobadeer Farm Road
69	33.2	42D	Nobadeer Farm Road
69	32.3	42E	Nobadeer Farm Road
69	32.4	42F	Nobadeer Farm Road
69	33.3	42G	Nobadeer Farm Road
69	33.4	42H	Nobadeer Farm Road
69	24.4	95	Hinsdale Road
69	27.1	98A	Hinsdale Road
69	27.2	98B	Hinsdale Road
69	27.3	98C	Hinsdale Road
69	27.4	98D	Hinsdale Road
69	270.4	3A	Sun Island Road
69	270.3	3B	Sun Island Road

69	270.2	3C	Sun Island Road
69	270.1	3D	Sun Island Road

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

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### **ARTICLE 50**

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

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

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

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

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Mid-Island (CMI) district:

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

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

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

**ARTICLE 51**

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

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

Map	Lot	Number	Street
69	76	1	Teasdale Circle
69	77	2	Teasdale Circle
69	75	3	Teasdale Circle
69	74	5	Teasdale Circle
69	78	6	Teasdale Circle
69	73	7	Teasdale Circle
69	72.1	9A #1	Teasdale Circle
69	72.2	9B #2	Teasdale Circle
69	72.3	9C #3	Teasdale Circle
69	72.4	9D #4	Teasdale Circle
69	260	11A #A	Teasdale Circle
69	261	11B #B	Teasdale Circle
69	262	11C #C	Teasdale Circle
69	263	11D #D	Teasdale Circle
69	70	13	Teasdale Circle
69	69	15	Teasdale Circle
69	79	16	Teasdale Circle
69	68	17	Teasdale Circle
69	67	19	Teasdale Circle
69	80	20	Teasdale Circle

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

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

Map	Lot	Number	Street
69	76	1	Teasdale Circle
69	77	2	Teasdale Circle
69	75	3	Teasdale Circle
69	74	5	Teasdale Circle
69	78	6	Teasdale Circle
69	73	7	Teasdale Circle
69	72.1	9A #1	Teasdale Circle
69	72.2	9B #2	Teasdale Circle
69	72.3	9C #3	Teasdale Circle
69	72.4	9D #4	Teasdale Circle
69	260	11A #A	Teasdale Circle
69	261	11B #B	Teasdale Circle
69	262	11C #C	Teasdale Circle
69	263	11D #D	Teasdale Circle
69	70	13	Teasdale Circle
69	69	15	Teasdale Circle
69	79	16	Teasdale Circle
69	68	17	Teasdale Circle
69	67	19	Teasdale Circle
69	80	20	Teasdale Circle

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

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

## ARTICLE 52

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

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

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

69	46.3	129	Old South Road
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All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 52 RC-2 to CI and/or CTEC” dated December 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended as follows:

1. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Industrial (CI) district:

Map	Lot	Number	Street
69	46.7	5	Daisy Way
69	46.8	7	Daisy Way
69	46.9	9	Daisy Way
69	240	11	Daisy Way

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

Map	Lot	Number	Street
69	241	6	Daisy Way
69	49	8 (10B)	Daisy Way
69	46.2	127	Old South Road
69	46.3	129	Old South Road

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 52” dated December 2016 and filed herewith at the Office of the Town Clerk.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

### ARTICLE 53

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

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

Map	Lot	Number	Street
69	81	23	Nobadeer Farm Road



69	82	21	Nobadeer Farm Road
69	83	19	Nobadeer Farm Road
69	84	17	Nobadeer Farm Road
69	85	15	Nobadeer Farm Road
69	86	13	Nobadeer Farm Road
69	87	11	Nobadeer Farm Road
69	88	9	Nobadeer Farm Road

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

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 40 (R-40) district:

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

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

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### ARTICLE 54

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

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

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

Map	Lot	Number	Street
68	430 (portion of)	7	Pine Crest Drive

68	418 (portion of)	11	Pine Crest Drive
68	993 (portion of)	13	Pine Crest Drive
68	431 (portion of)	14	Pine Crest Drive
68	435 (portion of)	15	Pine Crest Drive
68	432 (portion of)	18	Pine Crest Drive
68	963 (portion of)	19	Pine Crest Drive
68	433 (portion of)	23	Pine Crest Drive

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

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

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

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

68	431 (portion of)	14	Pine Crest Drive
68	432 (portion of)	18	Pine Crest Drive
68	433 (portion of)	23	Pine Crest Drive
68	963 (portion of)	19	Pine Crest Drive
68	993 (portion of)	13	Pine Crest Drive

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

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by taking the following actions:

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

Map	Lot	Number	Street
68	430 (portion of)	7	Pine Crest Drive
68	418 (portion of)	11	Pine Crest Drive
68	993 (portion of)	13	Pine Crest Drive
68	431 (portion of)	14	Pine Crest Drive
68	435 (portion of)	15	Pine Crest Drive
68	432 (portion of)	18	Pine Crest Drive
68	963 (portion of)	19	Pine Crest Drive
68	433 (portion of)	23	Pine Crest Drive
68	434 (portion of)	100	Old South Road

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

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

68	433 (portion of)	23	Pine Crest Drive
68	963 (portion of)	19	Pine Crest Drive

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

Map	Parcel	Number	Street
68	418	11	Pine Crest Drive
68	419 (portion of)	4A	Pine Crest Drive
68	420 (portion of)	8	Pine Crest Drive
68	421 (portion of)	39 and 41	Pine Crest Drive
68	422 (portion of)	35	Pine Crest Drive
68	423 (portion of)	31	Pine Crest Drive
68	424 (portion of)	27	Pine Crest Drive
68	425 (portion of)	22	Pine Crest Drive
68	426 (portion of)	26	Pine Crest Drive
68	427 (portion of)	3 and 5	Pine Crest Drive
68	428 (portion of)	96A	Pine Crest Drive
68	429 (portion of)	98	Old South Road
68	430 (portion of)	7	Pine Crest Drive
68	431 (portion of)	14	Pine Crest Drive
68	432 (portion of)	18	Pine Crest Drive
68	433 (portion of)	23	Pine Crest Drive
68	963 (portion of)	19	Pine Crest Drive
68	993 (portion of)	13	Pine Crest Drive

All as shown on a map entitled "2017 Annual Town Meeting Warrant Article 54" dated December 2016 and filed herewith at the Office of the Town Clerk.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### ARTICLE 55

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

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

Map	Lot	Number	Street
66	25	3	Nobska Way
66	22	4	Nobska Way
66	26	5	Nobska Way

66	21	6	Nobska Way
67	100	7	Nobska Way
67	100.1	7A	Nobska Way
67	101	8	Nobska Way
67	99	9	Nobska Way
67	102	10	Nobska Way
67	98	11	Nobska Way
67	103	12	Nobska Way
67	98.1	13	Nobska Way
66	431	20	Nobska Way
66	23	22	Appleton Road
66	24	24	Appleton Road
67	620	41	Essex Road

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

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

Map	Lot	Number	Street
<del>66</del>	<del>25</del>	<del>3</del>	<del>Nobska Way</del>
<del>66</del>	<del>22</del>	<del>4</del>	<del>Nobska Way</del>
<del>66</del>	<del>26</del>	<del>5</del>	<del>Nobska Way</del>
<del>66</del>	<del>21</del>	<del>6</del>	<del>Nobska Way</del>
<del>67</del>	<del>100</del>	<del>7</del>	<del>Nobska Way</del>
<del>67</del>	<del>100.1</del>	<del>7A</del>	<del>Nobska Way</del>
<del>67</del>	<del>101 (portion of)</del>	<del>8</del>	<del>Nobska Way</del>
Lot 4B Shown on an Approval Not Required Plan endorsed by the Planning Board on 02-09-17 (Planning Board File #8085)			
<del>67</del>	<del>99</del>	<del>9</del>	<del>Nobska Way</del>
<del>67</del>	<del>102</del>	<del>10</del>	<del>Nobska Way</del>
<del>67</del>	<del>98</del>	<del>11</del>	<del>Nobska Way</del>
<del>67</del>	<del>103</del>	<del>12</del>	<del>Nobska Way</del>
<del>67</del>	<del>98.1</del>	<del>13</del>	<del>Nobska Way</del>
<del>66</del>	<del>431</del>	<del>20</del>	<del>Nobska Way</del>
<del>66</del>	<del>23</del>	<del>22</del>	<del>Appleton Road</del>
<del>66</del>	<del>24</del>	<del>24</del>	<del>Appleton Road</del>

67	620	41	Essex Road
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All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 55” dated December 2016 and filed herewith at the Office of the Town Clerk.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### ARTICLE 56

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

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

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

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

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Neighborhood (C-N) district:

Map	Lot	Number	Street
67	600	1	Essex Road
67	601	3	Essex Road

67	602	5	Essex Road
67	603	7	Essex Road
67	604	9	Essex Road
67	605	11	Essex Road
67	639	10	Essex Road
67	640	8	Essex Road
67	599.1	6C	Essex Road
67	599.2	6D	Essex Road
67	598.1	6	Essex Road
67	598.2	6A	Essex Road
67	598.3	6B	Essex Road
67	606	13	Essex Road

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

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### ARTICLE 57

##### (Zoning Map Change: 3-9 South Shore Road)

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

Map	Parcel	Number	Street
67	336	3	South Shore Road
67	336.9	5	South Shore Road
67	336.8	7	South Shore Road
67	336.7	9	South Shore Road

or to take any other action related thereto.

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

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Limited Use General-2 (LUG-2) district in the Residential-40 (R-40) district:

Map	Parcel	Number	Street
67	336	3	South Shore Road
67	336.9	5	South Shore Road
67	336.8	7	South Shore Road
67	336.7	9	South Shore Road

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 57” dated December 2016 and filed herewith at the Office of the Town Clerk.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### **ARTICLE 58**

##### **(Zoning Map Change: 3 South Shore Road)**

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

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

**PLANNING BOARD MOTION:** Moved that the Chapter 39 (Zoning) of the Code of the Town of Nantucket, section 4E, be amended by placing the following property currently located in the Country Overlay District (COD) in the Town Overlay District (TOD) district:

Map	Lot	Number	Street
67	336	3	South Shore Road

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 58” dated December 2016 and filed herewith at the Office of the Town Clerk.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### **ARTICLE 59**

##### **(Zoning Map Change: LUG-2 to LUG-1 - South Shore Road)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the :Limited Use General 2 (LUG-2) district to Limited Use General 1 (LUG-1) district:

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

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

Or to take any other action related thereto.

