

**Town and County of Nantucket**  
**Board of Selectmen • County Commissioners**

James R. Kelly, Chairman  
Rick Atherton  
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C. Elizabeth Gibson  
Town & County Manager

**AGENDA FOR THE MEETING OF THE  
BOARD OF SELECTMEN  
JANUARY 11, 2017 - 6:00 PM  
PUBLIC SAFETY FACILITY COMMUNITY ROOM  
4 FAIRGROUNDS ROAD  
NANTUCKET, MASSACHUSETTS**

- I. CALL TO ORDER**
- II. BOARD ACCEPTANCE OF AGENDA**
- III. ANNOUNCEMENTS**
  1. The Board of Selectmen Meeting is Being Video/Audio Recorded.
  2. Town Offices will be Closed Monday, January 16, 2017 in Observance of Martin Luther King, Jr. Day.
- IV. PUBLIC COMMENT\***
- V. NEW BUSINESS\***
- VI. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS**
  1. Approval of Minutes of December 7, 2016 at 6:00 PM; December 14, 2016 at 6:00 PM.
  2. Approval of Payroll Warrants for Week of January 8, 2017.
  3. Approval of Treasury Warrants for January 11, 2017.
  4. Approval of Pending Contracts for January 11, 2017.
- VII. CITIZEN/DEPARTMENTAL REQUESTS**
  1. Finance Department: Request for Approval to Borrow Remaining \$1,000,000 from Massachusetts Clean Water Trust for Community Septic Management Program.

*VIII. TOWN MANAGER'S REPORT*

1. Our Island Home:
  - a) Proposed New Facility Financial Review.
  - b) Design Plan/Project Cost Review.
  - c) Our Island Home Work Group Update.
2. Continued Discussion/Review of 2017 Annual Town Meeting Warrant Articles.

*IX. SELECTMEN'S REPORTS/COMMENT*

1. Committee Reports.

*X. ADJOURNMENT*

*\*Identified on Agenda Protocol Sheet*

**Board of Selectmen Agenda Protocol:**

- **Roberts Rules:** *The Board of Selectmen follows Roberts Rules of Order to govern its meetings as per the Town Code and Charter.*
- **Public Comment:** *For bringing matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Board of Selectmen. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action. Except in emergencies, the Board will not normally take any other action on Public Comment. Any personal remarks or interrogation or any matter that appears on the regular agenda are not appropriate for Public Comment.*

*Public Comment is not to be used to present charges or complaints against any specifically named individual, public or private; instead, all such charges or complaints should be presented in writing to the Town Manager who can then give notice and an opportunity to be heard to the named individual as per MGL Ch. 39, s 23B.*

- **New Business:** *For topics not reasonably anticipated 48 hours in advance of the meeting.*
- **Public Participation:** *The Board welcomes valuable input from the public at appropriate times during the meeting with recognition by the Chair. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Selectmen may have questions on the clarity of information presented. The Board will hear any staff input and then deliberate on a course of action.*
- **Selectmen Report and Comment:** *Individual Selectmen may have matters to bring to the attention of the Board. If the matter contemplates action by the Board, Selectmen will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting. Otherwise, except in emergencies, the Board will not normally take action on Selectmen Comment.*

**EXHIBIT 1**  
**AGREEMENTS TO BE EXECUTED BY TOWN MANAGER**  
**UNLESS RESOLUTION OF DISAPPROVAL BY BOARD OF SELECTMEN**  
*January 11, 2017*

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding
Professional Services Agreement	Marine Dept.	GZA	\$95,000	Engineering/ permitting for repairs to F Street Boat Ramp (Madaket)	Article 10/2016 ATM
Professional Services Agreement	Fire Dept.	LMC Contracting	\$38,446	Brush clearing services for proposed Fire Station at 4 Fairgrounds Road	Article 11/2015 ATM

**TOWN OF NANTUCKET  
COMMUNITY SEPTIC MANAGEMENT PROGRAM**

The Town of Nantucket received approval, by Town Meeting vote, to enact the Community Septic Management Program for funding up to two million dollars with an original funding of one million dollars. This septic system replacement program, provided through the Commonwealth of Massachusetts Department of Environmental Protection (“DEP”), makes available a loan to qualified homeowners in our community, to repair or replace a failed septic system, or to connect to an available sewer system.

The loan consists of all combined costs associated with septic system repair, replacement, or upgrading. This includes property line determination, soil evaluation, septic system design and general construction and installation. This loan also covers hookup to town sewer in certain designated areas. The loan’s term offers a two percent (2%) loan, to be paid back over twenty (20) years. Payment is due twice yearly with the municipal tax bill. The loan is secured as a betterment assessment against the property and may be paid off at any time without penalty.

Under this program, we have loaned out approximately \$850,000. We need to acquire the second million to continue the program in anticipation of loan requests, in connection with the Shimmo and Plus sewer projects.

## VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Nantucket, Massachusetts, certify that at a meeting of the board held January 11, 2017, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was passed, all of which appears upon the official record of the board in my custody:

- VOTED
- (1) That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$1,000,000 (the “Bonds”) pursuant to Chapters 29C and 111 of the General Laws and a vote of the Town passed on April 4, 2011 (Article 32), which authorized a total borrowing of \$2,000,000 for a community septic management loan program (the “Project”);
  - (2) That in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the “Notes”) from time to time in an aggregate principal amount not to exceed \$1,000,000;
  - (3) that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Clean Water Trust (the “Trust”) at a price determined pursuant to the Financing Agreement;
  - (4) that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Financing Agreement or Agreements with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes;
  - (5) that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan agreement by the Treasurer, are hereby ratified, approved and confirmed; and
  - (6) that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary or convenient to carry out the provisions of this vote, including execution and delivery of the Financing Agreement or Agreements and the Project Approval Certificate and Regulatory Agreement or Agreements relating to the Project.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth

in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds or Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: January 11, 2017