*(Marcia Rubin, et al)*



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

**PLANNING BOARD COMMENT:** The Planning Board determined that the southern portion of South Shore Road is more rural in character than the northern portion, it is outside of the sewer district, and the existing density is consistent with adjoining properties. The Board also determined that additional residential development should not be encouraged next to the sewer treatment facility.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### **ARTICLE 60**

##### **(Zoning Map Change: LUG-2 to R-40 - Evergreen Way)**

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

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

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

Or to take any other action related thereto.

*(Lindsey Knapp, et al)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Limited Use General 2 (LUG-2) district in the Residential 40 (R-40) district:

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

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 60” dated October 2016 and filed herewith at the Office of the Town Clerk.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

## ARTICLE 61

### (Zoning Map Change: LUG-2 to LUG-1 - Evergreen Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Limited Use General 2 (LUG-2) district in the Limited Use General 1 (LUG-1) district:

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

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

Or to take any other action related thereto.

*(Lindsey Knapp, et al)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Limited Use General 2 (LUG-2) district in the Limited Use General 1 (LUG-1) district:

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

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 61” dated November 18, 2016 and filed herewith at the Office of the Town Clerk.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

## ARTICLE 62

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

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

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

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

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

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

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

Or to take any other action related thereto.

*(Paul F. Smith, et al)*

**PLANNING BOARD MOTION:** Moved that the Zoning map of the Town of Nantucket be amended as follows:

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

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

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

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

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 62: R-20 and LUG-2 to LUG-1” dated October 2016 and filed herewith at the Office of the Town Clerk.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### **ARTICLE 63**

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

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Limited Use General 2 (LUG-2) district in the Limited Use General 1 (LUG-1) district:

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

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

Or to take any other action related thereto.

*(Barbara Clarke, et al)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Limited Use General 2 (LUG-2) district in the Limited Use General 1 (LUG-1) district:

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

All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 63” dated October 2016 and filed herewith at the Office of the Town Clerk.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

## ARTICLE 64

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

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

*(Charles W. Fisher, et al)*

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

**PLANNING BOARD COMMENT:** The subject property is almost entirely surrounded by the Moorlands Management District (MMD). It currently benefits from the Limited Use General 3 (LUG-3) district being extended from the opposite side of W. Miacomet Road to encompass it. There is no adjacent Limited Use General 2 (LUG-2) zoned land from which a similar extension could occur, and creating an isolated zoning district to benefit a single property would constitute a spot zone.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

## ARTICLE 65

### (Zoning Map Change: Miscellaneous Split Lot Corrections)

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

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

Map	Lot	Number	Street
12	36	98	Squam Road

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

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

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

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

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

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by taking the following actions:

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

Map	Lot	Number	Street
12	36	98	Squam Road

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

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

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

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

83	42.2		Mothball Way
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All as shown on a map entitled “2017 Annual Town Meeting Warrant Article 65” dated December 2016 and filed herewith at the Office of the Town Clerk.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### **ARTICLE 66**

##### **(Bylaw Amendment: Affordable Lot and Affordable Unit Requirement)**

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

*(Linda Holland, et al)*

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

**PLANNING BOARD COMMENT:** The Board determined that this matter should be referred to the Affordable Housing Trust Fund (AHTF) for consideration. The AHTF is currently reviewing inclusionary Bylaws from other towns for possible application on Nantucket.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### **ARTICLE 67**

##### **(Bylaw Amendment: Residential Housing Size)**

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

*(Linda Holland, et al)*

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

**PLANNING BOARD COMMENT:** Based on a review of data provided by the Tax Assessor, the Board determined that the article as drafted would not achieve substantial reduction of future dwelling unit size in the identified zoning districts. The concept for this article was derived from regulations and issues on Martha's Vineyard, where the threshold for pre-development review is not as in depth as what is applied locally by the Historic District Commission.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### **ARTICLE 68**

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

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

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, subsection 16A, be amended by increasing the required frontage in the Residential Commercial (RC) zoning district from 40 feet to 50 feet and by eliminating the side yard setback requirement in the Commercial Industrial (CI) zoning district.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### **ARTICLE 69**

##### **(Zoning Bylaw Amendment: Village Residential (VR))**

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

Or to take any other action related thereto.

*(Robert M. Kucharavy, et al)*

**PLANNING BOARD MOTION:** Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket be amended 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-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket).*

1. Amend section 2A (definitions) as follows:



## **SWIMMING POOL - RESIDENTIAL**

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

2. Amend section 7A (use chart) by “A” in the “V-R” column and the “Swimming pool-residential” row and replacing it with “SP.”

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

## **ARTICLE 70**

### **(Zoning Bylaw Amendment: Village Height Overlay District)**

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

MAP	LOT	NUMBER	STREET:	See Attached List[*]
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All as shown on a map entitled Zoning Bylaw Amendment: Village Height Overlay District and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Bradford L. Fleming, et al)*

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

**PLANNING BOARD MOTION:** Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 4-F (Village Height Overlay District) be amended by placing properties shown on a map entitled “Zoning Bylaw Amendment: Village Height Overlay District,” dated December 2016 and on file in the Office of the Town Clerk, in the Village Height Overlay District.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

## ARTICLE 71

### (Zoning Use Chart Amendment: Prohibition Regarding Helicopters)

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

Or to take any other action related thereto.

*(David D. Worth, et al)*

**PLANNING BOARD MOTION:** Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 7B (Prohibited Uses) be amended by adding a new subsection as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

(6) The taking off or landing of airplanes, helicopters and any other kind of aircraft as a principal or accessory use shall be prohibited. Landings shall be exempt from this prohibition at the Nantucket Memorial Airport, at the designated landing area at the Nantucket Cottage Hospital, in cases of emergency, or as directed by federal, state or local government officials or their authorized agents in the exercise of governmental responsibilities.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

## ARTICLE 72

### (Zoning Bylaw Amendment: Rear Lot Subdivision)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, by adding a new subsection 8E as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

(E) Special permit to create rear lot subdivisions.

1. Purpose: to provide a residential infill development option that allows for the same density that could be created by a conventional subdivision, but that does not create unnecessary un-taxed roadway lots.
2. Rear lots may be permitted in the following zoning districts: R-5, R-10, R-20, R-40, and LUG-1.

3. As authorized by MGL c. 40A, §9, Paragraph 2, the Planning Board, acting as the special permit granting authority, may issue a special permit authorizing the division of a lot into two or more lots, provided the following requirements and/or conditions shall apply:
  1. A minimum frontage of 20 feet shall apply to each lot;
  2. The ground cover ratio, front setback, and side and rear setback requirements of the underlying zoning district shall apply to each lot;
  3. The regularity formula prescribed in §139-16D shall not apply to lots created pursuant to this subsection;
  4. The number of buildings lots shall not exceed the number which may have otherwise been created on a conventional subdivision plan meeting all dimensional and upland requirements of the Zoning Bylaw and consistent with the requirements contained within the "Rules and Regulations Governing the Subdivision of Land," as may be amended from time to time, as demonstrated by the submission of a dimensioned lotting plan.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, be amended by adding a new subsection 8E as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by ~~strikeout~~; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

**(E) Special permit to create rear lot subdivisions.**

1. Purpose: to provide a residential infill development option that allows for the same density that could be created by a conventional subdivision, but that does not create unnecessary un-taxed roadway lots.
2. Rear lots may be permitted in the following zoning districts: R-5, R-10, R-20, R-40, and LUG-1.
3. As authorized by MGL c. 40A, §9, Paragraph 2, the Planning Board, acting as the special permit granting authority, may issue a special permit authorizing the division of a lot into two or more lots, provided the following requirements and/or conditions shall apply:
  1. A minimum frontage of 20 feet shall apply to each lot;
  2. The ground cover ratio, front setback, and side and rear setback requirements of the underlying zoning district shall apply to each lot;
  3. The regularity formula prescribed in §139-16D shall not apply to lots created pursuant to this subsection;
  4. The number of buildings lots shall not exceed the number which may have otherwise been created on a conventional subdivision plan meeting all dimensional and upland requirements of the Zoning Bylaw and consistent with the requirements contained within the "Rules and Regulations Governing the Subdivision of Land," as may be amended from time to time, as demonstrated by the submission of a dimensioned lotting plan.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

### **ARTICLE 73**

#### **(Zoning Bylaw Amendment: Moorlands Management District)**

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

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

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

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

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

E. Procedures.

- (1) ~~In cases involving building or use permit applications for structures or uses permitted as a matter of right in the Moorlands Management District, applicants shall obtain site plan approval from the Planning Board prior to submitting a building permit application to the Building Inspector. Site plan review applications shall be submitted directly to the Planning Board and shall include such submission requirements as may be prescribed by the~~

~~Planning Board in its regulations.~~

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

Or, to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

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

- 1. § 139-13 Moorlands Management District MMD.
- A. Purpose. The Moorlands Management District is established pursuant to the ~~Town's goals and objectives for balanced growth adopted by Town Meeting as the island's long-range comprehensive growth policy. More specifically, it is the~~

~~purpose of the Moorlands Management District~~ to protect areas of the island known to be excellent examples of temperate zone heath. Heaths and moorlands on Nantucket Island represent an extremely fragile and unique environment, and are a rare and endangered landform of North America. Along coastal areas, they may also include flood-prone areas, glacial valleys and coastal pond systems. It is the intention of this district to permit a type and integrity of use which is consistent with the long-term integrity of these special ecological systems.

**B. Permitted uses:**

- (1) Conservation and recreation, including structures and uses accessory thereto.
- (2) One single-family dwelling unit not exceeding 800 square feet of ground coverage, plus not more than 400 square feet area in the aggregate devoted to decks, covered porches, accessory buildings, or other impervious surfaces.

**C. Uses allowed by special permit with ~~minor~~ site plan review. The Planning Board is hereby designated the sole special permit granting authority for all uses, structures and extension or alteration of uses or structures within the Moorlands Management District, including, but not limited to the following:**

- (1) One single-family dwelling unit exceeding 800 square feet of ground coverage, including structures and uses normally considered accessory thereto, may be allowed, provided that each special permit granted shall include conditions requiring the siting of structures and uses in a manner which minimizes potentially adverse effects on the moorlands environment and its scenic integrity.
- (2) Subdivision of properties located within the Moorlands Management District shall require a special permit.
  - (a) The issuance of a special permit for subdivision in the Moorlands Management District shall include conditions as to the layout of lots, the design and location of public improvements, and the establishment of permitted building envelopes, so as to minimize potentially adverse effects on the moorlands environment and its scenic integrity.
  - (b) The Planning Board shall have the authority to require clustering of lots ~~pursuant to § 139-7B of this chapter~~ as a condition for the issuance of the special permit in order to accomplish the above-stated objectives.

**D. Site plan approval. Prior to the issuance of a building permit for structures or uses permitted as a matter of right or by special permit in the Moorlands Management**

District, the Planning Board shall have the authority to review and approve the siting of said structure(s) on the lot in accordance with the following performance standards:

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

**E. Procedures.**

- (1) ~~In cases involving building or use permit applications for structures or uses permitted as a matter of right in the Moorlands Management District, applicants shall obtain site plan approval from the Planning Board prior to submitting a building permit application to the Building Inspector. Site plan review applications shall be submitted directly to the Planning Board and shall include such submission requirements as may be prescribed by the Planning Board in its regulations.~~
  - (a) Failure of the Planning Board to notify the Building Inspector of its action with respect to such application within 20 days of the application filing date shall be deemed approval of the application by the Planning Board.
  - (b) The Building Inspector shall not accept ~~issue~~ a building or use permit application for land in the Moorlands Management District unless it contains either:
    - [1] The Planning Board's decision on the site plan review application; or
    - [2] Documentation in a form satisfactory to the Building Inspector that 20 days have elapsed from the date of submission of the site plan review application to the Planning



Board without said Board having rendered a decision.

- (2) ~~No building or use permit shall be issued by the Building Commissioner for structures or uses located in the Moorlands Management District without site plan approval by the Planning Board. If conditions have been attached to site plan approval by the Planning Board, the Building Commissioner shall require the applicant to amend his application accordingly, and comply with said conditions.~~
- (3) ~~In cases involving a building or use permit application for structures or uses permitted by special permit, the Planning Board shall consider and decide upon site plan review and approval during the public hearing process required for special permits by § 139-30, at which time it shall also consider whether or not the proposed use or structure is in harmony with the general purpose and intent of this chapter.~~

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

#### ARTICLE 74

##### (Zoning Bylaw Amendment: Secondary Lots)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 8C(3), as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

- (3) As authorized by MGL c. 40A, § 9, Paragraph 2, the Planning Board, acting as the special permit granting authority, may issue a special permit authorizing the division of a lot into two lots, provided the following requirements and/or conditions shall apply:
  - (a) The original lot shall not be subject to any covenants, restrictions or similar encumbrances, whether appearing in a deed, easement, land-use permit or any other instrument, pertaining to the prohibition of more than one dwelling unit on the original lot.
  - (b) One of the two lots shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of that lot shall earn at or below 150% of the Nantucket County median household income. Secondary lots sold to qualified family members shall not be subject to the income and asset limits for eligible households. Upon resale, transfer, or gift of the secondary lot to a nonqualified family member, the lot shall be subject to an NHNC-Ownership Form, and all requirements set forth therein, including income and asset limits for eligible households.

- (c) ~~A tertiary dwelling may be permitted on one of the two lots.~~ The lots shall not be subject to the secondary dwelling requirements contained within §2 of this Chapter.
- (d) ~~(Reserved)~~ One of the two lots shall be allowed to have a second dwelling unit, subject to the requirements of the tertiary dwelling definition contained within §2 of this Chapter.

*(Board of Selectmen for Planning Board)*

**PLANNING BOARD MOTION:** Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 8C(3), be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

- (3) As authorized by MGL c. 40A, § 9, Paragraph 2, the Planning Board, acting as the special permit granting authority, may issue a special permit authorizing the division of a lot into two lots, provided the following requirements and/or conditions shall apply:
  - (a) The original lot shall not be subject to any covenants, restrictions or similar encumbrances, whether appearing in a deed, easement, land-use permit or any other instrument, pertaining to the prohibition of more than one dwelling unit on the original lot.
  - (b) One of the two lots shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of that lot shall earn at or below 150% of the Nantucket County median household income. Secondary lots sold to qualified family members shall not be subject to the income and asset limits for eligible households. Upon resale, transfer, or gift of the secondary lot to a nonqualified family member, the lot shall be subject to an NHNC-Ownership Form, and all requirements set forth therein, including income and asset limits for eligible households.
  - (c) ~~A tertiary dwelling may be permitted on one of the two lots.~~ The lots shall not be subject to the secondary dwelling requirements contained within §2 of this Chapter.
  - (d) ~~(Reserved)~~ One of the two lots shall be allowed to have a second dwelling unit, subject to the requirements of the tertiary dwelling definition contained within §2 of this Chapter.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

## ARTICLE 75

### (Zoning Bylaw Amendment: Technical Amendments)

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

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

#### APARTMENT

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

#### BAKERY

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

#### BREEZEWAY

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

#### CHURCH

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

## DECK

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

## DUPLEX

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

## FOOD PROCESSING ESTABLISHMENT

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

## GROUND COVER

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

## HOT TUB/SPA

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

## SCHOOL

An institution for the teaching of children or adults including, but not limited to,

primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities.

#### SECONDARY DWELLING

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

#### STORAGE CONTAINER

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

#### STREET

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

#### STRUCTURE

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

#### UNENCLOSED PORCH

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

### 3. Amend section 5F as follows:

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

calculated based upon ground cover ratio allowed for the portion of each lot in each zoning district, and those totals shall be combined for use upon the entire lot.

4. Amend section 7A by adding a new use "Storage container" in the Use Column, to be allowed by special permit (SP) in the CN, CTEC, and CI districts only.
5. Amend section 8D by adding a new subsection (4) as follows:

(4) The Planning Board may allow a workforce rental community as part of a larger project, as allowed in the CN and CMI districts, provided that the project, in the same ownership or control that could be divided into multiple lots meeting the lot requirement of §139-8D(1)(a)[1] on a conventional subdivision plan meeting all dimensional and upland requirements of the Bylaw and consistent with the "Rules and Regulations Governing the Subdivision of Land," as may be amended by the Planning Board from time to time, as demonstrated by the submission of a dimensioned lotting plan.

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

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

7. Amend section 26E as follows:

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

8. Amend section 30A as follows:

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

options pursuant to § 139-8, and for certain uses in the Public Wellhead Recharge District pursuant to § 139-12B, the Planning Board shall serve as the special permit granting authority for all other special permits required in connection with such project.

9. Amend section 30H as follows:

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

10. Amend section 30I as follows:

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

11. Amend section 33A as follows:

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

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

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

*(Board of Selectmen for Planning Board)*

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

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

#### APARTMENT

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

#### APARTMENT BUILDING(S)

A structure or structures containing a maximum of up to eight bedrooms in up to six dwelling units on a single lot, or an equivalent density, through the issuance of a special permit granted by the Planning Board, for a project in the same ownership or control that could be divided into multiple lots on a conventional subdivision plan meeting all dimensional and upland requirements of the Bylaw and consistent with the "Rules and Regulations Governing the Subdivision of Land," as may be amended by the Planning Board from time to time, as demonstrated by the submission of a dimensioned lotting plan, with no commercial or other uses shall be allowed in the following districts:...

#### BAKERY

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



## **BREEZEWAY**

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

## **DUPLEX**

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

## **FOOD PROCESSING ESTABLISHMENT**

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

## **GROUND COVER**

The horizontal area of a lot covered at grade by structures, together with those portions of any overhangs which contain enclosed interior space; excluding tents, retaining walls, substantially below grade finished or unfinished space, decks, and unenclosed porches, gazebos, platforms and steps, docks, game playing courts at grade, exterior in-ground residential swimming pools, exterior in-ground or above grade hot tub/spas, chimneys, bulkheads, bay and bow windows, unenclosed breezeways, air conditioning units, fuel tanks, roof eaves, trash bins and not more than one accessory detached shed covering an area not to exceed more than 200 square feet at grade.

## **HOT TUB/SPA**

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

## **SECONDARY DWELLING**

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

## STRUCTURE

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

### 3. Amend section 5F as follows:

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

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

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

(4) The Planning Board may allow a workforce rental community as part of a larger project, as allowed in the CN and CMI districts, provided that the project, in the same ownership or control that could be divided into multiple lots meeting the lot requirement of §139-8D(1)(a)[1] on a conventional subdivision plan meeting all dimensional and upland requirements of the Bylaw and consistent with the "Rules and Regulations Governing the Subdivision of Land," as may be amended by the Planning Board from time to time, as demonstrated by the submission of a dimensioned lotting plan.

### 6. Amend section 16C by adding a new subsection (5) as follows:

The Board of Appeals may grant a special permit to allow a setback intrusion of not more than three feet into any required yard setback for exterior steps and/or the associated platform(s), provided that total number of steps located within the

setback does not exceed four in total run.

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

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

8. Amend section 26E as follows:

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

9. Amend section 30A as follows:

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

10. Amend section 30H as follows:

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

11. Amend section 30I as follows:

Expiration of special permits. Special permits shall expire after ~~two~~ three years

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

**12. Amend section 33A as follows:**

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

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

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

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion.