\_\_\_\_\_  
Clerk of the Board of Selectmen

AM 63212579.1

Our Island Home Project Cost Summary  
January 6, 2017



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

**Notes and Assumptions:**

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

**Outline #4 for 2017 Annual Town Meeting Warrant – for 01/11/17 BOS (as of 01/06/17)**

*Outline #1 reviewed at 10/12/16 BOS meeting; Outline #2 reviewed at 12/14/16 BOS; Outline #3 at 12/21/16 BOS and 01/04/17 BOS changes since then are redlined*

*NOTE: Numbering & Order is NOT FINAL*

**Annual Articles**

1. Receipt of Reports
2. Appropriation: Unpaid Bills
3. Appropriation: Prior Year Articles
4. Revolving Accounts: Annual Authorization
5. Appropriation: Reserve Fund
6. FY 2017 General Fund Budget Transfers
7. Personnel Compensation Plans for FY 2018
8. Appropriation: FY 2018 General Fund Operating Budget
9. Appropriation: Health & Human Services
10. Appropriation: General Fund Capital Expenditures
11. Appropriation: FY 2018 Enterprise Funds Operations
12. Appropriation: Enterprise Funds Capital Expenditures
13. FY 2017 Enterprise Funds Budget Transfers
14. Appropriation: Waterways Improvement Fund
15. Appropriation: Ferry Embarkation Fee (~~re-dedicate to Fast Ferry Connector?~~)
16. Appropriation: Ambulance Reserve Fund
17. Appropriation: County Assessment
18. Appropriation: Finalizing FY 2018 County Budget
19. Rescind Unused Borrowing Authority (*may not be needed*)
20. Appropriation: OPEB Trust Fund
21. Appropriation: Free Cash
22. Appropriation: Stabilization Fund
23. Surplus Equipment Disposition (Airport has a fuel truck)
24. Outstanding Debt Article (recommended by Town Counsel)
25. Collective Bargaining Articles x 7

**Other Selectmen Sponsored Articles**

*NOTE: most of these were reviewed/discussed by BOS or Town Administration since the 2016 ATM*

**OTHER APPROPRIATION or FINANCE RELATED**

1. Affordable Housing Trust appropriation (?)(~~Separate from Article 10?~~) **Need BOS determination** Will be a stand-alone article
2. Appropriation for additional parcels to add to Nantucket Harbor Shimmo-Plus project

**ZONING BYLAW & GENERAL AMENDMENTS**

*Zoning*

*See attached list from Planning Dir*

*General Bylaw*

*See attached list from Planning Dir*

*Also:*

1. Possible removal/amendment to outdated/obsolete bylaws (needs work) Not done

2. Sewer District amendments (possible amendments re ~~Madaket/Warren's Landing/Somerset~~ & Nantucket Harbor Shimmo/Plus – following design progress) Will have several parcels to add to Town Sewer District for NHS/Plus project
3. 4 additional articles from Town Counsel relating to Municipal Modernization Act

### **HOME RULE PETITIONS**

*Resubmittal of Pending HRP's from 2016 ATM (these have not been acted upon by the Legislature as of now)*

1. HRP Charter Amendment re Publication of Town Meeting Warrants (2<sup>nd</sup> Town Meeting) Hold (has been taken up by legislature)
2. HRP Real Estate Transfer Fee for Housing (2<sup>nd</sup> Town Meeting) Resubmit
3. HRP Retired Police to Serve as Special Police (2<sup>nd</sup> Town Meeting) Hold (has been taken up by legislature)
4. HRP Land Bank Act Amendment re Affordable Housing Restriction (2<sup>nd</sup> Town Meeting) Hold (has been taken up by legislature)

*New*

1. Amend Housing Needs Covenant language (Planning) (Intra family trust language)
- ~~32.~~ Amend HDC Act to eliminate appeals to BOS – Need to review "the log" BOS to discuss with HDC
3. HRP for special legislation to allow the Town to make changes to health insurance plan(s) – RESEARCHING

### **MGL ACCEPTANCES**

1. Acceptance of MGL to set speed limits at 25 MPH in certain areas (Municipal Modernization Act)
2. OPEB Trust language (Municipal Modernization Act)

### **REAL ESTATE RELATED**

*See attached list from Planning Dir*

*Also:*

1. "Clean up" of old railroad ROW at Fire Station property
- ~~2.~~ Any approvals necessary for 4 Corners Intersection improvements (?)
3. Easement to NGrid for School underground electric distribution system for new Intermediate School (did a License pending Town Meeting approval)

### **OTHER**

Warrant articles related to Our Island Home: potential land acquisition; appropriation; zoning; sewer district

Madaket Sewer – ?

### **BALLOT QUESTIONS**

1. OIH
2. Citizen "referendum" questions x4 - ? Town Counsel review/explain

### OTHER – SINCE 01/04/17

-- draft warrant prepared – need BOS review of: order of articles

-- Fire Station? Supplemental appropriation?

**CITIZEN ARTICLES** -- 37 articles

**From:** [George Pucci](#)  
**To:** [Libby Gibson](#)  
**Cc:** [Andrew Vorce](#); [Erika Mooney](#); [John Giorgio](#)  
**Subject:** HDC Appeal Procedure  
**Date:** Tuesday, December 20, 2016 3:13:55 PM  
**Attachments:** [KP-#570876-v1-NANT\\_HDC\\_Legislation.docx](#)

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Dear Libby –

Attached are track change edits to the HDC’s existing legislation which would eliminate appeals to the BOS, and instead provide that appeals of HDC decisions go directly to Superior Court. This is a first draft subject to further review and revision, but it may be helpful to the BOS to see what the amended procedure would look like, when discussing the request from the HDC chair dated 12/7/16.

If you have any questions, please let me know.

Sincerely yours,  
George

***Kopelman and Paige is now KP | LAW***

George X. Pucci, Esq.