## **ARTICLE 76**

### **(Bylaw Amendment: District Improvement Financing)**

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

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

assignment of any project revenue and subject to a trust agreement, and upon terms determined thereby;

- (vii) The continuation of the District Improvement Financing Program for a period of thirty (30) years, as provided in Section 1(a)(8) of said Chapter 40Q of the Massachusetts General laws, or such shorter time as may be determined in accordance with the provisions of the development program.
- (c) To create a development program fund pursuant to the applicable provisions of Chapter 40Q of the Massachusetts General Laws that consists of: (a) a development sinking fund, (b) a project cost account, and (c) such other accounts, consistent with the provisions of Chapter 40Q, as the Board of Selectmen deems necessary or appropriate to fund the creation and operation of the development district.
- (d) To adopt a statement of the percentage of the Tax Increment to be retained for the financing of the development program, as set forth in the invested revenue district development program, which percentage shall be determined from time to time in accordance with the method or formula set forth in the invested revenue district development program, but shall not exceed a maximum of one hundred percent (100%).
- (e) To authorize the Board of Selectmen to take any all other actions which may be necessary or convenient to implement the purposes of this vote.

Or take any other action related thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION: Moved to take no action on the Article.**

## **ARTICLE 77**

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

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

MAP	PARCEL	ADDRESS
30	27	1 Windward Lane
30	26	2 Windward Lane
30	33	1 Kimball Avenue
30	32	5 Kimball Avenue
30	32.1	7 Kimball Avenue
30	31	9 Kimball Avenue
30	31.1	11 Kimball Avenue
30	30	17 Kimball Avenue
30	29	19 Kimball Avenue

30	28	21 Kimball Avenue
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*(Steven Cohen, et al)*

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

MAP	PARCEL	ADDRESS
30	27	1 Windward Lane
30	26	2 Windward Lane
30	33	1 Kimball Avenue
30	32	5 Kimball Avenue
30	32.1	7 Kimball Avenue
30	31	9 Kimball Avenue
30	31.1	11 Kimball Avenue
30	30	17 Kimball Avenue
30	29	19 Kimball Avenue
30	28	21 Kimball Avenue

#### **ARTICLE 78 (Revolving Accounts Bylaw)**

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

#### **§19-21. Revolving Accounts**

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

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>
Beach Improvement	Beach Permit Sticker sales	Town Manager with approval of Board of Selectmen	In accordance with c. 56 § 7A of Town Code, including endangered species monitor program; beach patrols/monitors; beach use education/information
Community Recreation Programming	Sports programs fees	Town Manager	Operation and maintenance of town owned recreational facilities, Town-owned athletic fields, courts and parks for recreational, organized sports, sports camps and playing field activities.
Tennis Court	Tennis Fees	Town Manager	Operation and maintenance of tennis court facility
Conservation Fund	Conservation Commission application fees	Town Manager with approval of Conservation	Consulting services in connection with professional review of applications

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>
		Commission	
Septic System Inspections	Septic system application fees	Town Manager with approval of Board of Health	Contractor services in connection with septic system inspections; costs associated septic system inspection related training and portion of salaries for staff in connection with septic system duties and responsibilities, together with the proportionate costs of fringe benefits associated with the salaries so paid
Seasonal Food Service Inspections	Food service permit fees	Town Manager with approval of Board of Health	Seasonal food service inspections; costs associated with seasonal food service inspection training and public awareness materials. Salaries for staff in connection with food service inspections.
Lifeguard Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of lifeguard housing facilities
Public Works Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of public works housing facilities
Low Beach Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of Low Beach housing facilities
Solar Rebate Program	Operational Adder from the energy aggregation program	Town Manager with approval of Board of Selectmen	Rebates for residential solar energy systems
Airport Aviation Fuel	Fees and receipts received in connection with sale of aviation fuel	Airport Commission	Purchase of aviation fuel

## **§19-22. Limitation on Spending**

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

Or to take any other action relative thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that Chapter 19 (Finances) of the Code of the Town of Nantucket is hereby amended by adding new Sections 19-21 and 19-22 to read as follows (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):

## **§19-21. Revolving Accounts**



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

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>
Beach Improvement	Beach Permit Sticker sales	Town Manager with approval of Board of Selectmen	In accordance with c. 56 § 7A of Town Code, including endangered species monitor program; beach patrols/monitors; beach use education/information
Community Recreation Programming	Sports programs fees	Town Manager	Operation and maintenance of town owned recreational facilities, Town-owned athletic fields, courts and parks for recreational, organized sports, sports camps and playing field activities.
Tennis Court	Tennis Fees	Town Manager	Operation and maintenance of tennis court facility
Conservation Fund	Conservation Commission application fees	Town Manager with approval of Conservation Commission	Consulting services in connection with professional review of applications
Septic System Inspections	Septic system application fees	Town Manager with approval of Board of Health	Contractor services in connection with septic system inspections; costs associated septic system inspection related training and portion of salaries for staff in connection with septic system duties and responsibilities, together with the proportionate costs of fringe benefits associated with the salaries so paid
Seasonal Food Service Inspections	Food service permit fees	Town Manager with approval of Board of Health	Seasonal food service inspections; costs associated with seasonal food service inspection training and public awareness materials. Salaries for staff in connection with food service inspections.
Lifeguard Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of lifeguard housing facilities
Public Works Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of public works housing facilities
Low Beach Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of Low Beach housing facilities
Solar Rebate Program	Operational Adder from the energy aggregation program	Town Manager with approval of Board of Selectmen	Rebates for residential solar energy systems

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>
Airport Aviation Fuel	Fees and receipts received in connection with sale of aviation fuel	Airport Commission	Purchase of aviation fuel

**§19-22. Limitation on Spending**

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

**ARTICLE 79**

**(Revolving Accounts: Spending Limits for FY 2018)**

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

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that the revolving funds listed below be hereby authorized to continue during Fiscal Year 2018 as follows:

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>	<i>SPENDING LIMIT</i>
Beach Improvement	Beach Permit Sticker sales	Town Manager with approval of Board of Selectmen	In accordance with c. 56 § 7A of Town Code, including endangered species monitor program; beach patrols/monitors; beach use education/information	\$593,024
Community Recreation Programming	Sports programs fees	Town Manager	Operation and maintenance of town owned recreational facilities, Town-owned athletic fields, courts and parks for recreational, organized sports, sports camps and playing field activities.	\$101,000
Tennis Court	Tennis Fees	Town Manager	Operation and maintenance of tennis court facility	\$21,452
Conservation Fund	Conservation Commission application fees	Town Manager with approval of Conservation Commission	Consulting services in connection with professional review of applications	\$35,000
Septic System Inspections	Septic system application fees	Town Manager with approval of Board of Health	Contractor services in connection with septic system inspections; costs associated septic system inspection related training and portion of salaries for staff in connection with septic system duties and responsibilities, together with the proportionate costs of fringe benefits associated with the salaries so paid	\$85,420

<i><b>FUND</b></i>	<i><b>REVENUE SOURCE</b></i>	<i><b>AUTHORITY TO SPEND</b></i>	<i><b>USE OF FUND</b></i>	<i><b>SPENDING LIMIT</b></i>
Seasonal Food Service Inspections	Food service permit fees	Town Manager with approval of Board of Health	Seasonal food service inspections; costs associated with seasonal food service inspection training and public awareness materials. Salaries for staff in connection with food service inspections.	\$75,600
Lifeguard Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of lifeguard housing facilities	\$25,000
Public Works Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of public works housing facilities	\$46,500
Low Beach Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of Low Beach housing facilities	\$67,500
Solar Rebate Program	Operational Adder from the energy aggregation program	Town Manager with approval of Board of Selectmen	Rebates for residential solar programs	\$100,000
Airport Aviation Fuel	Fees and receipts received in connection with sale of aviation fuel	Airport Commission	Purchase of Aviation Fuel	\$4,000,000

## **ARTICLE 80**

### **(Local Option Tax on Sale of Recreational Marijuana)**

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

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that the provisions of General Laws Chapter 64N, Section 3 which will allow the Town to collect a local sales tax in the amount of 2 percent upon the sale or transfer of marijuana or marijuana products by a local retailer operating within the Town are hereby accepted.

## **ARTICLE 81**

### **(Licenses and Permits of Delinquent Taxpayers - Bylaw Amendment)**

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

#### § 19-14 Delinquency list.

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

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that the provisions of General Laws Chapter 40, Section 57, as amended by Sections 37 and 38 of Chapter 218 of the Acts of 2016 (the Municipal Modernization Act, so-called) are hereby accepted; and further the Chapter 19 (Finances), Article X (Licenses and Permits; Collections), Section 14 (Delinquency list) of the Code of the Town of Nantucket is hereby amended as follows *(deletions shown by strike-through and new text shown as underlined)*:

#### § 19-14 Delinquency list.

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

### ARTICLE 82

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

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

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that the provisions of Massachusetts General Laws Chapter 90, Section 17C, to authorize the Board of Selectmen to establish speed limits inside any thickly settled or business district areas in the Town, as defined in Chapter 90, Section 1 are hereby accepted.

## ARTICLE 83

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

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

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION: Moved that the provisions of Massachusetts General Laws Chapter 32B, Section 20, as amended and effective as of November 7, 2016, regarding the management of the Town's Other Post-Employment Benefits [OPEB] Liability Trust Fund are hereby accepted.**

## ARTICLE 84

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

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

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

*(Jeffrey M. Allen, et al)*

**FINANCE COMMITTEE MOTION: Moved not to adopt the Article.**

## ARTICLE 85

### (Reaffirmation of Separate Fire and Police Departments)

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

*(Jeffrey M. Allen, et al)*

**FINANCE COMMITTEE MOTION: Moved not to adopt the Article.**

## ARTICLE 86

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

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation set forth below; provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage; or to take any other action related thereto.

#### *An Act Relative to the Charter of the Town of Nantucket.*

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

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

And further to see if the Town will vote to amend Chapter 11 (Committees) Section 11-1 of the Code of Nantucket as follows; provided, however, that such amendment shall only take effect upon the passage of the Home Rule Petition by the General Court as set forth in this Warrant Article: *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

§11-1 Establishment; membership; vacancies:

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

County or any other municipal entity. The ~~Board of Selectmen~~ Town Moderator shall fill any vacancy which may occur in the Finance Committee for the remainder of the term.

Or to take any other action related thereto.

*(Michael A. Glowacki, et al)*

**FINANCE COMMITTEE MOTION: Moved not to adopt the Article.**

## **ARTICLE 87**

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

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation set forth below; provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage; or to take any other action related thereto:

AN ACT authorizing the Town of Nantucket to supply itself and its inhabitants with water

SECTION 1. The town of Nantucket may supply itself and the inhabitants thereof with water for the extinguishment of fires and for domestic and for other purposes, may establish fountains and hydrants, relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of same.