**KP | LAW**

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~~SECTION 11. Appeals may be taken to the Board of Selectmen by any person aggrieved by the ruling of the Historic District Commission. The Board of Selectmen shall hear and act upon such appeals promptly, and the decision of the Board shall be as determined by a majority vote of the members of the Board. Such appeals shall be taken within ten (10) days of the filing by the Commission of its certificate of determination with the Clerk of the Town of Nantucket, and written notice of such appeal shall be given by the appealing party to the Commission at the time such appeal is taken.~~

SECTION 12. Any person ~~or the Historic District Commission,~~ aggrieved by a decision ruling of the Commission under Sections 5, 6, 7 and 9 of this Act~~of the Board of Selectmen,~~ may appeal to the Superior Court sitting in equity for the County of Nantucket, provided that such appeal is filed in said Court within 15-30 days after such decision ruling is recorded~~is~~ filed with the Nantucket Town Clerk. If the appealing party is not the owner of the property which is the subject of the ruling under appeal, the owner of the property must be included and served as a party defendant in the appeal~~or parties shall, at the time of filing such appeal, give notice thereof to all persons who were parties to the appeal to the Board of Selectmen, by causing to be delivered to such parties a copy of the complaint and written notice of the filing thereof.~~ The Court shall hear all pertinent evidence and determine the facts and, upon the facts so determined, annul such decision ruling if found to exceed the authority of such Board~~the Commission~~, or may remand the case for further action by the Commission or make such other decree as justice and equity may require. The foregoing remedy shall be exclusive, but the parties shall have all rights of appeal and exception as in other equity cases.

Costs shall not be allowed against the Historic District Commission ~~or the Board of Selectmen~~ unless it shall appear to the Court that the Commission~~or the Board~~, in making the decision ruling appealed from, acted with gross negligence, in bad faith or with malice.

Costs shall not be allowed against the party appealing from the decision ruling of the Historic District Commission ~~or the Board of Selectmen~~ unless it shall appear to the Court that said appellant or appellants acted in bad faith or with malice in making the appeal to the Court.

**HDC Appeal Log as of 12/20/2016**

Address/Owner	HDC Decision	Appellant	Reason for Appeal	Hearing Date	Decision Date	BOS Decision	Appealed to Superior Court?	Superior Court Decision
3 Martin's Lane/ Three Martin's Lane LLC	Denied application to install driveway/parking space	Three Martin's Lane LLC	HDC did not act within its authority or process in making this determination	6/17/2009	8/5/2009	Voted to deny appeal & uphold HDC decision	Yes CV 09-60	Ordered that decision of HDC as upheld by decision of BOS be annulled and matter remanded to HDC for a hearing & decision on merits of application within jurisdiction of HDC
30B Washington Street/Peter & Clara Barrett for Nantucket Islands Land Bank	Denied application to move off structure to 30 Mizzenmast	Nantucket Islands Land Bank	The "determination of the HDC was made in excess of its authority, was arbitrary & capricious, & constituted an abuse of its discretion and power"	2/23/2011	3/23/2011	No action taken	No	
30 Mizzenmast/ Nantucket Islands Land Bank	Denied application to move on structure from 30B Washington Street	Nantucket Islands Land Bank	The "determination of the HDC was made in excess of its authority, was arbitrary & capricious, & constituted an abuse of its discretion and power"	2/23/2011	3/23/2011	No action taken	No	
3 Martin's Lane/ Three Martin's Lane LLC	Denied application for curbcut, fence cut/gate & driveway	Three Martins Lane LLC	Determination of HDC was made without considering the merits of the application; HDC acted beyond its authority; arbitrary and capricious; failed to comply with Order of Superior Court	6/15/2011	8/3/2011	Voted to deny appeal & uphold HDC decision	Yes 1175CV00049	BOS decision of 8/2/2011 reversed; HCC decision of 4/26/2011 annulled; remanded to HDC, ordered to issue COA to install driveway & apron with cut in fence and curb
9 Mill Street/Edmund Liddle & Amanda Tosch	Approved new dwelling	Robert Kargman	HDC approval made in excess of authority of HDC; arbitrary & capricious; constituted an abuse of its function & duty as prescribed by HDC Act	2/22/2012	--	Appeal withdrawn	No	
15 Broadway/Donald W. Pine	Denied application for "like-kind repair of 3 sills not open to view from public way or street" due to lack of response	Donald W. Pine	Denial of HDC was arbitrary & capricious	5/9/2012	5/16/2012	Voted to uphold appeal & reverse HDC decision denying certificate of Non-Applicability for project; remand matter to HDC with instructions to issue certificate of Non-Applicability forthwith	No	

4 North Beach Street/ Phyljan Realty Trust	Approved application to raise elevation of building vertically by 18"	William and Jayne Lane, Trustees of WJL Realty Trust	HDC abutter notification was not given	11/7/2012	11/7/2012	Voted to uphold appeal, vacate COA # 58338 & remand matter to HDC to rehear application after receipt of proof of proper notice per §124-12 of Town Code	No	
18 Lincoln Avenue, Lot 2/ Gregory & Deborah Mankiw	Denied application to add roof walk skirt to previously approved roof walk	Gregory & Deborah Mankiw	Application was denied on grounds that are arbitrary & capricious, unfounded & incorrect	1/9/2013	1/16/2013	Voted to reverse HDC's denial & remand matter to HDC with instructions to issue COA for an architecturally appropriate design for skirted roof walk	No	
34B Walsh Street/ David Sloan	Denied application for new roof walk	David Sloan	There was a denial of due process & denial is arbitrary & capricious	6/5/2013	6/12/2013	Voted to remand matter to HDC with instructions to allow applicant an opportunity to present additional evidence in support of application & to address concerns noted by BOS during appeal hearing; for HDC to schedule remand hearing ASAP	No	
74R Center Street/ Wasserman	Approved new fence	Marjorie & Steven Lewis; Gene Foster; Jane & Redge Hanes	HDC applicant is not the legal owner of land where a fence is proposed to be constructed & has no right or standing to seek approval for a fence from the HDC; therefore HDC has no authority or jurisdiction to act on application	9/18/2013	--	BOS closed public hearing and dismissed appeal per recommendation of Town Counsel due to lack of response from appellant	No	
Map 63, Parcels 65 and 66, Head of Plains Road/ Edmund & Marie Cienava	Approved applications for new primary dwelling & new secondary dwelling by constructive grant process	HDC & Buttermilk Channel, LLC	HDC appeal claims that the HDC Special Act is deficient in regards to the constructive grant process & that there are still design and materials issues that need to be addressed  Buttermilk Channel, LLC appeal claims that the Determinations are arbitrary & capricious,	9/25/2013	--	No action taken Resolved prior to appeal hearing	No	