SECTION 2. The said town, for the purposes aforesaid, is hereby authorized to acquire by purchase or take by eminent domain under chapter 79 of the General Laws the entire water rights, estates, franchises and privileges of any corporation supplying water to its inhabitants and thereby become entitled to all its rights and privileges and subject to all its duties and liabilities; and may lease, or take by eminent domain under said chapter seventy-nine, or acquire by purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, brook, spring, stream or any ground water sources within its limits, not already appropriated for purposes of public water supply, and any water or flowage rights connected therewith; provided, that the amount of water which may be taken shall from time to time be determined by vote of the town; and also may take by eminent domain under said chapter 79, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and treating such water and protecting and preserving the purity thereof and for conveying the same to any part of said town; provided, that no source of water supply and no lands necessary for protecting and preserving the purity and quality of the water shall be taken or used without first obtaining the advice and approval of the department of environmental protection, and that the location and arrangement of all dams, reservoirs, wells or filter galleries, filtration and pumping plants or other works necessary in carrying out the provisions of this act shall be subject to the approval of said department. Said town may construct, erect and maintain on the lands acquired and held under the provisions of this act proper dams, reservoirs, pumping and filtration plants, buildings, standpipes, tanks, fixtures and other structures, including also purification and treatment works, the construction and maintenance of which shall be

subject to the approval of the department of environmental protection, and may make excavations, procure and operate machinery, and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs, establish pumping works and lay down and maintain aqueducts, conduits, pipes and other works, under or over any lands, water courses, railroads, railways and public or other ways and along any such way in said town in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all other proper purposes of this act, said town may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel thereon. Said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation or in case of failure so to agree as may be approved by the department of telecommunications and energy. Said town may enter upon any lands for the purpose of making surveys, test pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized by this act.

SECTION 3. The land, water rights and other property taken or acquired under this act, and all works, buildings and other structures erected or constructed under this act, shall be managed, improved and controlled by the board of water commissioners hereinafter provided for in section 8, in such manner as it shall deem for the best interest of the town.

SECTION 4. Any person or corporation injured in his or its property by any action of said town or board under this act may recover damages from said town under said chapter 79; provided, that the right to damages for the taking of any water, water right, or any injury thereto, shall not vest until the water is actually withdrawn or diverted by said town under authority of this act.

SECTION 5. Said town may, for the purpose of paying the necessary expenses and liabilities incurred or to be incurred under the provisions of this act, issue from time to time bonds or notes in accordance with the provisions of section 8 of chapter 44 of the General Laws.

SECTION 6. Said town shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with the provisions of section 5; and when a vote to that effect has been passed, a sum which, with the income derived from the water rates, will be sufficient to pay the annual expense of operating the water works, and the interest as it accrues on the bonds or notes issued as aforesaid, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed by the town annually thereafter in the same manner as other taxes, until the debt incurred by the said loan or loans is extinguished.

SECTION 7. Whoever willfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property



owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefore, to be recovered in an action of tort; and upon conviction of any one of the above willful or wanton acts shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year, or both.

SECTION 8. All water operations of said town shall be consolidated in department of the town to be known as the water department. All the authority granted to the town by this act, except sections 5 and 6, and not otherwise specially provided for, shall be vested in a five-member board of water commissioners, hereinafter known as the "board". The board shall have exclusive charge and control of the water department and water system of the town, subject however to all lawful by-laws and to such instructions, rules and regulations as said town may impose by its vote. A majority of said board shall constitute a quorum for the transaction of business. Any vacancy occurring in said board shall be filled at the next annual town election for the remainder of the unexpired term and may be filled temporarily by the board of selectmen until the next annual election, in accordance with the charter of the town of Nantucket as it may be amended from time to time. Said commissioners shall serve for three-year overlapping terms, so arranged that the terms of not more than two commissioners shall expire each year.

SECTION 9. Said board shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment of such prices and rates. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued under authority of this act. During any period that the water department is not operated under an enterprise fund system of accounting pursuant to section 53F 1/2 of chapter 44 of the General Laws, if there should be a net surplus remaining after providing for the aforesaid charges it shall, subject to appropriation by the town, be used for such new construction as the water commissioners may recommend or be reserved by the town for future new construction, and in case a surplus should remain after appropriation or reservation for such new construction, and/or in the event such surplus is not so appropriated and reserved, the water rates shall be reduced proportionately. All authority vested in said board by the foregoing provisions of this section shall be subject to the provisions of section 8 with respect to the town's authority to adopt appropriate bylaws, rules, instructions regulations. Said board shall annually, and as often as the town may require, render a report upon the condition of the works under its charge and an account of its doings, including an account of receipts and expenditures.

SECTION 10. The town of Nantucket shall be the lawful successor of the Siasconset water district and the former Wannacomet Water Company, so-called, in every respect. All property, both real and personal, including funds, records, furnishings and equipment whatsoever in the custody of said department and company shall be transferred by operation of law to the town, and no contracts or liabilities of the Siasconset water district or former Wannacomet Water Company in force on the effective date of this act shall be affected by the dissolution and abolition of the said district or company, except as provided in section 16, below.

SECTION 11. The incumbent general manager of the Wannacomet Water Company, so-called, holding office as of the effective date of this act shall serve as the director of the consolidated water department until the natural expiration of his current appointment, or his sooner resignation, retirement or removal.

SECTION 12. Upon the effective date of this act, the so-called Siasconset water district, created pursuant to chapter 404 of the acts of 1903, as amended, is hereby dissolved, the board of water commissioners created pursuant to said chapter 404 is abolished, and the terms of any incumbent members of said board of water commissioners terminated.

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

SECTION 14. Any properly-adopted rules and regulations of the boards of water commissioners created pursuant to chapter 404 of the acts of 1903 and chapter 476 of the acts of 1987, in effect upon the effective date of this act, shall remain in full force and effect until such time as they are amended or abolished by the board created under section 8 this act.

SECTION 15. Upon the effective date of this act, the then-applicable Memorandum of Agreement between the Nantucket Water Commission and the Siasconset Water shall be rendered void, and the parties are relieved of their obligations under said Memorandum of Agreement, except to the extent that any payments are outstanding for services rendered prior to the effective date of this act.

SECTION 16. All personnel of the water department created under the section 8 of this act are town employees, and shall be appointed by the board created under said section 8, in accordance with and subject to the requirements of sections 4.5-4.9 of the town charter, chapter 289 of the acts of 1996 as it may be amended from time to time. Such employees shall be subject to any applicable by-laws, and personnel policies and procedures of the town, unless and only to the extent that such by-laws and personnel policies and procedures have been amended by any valid collective bargaining agreement, where applicable. Nothing herein shall be construed to alter or amend the employment status of any existing water department employees, employed as of the effective date of this act, except as provided in section 12, above.

SECTION 17. As of the effective date of this act, the members of the board of water commissioners created by the provisions of chapter 404 of the acts of 1903 and chapter 476 of the acts of 1987, previously known as the Nantucket Water Commissioners, shall become the first members of the five-member board of water commissioners created under section 8 of this act. Such commissioners shall serve for the remainder of their elected terms or their sooner vacating of office. Thereafter, such offices shall be filled in

accordance with said section 8. Two additional commissioners shall be elected at the first annual town election occurring no less than 64 days after the passage of this act, one for a 2-year term and one for a 3-year term. If the 2 additional positions would remain vacant for more than 4 months, the board of selectmen may, in its discretion, make temporary appointments to fill the vacancies until the annual election at which the offices may legally appear on the ballot. Thereafter, all elections and temporary appointments to the board shall be made in accordance with said section 8.

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

SECTION 19. This act shall take effect upon passage.

Or to take any other action related thereto.

*(Board of Selectmen for Nantucket Water Commission, Siasconset Water Commission)*

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

**AN ACT** authorizing the Town of Nantucket to supply itself and its inhabitants with water

**SECTION 1.** The town of Nantucket may supply itself and the inhabitants thereof with water for the extinguishment of fires and for domestic and for other purposes, may establish fountains and hydrants, relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of same.

**SECTION 2.** The said town, for the purposes aforesaid, is hereby authorized to acquire by purchase or take by eminent domain under chapter 79 of the General Laws the entire water rights, estates, franchises and privileges of any corporation supplying water to its inhabitants and thereby become entitled to all its rights and privileges and subject to all its duties and liabilities; and may lease, or take by eminent domain under said chapter seventy-nine, or acquire by purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, brook, spring, stream or any ground water sources within its limits, not already appropriated for purposes of public water supply, and any water or flowage rights connected therewith; provided, that the amount of water which may be taken shall from time to time be determined by vote of the town; and also may take by eminent domain under said chapter 79, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and treating such water and protecting and preserving the purity thereof and for conveying the same to any part of said town; provided, that no source of water supply and no lands necessary for protecting and preserving the purity and quality of the water shall be taken or used without first obtaining the advice and approval of the department of environmental protection, and that the location and arrangement of all dams, reservoirs, wells or filter galleries, filtration and pumping plants or other works necessary

in carrying out the provisions of this act shall be subject to the approval of said department. Said town may construct, erect and maintain on the lands acquired and held under the provisions of this act proper dams, reservoirs, pumping and filtration plants, buildings, standpipes, tanks, fixtures and other structures, including also purification and treatment works, the construction and maintenance of which shall be subject to the approval of the department of environmental protection, and may make excavations, procure and operate machinery, and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs, establish pumping works and lay down and maintain aqueducts, conduits, pipes and other works, under or over any lands, water courses, railroads, railways and public or other ways and along any such way in said town in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all other proper purposes of this act, said town may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel thereon. Said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation or in case of failure so to agree as may be approved by the department of telecommunications and energy. Said town may enter upon any lands for the purpose of making surveys, test pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized by this act.

**SECTION 3.** The land, water rights and other property taken or acquired under this act, and all works, buildings and other structures erected or constructed under this act, shall be managed, improved and controlled by the board of water commissioners hereinafter provided for in section 8, in such manner as it shall deem for the best interest of the town.

**SECTION 4.** Any person or corporation injured in his or its property by any action of said town or board under this act may recover damages from said town under said chapter 79; provided, that the right to damages for the taking of any water, water right, or any injury thereto, shall not vest until the water is actually withdrawn or diverted by said town under authority of this act.

**SECTION 5.** Said town may, for the purpose of paying the necessary expenses and liabilities incurred or to be incurred under the provisions of this act, issue from time to time bonds or notes in accordance with the provisions of section 8 of chapter 44 of the General Laws.

**SECTION 6.** Said town shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with the provisions of section 5; and when a vote to that effect has been passed, a sum which, with the income derived from the water rates, will be sufficient to pay the annual expense of operating the water works, and the interest as it accrues on the bonds or notes issued as aforesaid, and to make such payments on the principal as may be required under the provisions of this act, shall

without further vote be assessed by the town annually thereafter in the same manner as other taxes, until the debt incurred by the said loan or loans is extinguished.

**SECTION 7.** Whoever willfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefore, to be recovered in an action of tort; and upon conviction of any one of the above willful or wanton acts shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year, or both.

**SECTION 8.** All water operations of said town shall be consolidated in department of the town to be known as the water department. All the authority granted to the town by this act, except sections 5 and 6, and not otherwise specially provided for, shall be vested in a five-member board of water commissioners, hereinafter known as the "board". The board shall have exclusive charge and control of the water department and water system of the town, subject however to all lawful by-laws and to such instructions, rules and regulations as said town may impose by its vote. A majority of said board shall constitute a quorum for the transaction of business. Any vacancy occurring in said board shall be filled at the next annual town election for the remainder of the unexpired term and may be filled temporarily by the board of selectmen until the next annual election, in accordance with the charter of the town of Nantucket as it may be amended from time to time. Said commissioners shall serve for three-year overlapping terms, so arranged that the terms of not more than two commissioners shall expire each year.

**SECTION 9.** Said board shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment of such prices and rates. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued under authority of this act. During any period that the water department is not operated under an enterprise fund system of accounting pursuant to section 53F1/2 of chapter 44 of the General Laws, if there should be a net surplus remaining after providing for the aforesaid charges it shall, subject to appropriation by the town, be used for such new construction as the water commissioners may recommend or be reserved by the town for future new construction, and in case a surplus should remain after appropriation or reservation for such new construction, and/or in the event such surplus is not so appropriated and reserved, the water rates shall be reduced proportionately. All authority vested in said board by the foregoing provisions of this section shall be subject to the provisions of section 8 with respect to the town's authority to adopt appropriate bylaws, rules, instructions regulations. Said board shall annually, and as often as the town may require, render a report upon the condition of the works under its charge and an account of its doings, including an account of receipts and expenditures.

**SECTION 10.** The town of Nantucket shall be the lawful successor of the Siasconset water district and the former 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.

## **ARTICLE 88**

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

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

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

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

“Affordable Housing Restriction” is a recorded instrument held by a qualified holder which encumbers and/or restricts a real property interest so that the real property interest is perpetually or for a term of at least thirty (30) years limited to use as a residence occupied by a low or moderate income household which earns less than a specified income level, the upper limit of which may not exceed one hundred seventy-five percent (175%) of the Nantucket median income. A “qualified holder” is a governmental body or charitable corporation or trust which qualifies under the terms of Massachusetts General Laws Chapter 184 (“Chapter 184”) to hold an affordable housing restriction. Without limiting the generality of the foregoing, “Affordable Housing Restriction” includes but is not limited to any instrument which conforms to the requirements of (i) a Nantucket Housing Needs Covenant as described in Chapter 301 of the Acts of 2002 and defined in the Town of Nantucket Code.

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

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

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

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

"Real property interest", shall refer to any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property, the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a buyer or seller under a contract for purchase and sale of real property, and the transferable development rights created under chapter 183A of the General Laws; but shall not include any interest which is limited to any of the following: the dominant estate in any easement or right of way; the right to enforce any restriction; any estate at will or at sufferance; any estate for years having a term of less than 30 years; any reversionary right, condition, or right of entry for condition broken; and the interest of a mortgagee or other secured party in any mortgage or security agreement.

"Seller", shall refer to the transferor, grantor or immediate former owner of any real property interest.

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

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

SECTION 2. There is hereby imposed a fee equal to one half per cent (1/2%) of the purchase price upon the transfer of any real property interest in any real property situated in Nantucket County. Said fee shall be the liability of the seller of such real property interest, and any agreement between the purchaser and the seller or any other



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(m) The first \$2 million of the sale price of any transfer or series of transfers of real property interests in a single parcel. Said exemption may be adjusted for inflation as determined annually by the affirmative vote of two-thirds of voters at an annual or special town meeting. For purposes of this subsection, "inflation" shall mean the increases, if any, in the total of prices paid for real property transfers year to year for real property within the Town of Nantucket.

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

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

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

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

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

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

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

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

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

(d) Sellers applying for an exemption under subsections (a) through (o) of section four shall be required at the time of application for exemption to execute an agreement legally binding on sellers and separately legally binding upon any Legal Representative of the sellers (1) assuming complete liability for any fee, plus interest and penalties if any, waived on account of an allowed exemption subsequently determined to have been

invalid, and (2) submitting to the jurisdiction of the trial court of the commonwealth sitting in Nantucket County. Fees, plus interest and penalties if any, shall be calculated as of the date of the initial property transfer. Execution of the above-described agreement shall not be required of any mortgagee, pledge, purchaser or judgment creditor unless notice of the agreement has been recorded or filed by the Town.

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

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

SECTION 8. The provisions of this act are severable, and if any provision hereof, including without limitation any exemption from the fee imposed hereby, shall be held invalid in any circumstances such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 9. If the Town has determined that a fee is due by asserting the application of the evasion of fee doctrine described in section 13, then the seller shall have the burden of demonstrating by clear and convincing evidence as determined by the Town that the transfer, or series of transfers, possessed both: (i) a valid, good faith business purpose other than avoidance of the fee set forth in section 10 and (ii) economic substance apart from the asserted fee avoidance benefit. In all such cases, the transferee shall also have the burden of demonstrating by clear and convincing evidence as determined by the Town that the asserted non-fee-avoidance business purpose is commensurate with the amount of the fee pursuant to section 10 to be thereby avoided.

SECTION 10. This act shall take effect ninety (90) days following the date of passage.

*(Board of Selectmen)*

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

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

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

**"Affordable Housing Restriction"** is a recorded instrument held by a qualified holder which encumbers and/or restricts a real property interest so that the real property interest is perpetually or for a term of at least thirty (30) years limited to use as a residence occupied by a low or moderate income household which earns less than a specified income level, the upper limit of which may not exceed one hundred seventy-five percent (175%) of the Nantucket median income. A "qualified holder" is a governmental body or charitable corporation or trust which qualifies under the terms of Massachusetts General Laws Chapter 184 ("Chapter 184") to hold an affordable housing restriction. Without limiting the generality of the foregoing, "Affordable Housing Restriction" includes but is not limited to any instrument which conforms to the requirements of (i) a Nantucket Housing Needs Covenant as described in Chapter 301 of the Acts of 2002 and defined in the Town of Nantucket Code.

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

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

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

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

**"Real property interest"**, shall refer to any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property, the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a buyer or seller under a contract for purchase and sale of real property, and the transferable development rights created under chapter 183A of the General Laws; but shall not include any interest which is limited to any of the following: the dominant estate in any easement or right of way; the right to enforce any restriction; any estate at will or at sufferance; any estate for years having a term of less than 30 years; any reversionary right, condition, or right of entry for condition broken; and the interest of a mortgagee or other secured party in any mortgage or security agreement.

"Seller", shall refer to the transferor, grantor or immediate former owner of any real property interest.

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

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

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

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

thereupon the fee paid with respect to such transfer shall be forthwith returned to the seller or his legal representative.

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

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

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

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

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

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

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

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

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

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



interests within such partnership or limited liability company which are equivalent to the interest the transferor held prior to the transfer.

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

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

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

(m) The first \$2 million of the sale price of any transfer or series of transfers of real property interests in a single parcel. Said exemption may be adjusted for inflation as determined annually by the affirmative vote of two-thirds of voters at an annual or special town meeting. For purposes of this subsection, "inflation" shall mean the increases, if any, in the total of prices paid for real property transfers year to year for real property within the Town of Nantucket.

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

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

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

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

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

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

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

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

(c) If any seller liable to pay the fee established by this act neglects or refuses to pay the same, the amount, including any interest and penalty thereon, shall be a lien in favor

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

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

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

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

**SECTION 8.** The provisions of this act are severable, and if any provision hereof, including without limitation any exemption from the fee imposed hereby, shall be held invalid in any circumstances such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

**SECTION 9.** If the Town has determined that a fee is due by asserting the application of the evasion of fee doctrine described in section 13, then the seller shall have the burden of demonstrating by clear and convincing evidence as determined by the Town that the transfer, or series of transfers, possessed both: (i) a valid, good faith business purpose other than avoidance of the fee set forth in section 10 and (ii) economic substance apart from the asserted fee avoidance benefit. In all such cases, the transferee shall also have the burden of demonstrating by clear and convincing evidence as determined by the Town that the asserted non-fee-avoidance business

purpose is commensurate with the amount of the fee pursuant to section 10 to be thereby avoided.

**SECTION 10.** This act shall take effect ninety (90) days following the date of passage.

#### **ARTICLE 89**

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

To see if the Town will vote to request its representatives in the General Court to introduce special legislation seeking a special act in the form set forth below, amending Chapter 301 of the Acts of 2002, and to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in the text as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure passage; or to take any other action related thereto.

#### **AN ACT AMENDING THE ACT AUTHORIZING AFFORDABLE HOUSING COVENANTS IN THE TOWN OF NANTUCKET.**

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

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

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

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

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that the Town's representatives to the General Court are hereby requested to introduce the legislation set forth below and that the General Court be authorized, with the approval of the Board of Selectmen, to make

constructive changes in the text thereof as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure its passage:

**AN ACT AMENDING THE ACT AUTHORIZING AFFORDABLE HOUSING  
COVENANTS IN THE TOWN OF NANTUCKET.**

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

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

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

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

**ARTICLE 90**

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

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

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

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

assistance for some or all aspects of the Nantucket Housing Needs Covenant Program, if the Authority determines that such assistance is in the public interest.