			based on errors of fact & law; denies abutters & other members of the public due process; is contrary to HDC's rules, regulations & practices					
34B Walsh Street/David Sloan	Approved new roof walk	Maureen J. Murphy and Eileen P. Murphy	approved roof walk is architecturally inappropriate, irregularities occurred with process and procedure, and the approval is arbitrary and capricious	4/2/2014	4/16/2014	Voted to deny appeal & uphold HDC decision	Yes 1475CV00009	Stipulation of Dismissal filed by parties
7 Judith Chase Lane/Elizabeth Rosborg	Denied application to move house on site out of setback 5' +/-	Elizabeth Rosborg, Trustee of Seven JC Lane Trust	Application to move structure was constructively approved by HDC due to HDC's failure to post a final determination with Town Clerk within 60 days of filing; disapproval is arbitrary & capricious because decision lacked valid, factually correct reasons for denial	4/23/2014	--	BOS accepted withdrawal of appeal on 6/18/2014	No	
22 Blackfish Lane/ Gary Vogel	Denied application to change from shingled rakes & columns to white painted trim & columns	Gary Vogel	Disapproval is arbitrary & capricious because decision is not consistent with HDC's own guidelines or HDC's Enabling Act; decision is based on assertions that are historically, architecturally & factually untrue	4/23/2014	5/7/2014	Voted to deny appeal & uphold HDC decision	No	
12 Gardner Road/John Bruno, Trustee of See Terrier Farms Trust	Denied demolition/move off of barn	John Bruno, Trustee of See Terrier Farms Trust; Pippen's Way LLC	Disapproval exceeded statutory authority of HDC; arbitrary, capricious & unlawful; conclusory & unsubstantiated by evidence presented	5/7/2014	5/7/2014	Voted to remand matter to HDC & asked HDC to hear matter as promptly as possible	No	
Lot 16, Barnabas Lane/Woodbury Lane Realty Trust	Rescission of COA # 60212 which allowed construction of a fence on property line	Woodbury Lane Realty Trust	HDC did not have authority to rescind issued COA; Woodbury Lane Realty Trust did not knowingly submit "erroneous information"	8/20/2014	8/20/2014	Voted to remand matter to HDC & have HDC follow whatever course of action required	No	

			to HDC in connection with its application for COA					
29 N. Liberty Street/Michael Maitino for Westbay Development Inc.	Denied application for move off of ancillary storage structure from lot	Michael Maitino, as owner	HDC in denying application for removal of structure was arbitrary & capricious, & exceeded the authority of HDC	12/17/2014	1/21/2015	Voted to remand matter to HDC	Yes 1575CV00019	Pending – trial held, awaiting trial judge’s ruling
1 Brock’s Court/Elizabeth Frazier	Approved application for pool, hardscaping, fence, retaining wall	One Brock’s Court LLC	Work approved by HDC not permitted in historic district; not consistent with HDC Act	5/20/2015	6/10/2016	Voted to deny appeal & uphold HDC decision	No	
29 N. Liberty Street/Michael Maitino for Westbay Development Inc.	Approved move off of ancillary storage structure from lot	Barry Berman & Peggy McCarthy Berman; Thomas M. & Margot S. Montgomery; Joan M. & Philip Hoyt	HDC lacked jurisdiction because of pending appeal in Nantucket Superior Court; the COA is arbitrary, capricious & an abuse of discretion; the COA is barred by administrative res judicata; reasonable alternatives were not considered; there was an improper viewing; the HDC panel composition was changed	5/20/2015	6/10/2015	Voted to set aside issuance of COA # 63184 pending resolution of appeal in Superior Court & after receiving Superior Court’s decision that HDC follow Court’s ruling	Yes 1575CV00003 1575CV00018	Pending – trial held, awaiting trial judge’s ruling
9 North Road/9 North Road LLC	Approved pool, fence, gate, hardscaping, patio	Stephen M. Alfieri, Trustee of Treerock Realty Trust	Work approved is in direct conflict with guidelines provided for in <i>Building with Nantucket in Mind</i> as well as HDC policy	10/21/2015	--	Appeal withdrawn on 12/2/2015	No	
27 N. Liberty Street/Roger & Kristen Hobby	Approved relocation of & addition to a structure	Barry Berman & Peggy McCarthy Berman; Thomas M. & Margot S. Montgomery; Joan M. & Philip Hoyt	HDC’s decision to approve application was arbitrary, capricious, unreasonable, an abuse of discretion & without lawful justification	10/28/2015	12/16/2015	Voted to deny appeal & uphold HDC decision	Yes 1575CV00039	Filed Answer; Permit Holder Defending  Pending – not joined with earlier cases
80 Old South Road/Tim & Moira Parsons	Approved commercial hoop barn for storage/warehousing	Mark and Sherry Chitester	Application was accepted after the deadline & was approved under consent with no notice to abutters	11/4/2015	12/2/2015	Voted to deny appeal & uphold HDC decision	No	
13 C Street/Heather’s Heaven LLC	Approved historical renovation at 12 C Street and revisions to previous Cert no. 53269	Joseph Freeman; Juliana & Theodore P. Lyman	Approval does not comport with HDC’s guidelines, <i>Building with Nantucket in Mind</i>	12/2/2015	1/27/2016	Voted to uphold appeal, vacate COA # 64611 & remand matter to HDC; later vacated by BOS for insufficient quantum of vote	Yes 1675CV00008	Pending – trial scheduled for May, 2017
6 Marble Way/Russell Simpson	Approved new commercial structure (90’ L x 30’ W x 27’7” H)	Samantha Parsons	HDC approval of 90’ long structure is arbitrary & capricious	1/6/2016	1/20/2016	Voted to deny appeal & uphold HDC decision	No	