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

## **§ 100-2. Purpose and means.**

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

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

- A. Within the Nantucket Housing Needs Covenant Program, the Authority may create and administer a series of subprograms and NHNCs, based on different levels of household income, provided that no subprogram or NHNC shall be created for or available to people or households earning more than 150% of the Nantucket County median household income (a "subprogram"), **except for a "qualified family member" as defined in Section 8B(2) of Chapter 139 (Zoning) of the Code of the Town of Nantucket who shall be exempt from the established income and asset limits of the Nantucket Housing Needs Covenant Program.** For illustration only, without limitation, a subprogram may be established hereunder based on affordability to people or households earning at or below 80% of the Nantucket County median income. For each Nantucket Housing Needs Covenant Program subprogram there shall be created an appropriate NHNC to effectuate said subprogram.
- B. Nantucket Housing Needs Covenant ("NHNC"). An NHNC may regulate the terms of the purchase, sale and ownership of real property, including real property held as a condominium, or an NHNC may regulate the terms of the rental of real property, or both.
  - (1) The Authority may create a series of subprograms and NHNCs that relate to and regulate the terms of the purchase, sale and ownership of real property not held as a condominium, which NHNCs shall be known as an "Nantucket Housing Needs Covenant – Ownership Form." **A "qualified family member" as defined in Section 8B (2) of Chapter 139 (Zoning) of the Code of the Town of Nantucket shall be exempt from the established income and asset limits of the Nantucket Housing Needs Covenant Program, and the established income and asset limits shall not be**

included as requirements in any NHNC-Ownership Form for such qualified family member.

- (2) The Authority may create a series of subprograms and NHNCs that relate to and regulate the terms of the purchase, sale and ownership of real property held as a condominium, which NHNCs shall be known as an "Nantucket Housing Needs Covenant – Condominium Form."
  - (3) The Authority may create a series of subprograms and NHNCs that relate to and regulate the terms of the rental and leasing of real property, which NHNCs shall be known as an "Nantucket Housing Needs Covenant – Rental Form."
- C. The Nantucket Housing Needs Covenant Program, each subprogram and each NHNC shall include, without limitation, provisions, consistent with this Chapter 100, with Chapter 301 of the Acts of 2002, as amended, and with Chapter 184 of the Massachusetts General Laws, if applicable under § 100-7 herein below, addressing the following elements:
- (1) Income and asset limits for eligible households (except for a "qualified family member" referred to in Sections A and B (1) above);
  - (2) A definition of affordability;
  - (3) An affordability use restriction on the properties affected by a subprogram and an NHNC;
  - (4) Procedures whereby the Authority shall periodically receive and review reports pertaining to each NHNC;
  - (5) Provisions that the Nantucket Housing Needs Covenant Program, each subprogram and each NHNC shall be created and administered in a nondiscriminatory manner; and
  - (6) Enforcement provisions designed to assure compliance with the purpose and intent of this Chapter 100 and with the Nantucket Housing Needs Covenant Program, subprograms and NHNCs.

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

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

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

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

Or to take any action related thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that Chapter 100 (Nantucket Housing Needs Covenant Program) of the Code of the Town of Nantucket is hereby amended as follows (new text shown as highlighted; 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):

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

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

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

#### **§ 100-2. Purpose and means.**

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

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

- A. Within the Nantucket Housing Needs Covenant Program, the Authority may create and administer a series of subprograms and NHNCs, based on different levels of household income, provided that no subprogram or NHNC shall be created for or available to people or households earning more than 150% of the Nantucket County median household income (a "subprogram"), except for a "qualified family member" as defined in Section 8B(2) of Chapter 139 (Zoning) of the Code of the Town of Nantucket who shall be exempt from the established



income and asset limits of the Nantucket Housing Needs Covenant Program. For illustration only, without limitation, a subprogram may be established hereunder based on affordability to people or households earning at or below 80% of the Nantucket County median income. For each Nantucket Housing Needs Covenant Program subprogram there shall be created an appropriate NHNC to effectuate said subprogram.

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

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

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

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

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

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

### ARTICLE 91

#### (Conveyance of Easement on 30 Surfside Road to Verizon)

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

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that the Board of Selectmen is hereby authorized to convey a perpetual non-exclusive easement to Verizon New England, Inc. for such purposes to access, construct, operate, maintain, connect, replace and remove manholes and conduits and any other equipment and facilities as required for the transmission and/or distribution of telecommunications over, across, upon and under a portion of certain Town-owned land located at 30 Surfside Road, Nantucket, shown as Lot 1 on a plan of land recorded with Nantucket County Registry of Deeds in Plan Book 18, Page 88 and Lot 3 on a plan of land recorded with said Deeds in Plan Book 20, Page 60, and as more particularly described in deeds recorded with said Deeds in Book

143, Page 181 and Book 169, Page 175, said easement area being shown on a plan filed with the Office of the Town Clerk.

## **ARTICLE 92**

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

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

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that the Board of Selectmen is hereby authorized to convey a perpetual non-exclusive easement to Nantucket Electric Company for such purposes to access, install, construct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence an underground electric distribution system in, through, under, over, across and upon a portion of certain Town-owned land located at 30 Surfside Road, Nantucket, shown as Lot 1 on a plan of land recorded with Nantucket County Registry of Deeds in Plan Book 18, Page 88 and Lot 3 on a plan of land recorded with said Deeds in Plan Book 20, Page 60, and as more particularly described in deeds recorded with said Deeds in Book 143, Page 181 and Book 169, Page 175, said easement area being shown on a plan filed with the Office of the Town Clerk.

## **ARTICLE 93**

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

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

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

- Map 88, Parcel 37 (Surfside, portion of Blocks 266 and 275);

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

Or to take any other action related thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain, for public way, sewer, open space and/or general municipal purposes and for the purpose of conveyance the fee title or lesser interests, together with any public and private rights of passage, in all or any portions of the following right of ways, easements or parcels of land:

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

#### **ARTICLE 94**

##### **(Real Estate Conveyance: Various “Paper” Streets and Misc. Parcels)**

To see if the Town will vote to authorize the Board of Selectmen to (1) sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land pursuant to Chapter 30B of the Massachusetts General Laws, (2) dedicate all or any portion of the subject land for open space and recreational purposes, and/or (3) sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land to the Nantucket Islands Land Bank, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in regard to the following land:

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

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

Or to take any other action related thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved that the Board of Selectmen is hereby authorized to (1) sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land pursuant to Chapter 30B of the Massachusetts General Laws, (2) dedicate all or any portion of the subject land for open space and recreational purposes, and/or (3) sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land to the Nantucket Islands Land Bank, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in regard to the following land:

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

#### **ARTICLE 95**

##### **(Real Estate Acquisition: Nancy Ann Lane)**

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

*(Patricia Roggeveen, et al)*

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

the taking by eminent domain pursuant to Massachusetts General Laws Chapter 79 or any other damages and costs incurred by the Town related thereto.

#### ARTICLE 96

##### (Real Estate Conveyance: Nancy Ann Lane)

To see if the Town will vote to authorize the Board of Selectmen to convey, sell, or otherwise dispose of the fee title or lesser interests of all or any portion of the following described land, including a portion of the existing right of way known as Nancy Ann Lane as depicted on Land Court Plan 16514-Z, containing of approximately 33,129 square feet, and as shown on the plan attached hereto and on file with the office of the Town Clerk, pursuant to Massachusetts General Laws Chapter 30B; any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, provided the disposition is consistent with the purposes for which the property interest was acquired; or to take any other action related thereto..

*(Patricia Roggeveen, et al)*

**FINANCE COMMITTEE MOTION:** Moved that the Board of Selectmen is hereby authorized to convey, sell, or otherwise dispose of the fee title or lesser interests of all or any portion of the following described land, including a portion of the existing right of way known as Nancy Ann Lane as depicted on Land Court Plan 16514-Z, containing of approximately 33,129 square feet, and as shown on the plan attached hereto and on file with the office of the Town Clerk, pursuant to Massachusetts General Laws Chapter 30B; any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, provided the disposition is consistent with the purposes for which the property interest was acquired.

#### ARTICLE 97

##### (Real Estate Acquisition: Mayflower Circle, Daffodil Lane)

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

*(Patricia Roggeveen, et al)*

**FINANCE COMMITTEE MOTION:** Moved that the Board of Selectmen is hereby authorized to acquire by gift, purchase or eminent domain, for affordable housing

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

#### **ARTICLE 98**

##### **(Real Estate Conveyance: Mayflower Circle, Daffodil Lane)**

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

*(Patricia Roggeveen, et al)*

**FINANCE COMMITTEE MOTION:** Moved that the Board of Selectmen is hereby authorized to convey, sell, or otherwise dispose of the fee title or lesser interests of all or any portion of the land shown as the western portions of Mayflower Circle and Daffodil Lane, being portions of Lot # 615 and Lot # 663, on Land Court Plan 16514-40, and containing respectively approximately 16,004 square feet and 12,721 square feet, as shown on the plan attached hereto and on file with the Office of the Town Clerk, pursuant to Massachusetts General Laws Chapter 30B; any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, provided the disposition is consistent with the purposes for which property was acquired.

#### **ARTICLE 99**

##### **(Real Estate Acquisition: North Road)**

To see if the Town will vote to: authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for general municipal purposes and for the purpose of conveyance of the fee or lesser interests, together with any public or private rights of passage, in the portion of North Road (Shimmo) between the extended western sideline of land shown upon Assessor Map 43 as Parcel 79 and the extended easterly sideline of the land shown upon Assessor Map 43 and Parcel 128, approximately 470+/- feet in length, or to take any other action related thereto.