250 Polpis Road/Polpis Harbor LLC	Denied application for tennis court & fence	Polpis Harbor LLC	HDC's denial of COA was arbitrary, capricious, unreasonable, unsupported by substantial evidence, an abuse of discretion & in violation of due process of law	1/20/2016	1/20/2016	Voted to deny appeal & uphold HDC decision	No	
341A Madaket Road/Oak Hill Investments	Approved beach stairs & split rail fence	Mary Jane MacLean & Anne Jennings	HDC acted arbitrarily & capriciously in approving a staircase which is prohibited under Nantucket Zoning Code, § 139-22B and 139-2; is inappropriate & unprecedented; property is subject to & encumbered by Wetland Determination Order	2/3/2016	2/3/2016	Voted to deny appeal & uphold HDC decision	No	
24 Hawthorne Lane/Lisa Bouchard	Approved construction of new shed	Lisa Bouchard and Michael Pearson	Approved structure was not under jurisdiction of HDC as it is not visible from any locations specified in Section 9(a) of the HDC Act; a Certificate of Non-Applicability should have been granted instead; decision of HDC was arbitrary & capricious	10/5/2016	10/5/2016	Voted to deny appeal & uphold HDC decision	No	

571605

## 2017 ATM Potential Warrant Articles

### Rezoning:

- RC-2 to CTEC : Teasdale Circle ✓
- RC-2 to R-5 : Nobadeer Meeting House ✓
- RC-2 to ? : Misc. multifamily on Nobadeer Farm Road ✓
- RC-2 to CMI: Airport ✓
- RC-2 to CI: Airport ✓
- ~~RC-2 to R-5: Yawkey Way~~
- RC-2 to LUG-3: GHYC Swim Club, Small Friends, New School, and Strong Wings ✓
- RC-2 to R-5, R-10, and CTEC – Pine Crest ✓
- RC-2 to R-5 : Nobska Way ✓
- RC to CN: Nantucket Inn ✓
- RC to CN: Mid Island ✓
- RC to CMI: Mid island ✓
- R-10 to CN: Hospital parcels ✓
- RC to ? : phase out where possible
  - Williams Lane ✓
  - Old North and Commercial Wharf ✓
  - ~~Washington Street~~
  - Orange Street ✓
- CDT extension at corner of Sea Street and S Beach
- Misc split zone corrections
- Misc Open Space rezoning
- ALC to R-40 and CN ✓

### Zoning Bylaw Amendments:

- Technical amendment article
  - 139-2: ✓
    - modify pool definition to clarify pool v. hot tub/spa
    - modify definition of structure to allow for underground propane tanks in the setback
    - clarify breezeway and unenclosed porch
    - modify street definition. Remove 1992 date.
    - add definition of school and church
  - 139-3: remove reference to LC district ✓
  - 139-26: remove reference to extension of building permits
  - Misc. Bylaw updates to reflect recent MGL changes
  - 139-5(E) and (F): modify determination of boundaries for when a property is split by 2 districts
- 139-8: clarify that dwellings on secondary lots must or must not maintain the relationship of a primary and secondary dwelling. Also, clarify if the tertiary dwelling allowed on one of the lots must meet tertiary dwelling requirements even if it is technically the second dwelling – see previous clarification about primary and secondary dwellings.
- 139-12(G): MIPOD adjustments – text only
- 139-13: Moorlands Management District
- 139-14: removal of ALC language ✓
- 139-16: increase frontage in the RC and RC-2 district to 50 feet ✓
- 139-23 and 139-4: expand Harbor Overlay District boundary
- ~~139-25: remove unnecessary language~~
- ~~139-26: remove unnecessary building code language~~
- ~~139-32: remove unnecessary administrative language~~

### General Bylaw Amendments:

- ~~101: Noise~~
- ~~124: Signs, Satellite Dishes, and Rooflines~~
- District Improvement Financing (DIF) for Harbor Place and Richmond/OSR Corridor

### Home Rule Petitions:

- Home rule petition to amend the Nantucket Housing Needs Covenant language to allow the provisions of Article 55 from 2016 ATM

- Real Estate
  - Paper Road Acquisition and Disposition
    - ~~Scott's Way (replaced by citizen petition)~~
    - Others to be determined
- ~~Madequecham land transfers to Land Bank~~
- ~~Acquisition of Madequecham parcel~~
- Acquisition of additional property for OIH

**Municipal Modernization Bill** – articles to be determined.

DRAFT

# 2017 DRAFT Zoning Article Maps

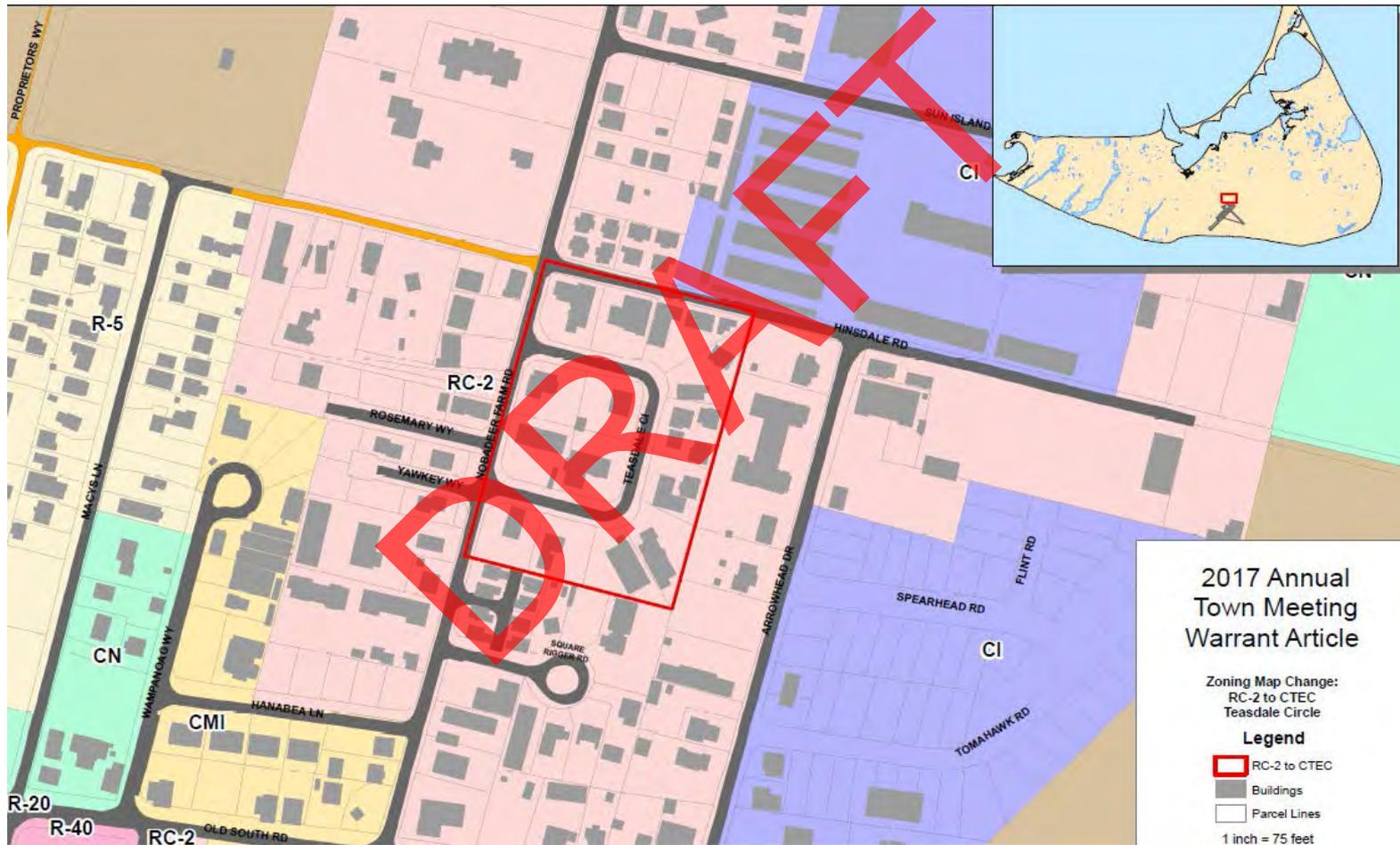
Proposed By: Nantucket Planning Board

Date: December 13, 2016

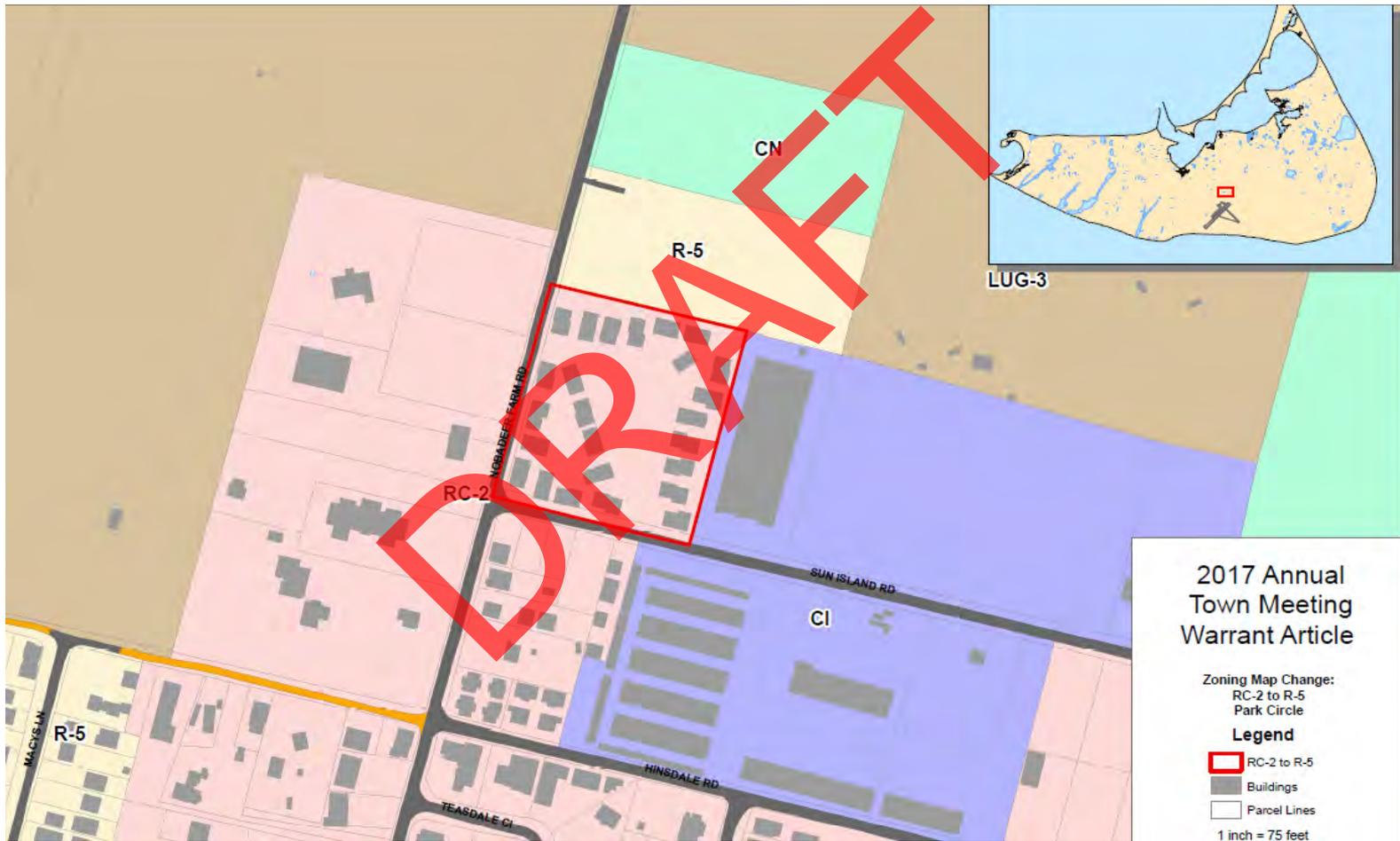
# Master Plan Implementation

- Phase out RC, RC-2, R-1, and ALC districts
- Implement CDT, CMI, CN, and CTEC districts
- Match zoning district to land use
- Adjustments/clarifications to Zoning Bylaw based on practical considerations and experience