*(Steven Cohen, et al)*

**FINANCE COMMITTEE MOTION:** Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain, for general municipal purposes and for the purpose of conveyance of the fee or lesser interests, together with any public or private rights of passage, in the portion of North Road (Shimmo) between the extended western sideline of land shown upon Assessor Map 43 as Parcel 79 and the extended easterly sideline of the land shown upon Assessor Map 43 and Parcel 128, approximately 470+/- feet in length.

#### **ARTICLE 100**

##### **(Real Estate Conveyance: North Road)**

To see if the Town will vote to: authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or an portion of the subject land pursuant to M.G.L., c. 30B and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, any such disposition to be such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in the portion of North Road (Shimmo) between the extended western sideline of land shown upon Assessor Map 43 as Parcel 79 and the extended easterly sideline of the land shown upon Assessor Map 43 and Parcel 128, approximately 470+/- feet in length, or to take any other action related thereto.

*(Steven Cohen, et al)*

**FINANCE COMMITTEE MOTION:** Moved that the Board of Selectmen is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests of all or an portion of the subject land pursuant to M.G.L., c. 30B and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, any such disposition to be such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in the portion of North Road (Shimmo) between the extended western sideline of land shown upon Assessor Map 43 as Parcel 79 and the extended easterly sideline of the land shown upon Assessor Map 43 and Parcel 128, approximately 470+/- feet in length.

#### **ARTICLE 101**

##### **(Real Estate Acquisition: Sandwich Road)**

To see if the Town will vote to: authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for general municipal purposes and for the purpose of conveyance of the fee or lesser interests, together with any public or private rights of passage, in the portion of Sandwich Road (Monomoy) lying between the northerly line of Chatham Road and the extended north easterly sideline of the land known and numbered at 8 Monomoy Road, shown upon Assessor Map 54 and Parcel 196, approximately 385+/- feet in length, or to take any other action related thereto.

*(Steven Cohen, et al)*

**FINANCE COMMITTEE MOTION:** Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain, for general municipal



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

## **ARTICLE 102**

### **(Real Estate Conveyance: Sandwich Road)**

To see if the Town will vote to: authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or an portion of the subject land pursuant to M.G.L., c. 30B and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, any such disposition to be such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in the portion of Sandwich Road (Monomoy) lying between the northerly line of Chatham Road and the extended north easterly sideline of the land known and numbered at 8 Monomoy Road, shown upon Assessor Map 54 and Parcel 196, approximately 385+/- feet in length, or to take any other action related thereto.

*(Steven Cohen, et al)*

**FINANCE COMMITTEE MOTION:** Moved that the Board of Selectmen is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests of all or an portion of the subject land pursuant to M.G.L., c. 30B and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, any such disposition to be such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in the portion of Sandwich Road (Monomoy) lying between the northerly line of Chatham Road and the extended north easterly sideline of the land known and numbered at 8 Monomoy Road, shown upon Assessor Map 54 and Parcel 196, approximately 385+/- feet in length.

## **ARTICLE 103**

### **(Real Estate Acquisition: Scott's Way)**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests together with any public or private rights of passage for public ways, open space, conveyance and/or general municipal purposes in all or any portion of the unconstructed right of way known as Scotts Way from a line extending across Scotts Way at a point at the southeasterly corner of Map 67, Parcel 168, to the northern sideline of Lovers Lane, approximately 2,575 linear feet.

Or to take any other action related thereto.

*(Christopher L. Ray, et al)*

**FINANCE COMMITTEE MOTION:** Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain the fee or lesser interests together with any public or private rights of passage for public ways, open space,

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

#### **ARTICLE 104**

##### **(Real Estate Conveyance: Scotts Way)**

To see if the Town will vote to authorize the Board of Selectmen to convey, sell or otherwise dispose of the fee title or lesser interests in a portion of land known as Scotts Way from a line extending across Scotts Way at a point at the southeasterly corner of Map 67, Parcel 168, to the northern sideline of Lovers Lane, approximately 2,575 linear feet, subject to Chapter 30B on the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions.

Or to take any other action related thereto.

*(Christopher L. Ray, et al)*

**FINANCE COMMITTEE MOTION:** Moved that the Board of Selectmen is hereby authorized to convey, sell or otherwise dispose of the fee title or lesser interests in a portion of land known as Scotts Way from a line extending across Scotts Way at a point at the southeasterly corner of Map 67, Parcel 168, to the northern sideline of Lovers Lane, approximately 2,575 linear feet, subject to Chapter 30B on the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions.

#### **ARTICLE 105**

##### **(Real Estate Conveyance: 131, 135 Pleasant Street)**

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

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

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

Or to take any other action related thereto.

*(Catherine Flanagan Stover, et al)*

**FINANCE COMMITTEE MOTION: Moved not to adopt the Article.**

#### **ARTICLE 106**

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

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

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

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

Or to take any other action related thereto.

*(Catherine Flanagan Stover, et al)*

**FINANCE COMMITTEE MOTION: Moved not to adopt the Article.**

#### **ARTICLE 107**

##### **(Real Estate Conveyance: 9 East Creek Road)**

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

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

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

Or to take any other action related thereto.

*(Catherine Flanagan Stover, et al)*

**FINANCE COMMITTEE MOTION: Moved not to adopt the Article.**

#### **ARTICLE 108**

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

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

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

And to see if the Town will vote to appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes.

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

Or to take any other action related thereto.

*(Lucy Dillon, et al)*

**FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portion of the following unconstructed rights of way, together with any public and private rights of passage, for public ways, open space, conveyance and/or general municipal purposes:**

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

#### **ARTICLE 109**

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

To see if the Town will vote to authorize the Board of Selectmen to sell, convey, or otherwise dispose of the fee or lesser interests in all or any portion of the following unconstructed rights of way, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the “Nantucket Yard Sales Program” on file at the Board of Selectmen’s office, such disposition to be on any such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

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

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

Or to take any other action related thereto.

*(Lucy Dillon, et al)*

**FINANCE COMMITTEE MOTION:** Moved that the Board of Selectmen is hereby authorized to sell, convey, or otherwise dispose of the fee or lesser interests in all or any portion of the following unconstructed rights of way, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the “Nantucket Yard Sales Program” on file at the Board of Selectmen’s office, such disposition to be on any such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

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

#### **ARTICLE 110**

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

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for general municipal purposes and for the purpose of conveyance of the fee title or lesser interests, together with any public or private rights of passage, in all or any portions of the unnamed private ways off Low Beach Road, Siasconset, shown upon a “Plan of Rule Lot at South End of ‘Sconset” by R. N. Allen, Surveyor, recorded with the Nantucket Registry of Deeds in Plan Book 4, Page 7, and lying adjacent to or within the lands situated at and known as 54 Morey Lane, 1 Low Beach Road, 3 Low Beach Road, 11 Low Beach Road, 13 Low Beach Road, 15 Low Beach Road and 17 Low Beach Road (Assessor’s Parcels 73.3.2-54, 73.3.2-27, 73.3.2-29, 73.3.2-34, 74-45, 74-84 and 74-85, respectively); or to take any other action related thereto.

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

**FINANCE COMMITTEE MOTION:** Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain, for general municipal purposes and for the purpose of conveyance of the fee title or lesser interests, together with any public or private rights of passage, in all or any portions of the unnamed private ways off Low Beach Road, Siasconset, shown upon a “Plan of Rule Lot at South End of ‘Sconset” by R. N. Allen, Surveyor, recorded with the Nantucket Registry of Deeds in Plan Book 4, Page 7, and lying adjacent to or within the lands situated at and known as 54 Morey Lane, 1 Low Beach Road, 3 Low Beach Road, 11 Low Beach Road, 13 Low Beach Road, 15 Low Beach Road and 17 Low Beach Road (Assessor’s Parcels 73.3.2-54, 73.3.2-27, 73.3.2-29, 73.3.2-34, 74-45, 74-84 and 74-85, respectively).

## ARTICLE 111

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

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land pursuant to M.G.L., c. 30B, and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in all or any portions of the unnamed private ways off Low Beach Road, Siasconset, shown upon a "Plan of Rule Lot at South End of 'Sconset" by R. N. Allen, Surveyor, recorded with the Nantucket Registry of Deeds in Plan Book 4, Page 7, and lying adjacent to or within the lands situated at and known as 54 Morey Lane, 1 Low Beach Road, 3 Low Beach Road, 11 Low Beach Road, 13 Low Beach Road, 15 Low Beach Road and 17 Low Beach Road (Assessor's Parcels 73.3.2-54, 73.3.2-27, 73.3.2-29, 73.3.2-34, 74-45, 74-84 and 74-85, respectively); or to take any other action related thereto.

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

**FINANCE COMMITTEE MOTION:** Moved that the Board of Selectmen is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land pursuant to M.G.L., c. 30B, and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in all or any portions of the unnamed private ways off Low Beach Road, Siasconset, shown upon a "Plan of Rule Lot at South End of 'Sconset" by R. N. Allen, Surveyor, recorded with the Nantucket Registry of Deeds in Plan Book 4, Page 7, and lying adjacent to or within the lands situated at and known as 54 Morey Lane, 1 Low Beach Road, 3 Low Beach Road, 11 Low Beach Road, 13 Low Beach Road, 15 Low Beach Road and 17 Low Beach Road (Assessor's Parcels 73.3.2-54, 73.3.2-27, 73.3.2-29, 73.3.2-34, 74-45, 74-84 and 74-85, respectively).

## ARTICLE 112

### **(Appropriation: Stabilization Fund)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of the Stabilization Fund in accordance with Chapter 40 section 5B of the Massachusetts General Laws, from which appropriations may be made by a two-thirds vote of an Annual or Special Town Meeting for any purpose for which a municipality may borrow money or for any other lawful purpose; said sum not to exceed ten percent (10%) of the Fiscal Year 2017 tax levy.

Or to take any other action related thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION:** Moved to take no action on the Article.

## ARTICLE 113

### (Appropriation: Free Cash)

To see what sum the Town will vote to transfer from Free Cash in the treasury to meet the appropriations for the current and/or ensuing Fiscal Year and to authorize the Assessors to use in the fixing the tax rate, pass any vote, or take any other action related thereto.

*(Board of Selectmen)*

**FINANCE COMMITTEE MOTION: Moved to take no action on the Article.**