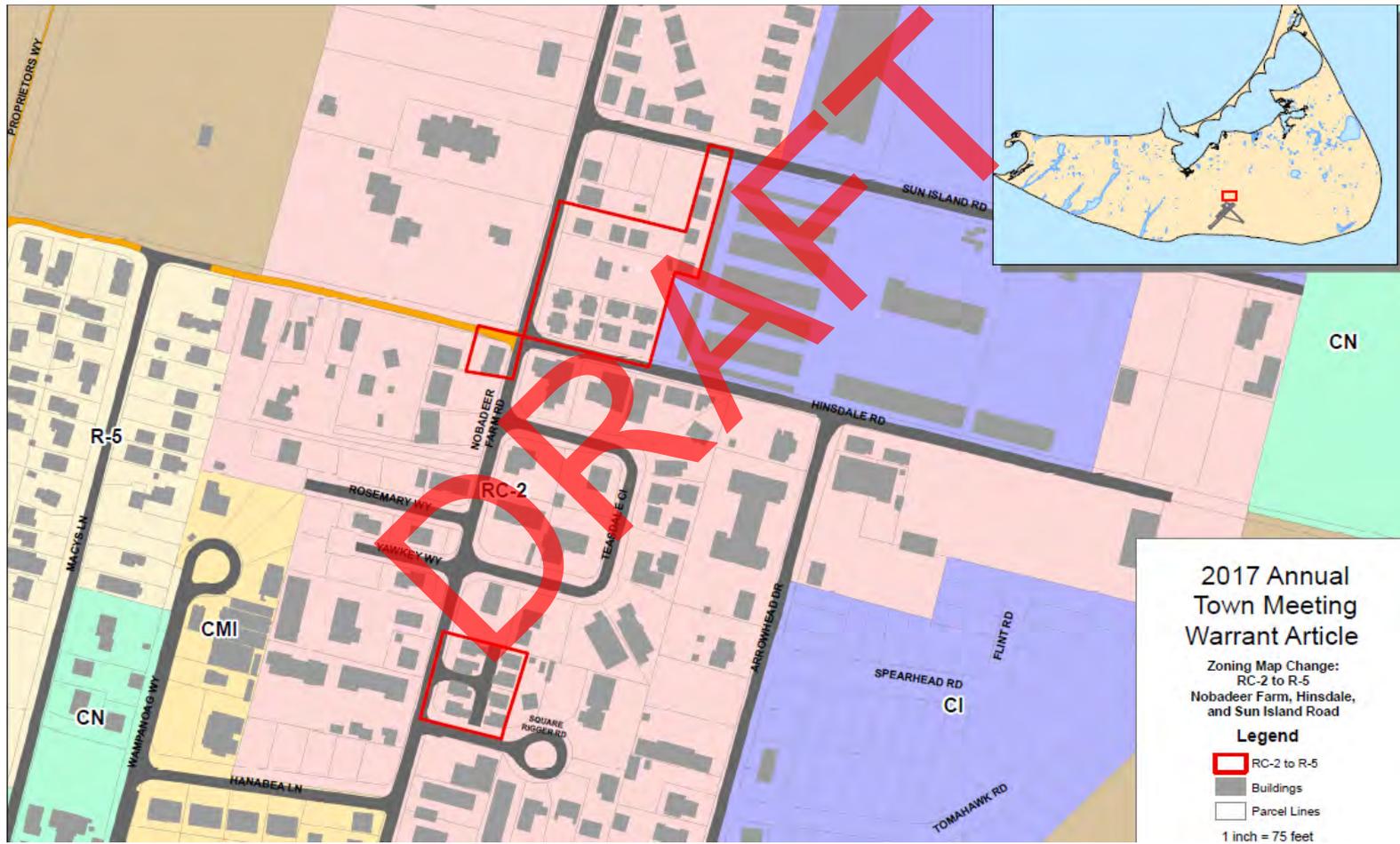
# RC-2 to CTEC: Teasdale Circle



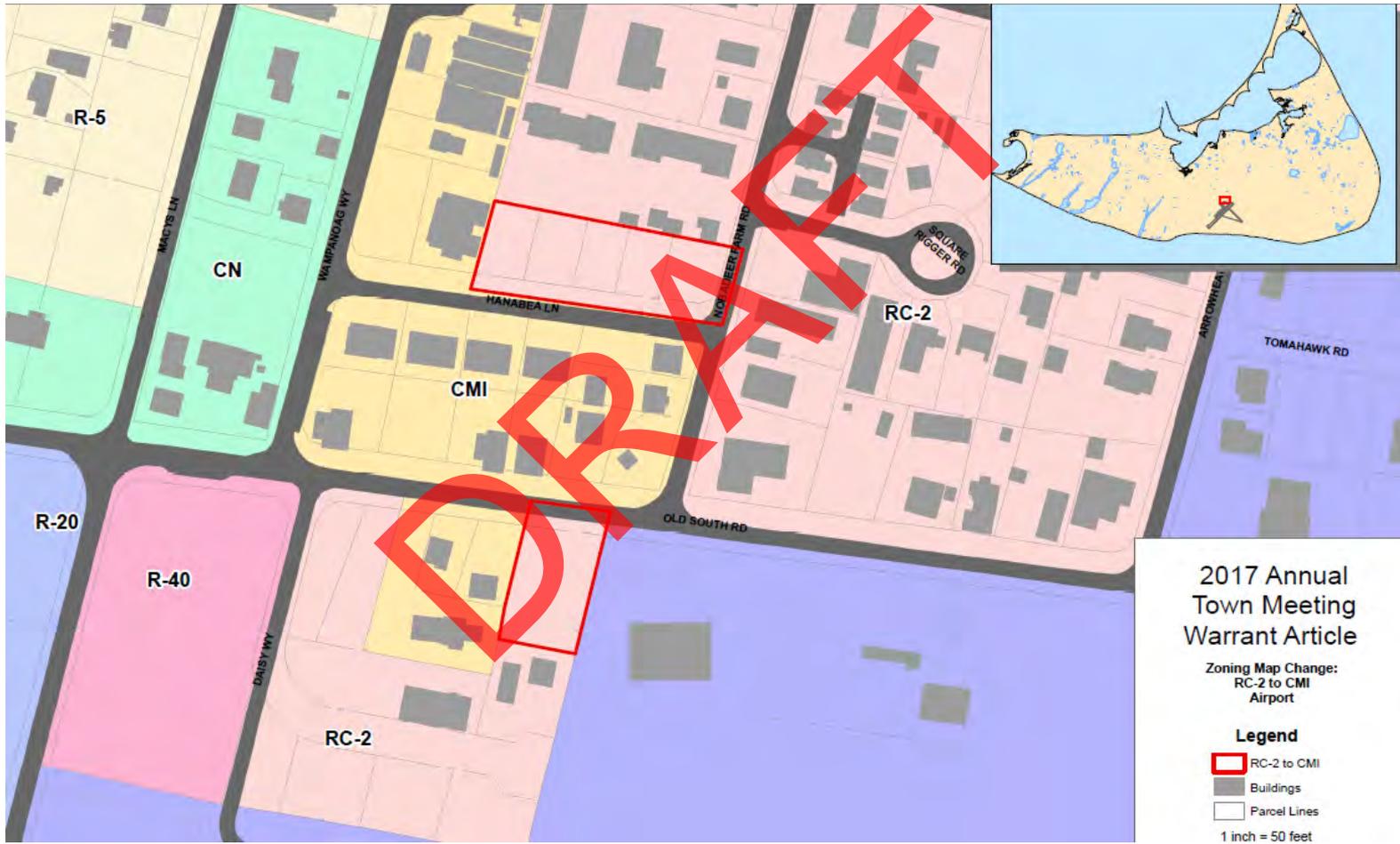
# RC-2 to R-5: Park Circle



# RC-2 to R-5: Misc. Nobadeer Farm Road



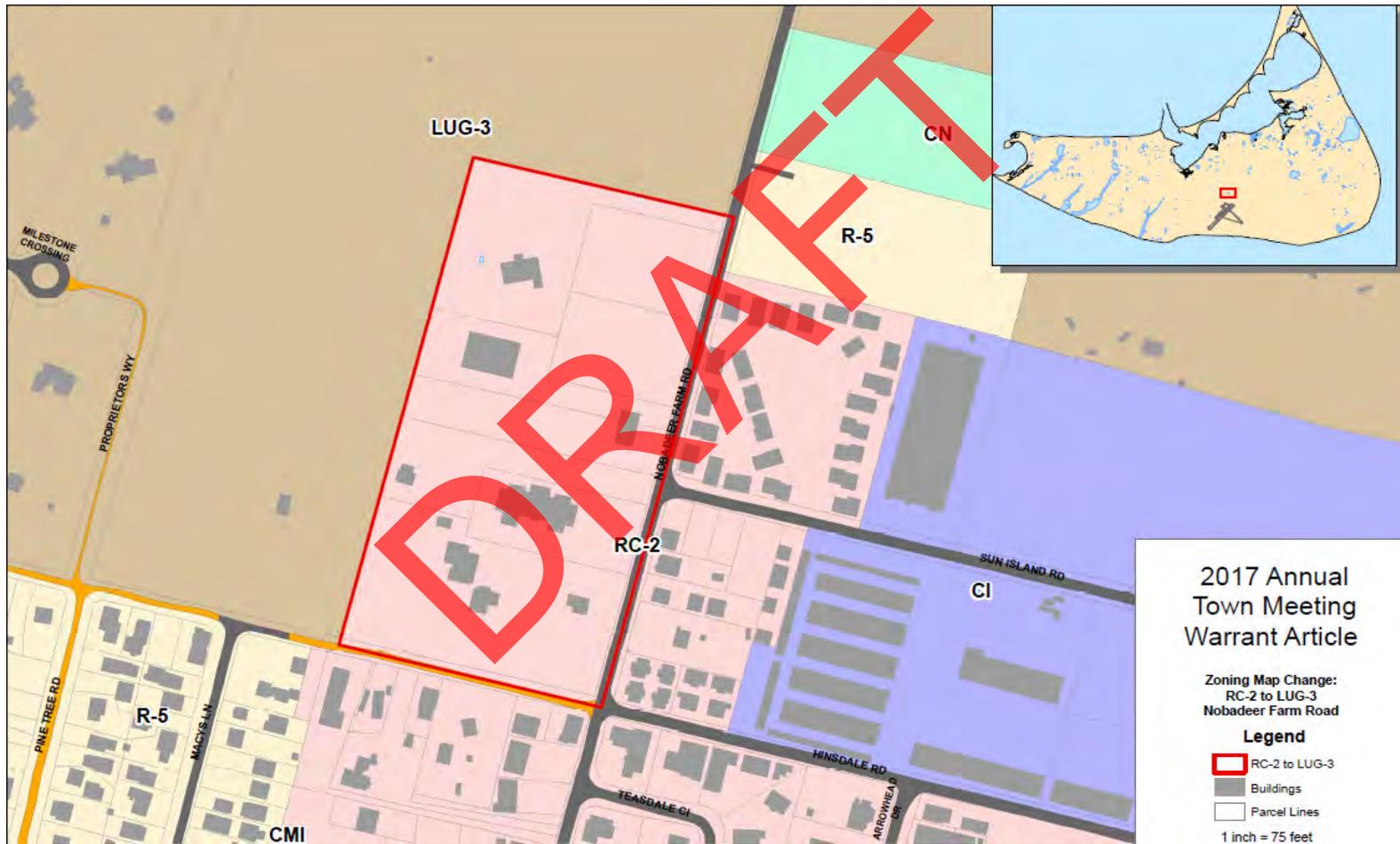
# RC-2 to CMI: Airport



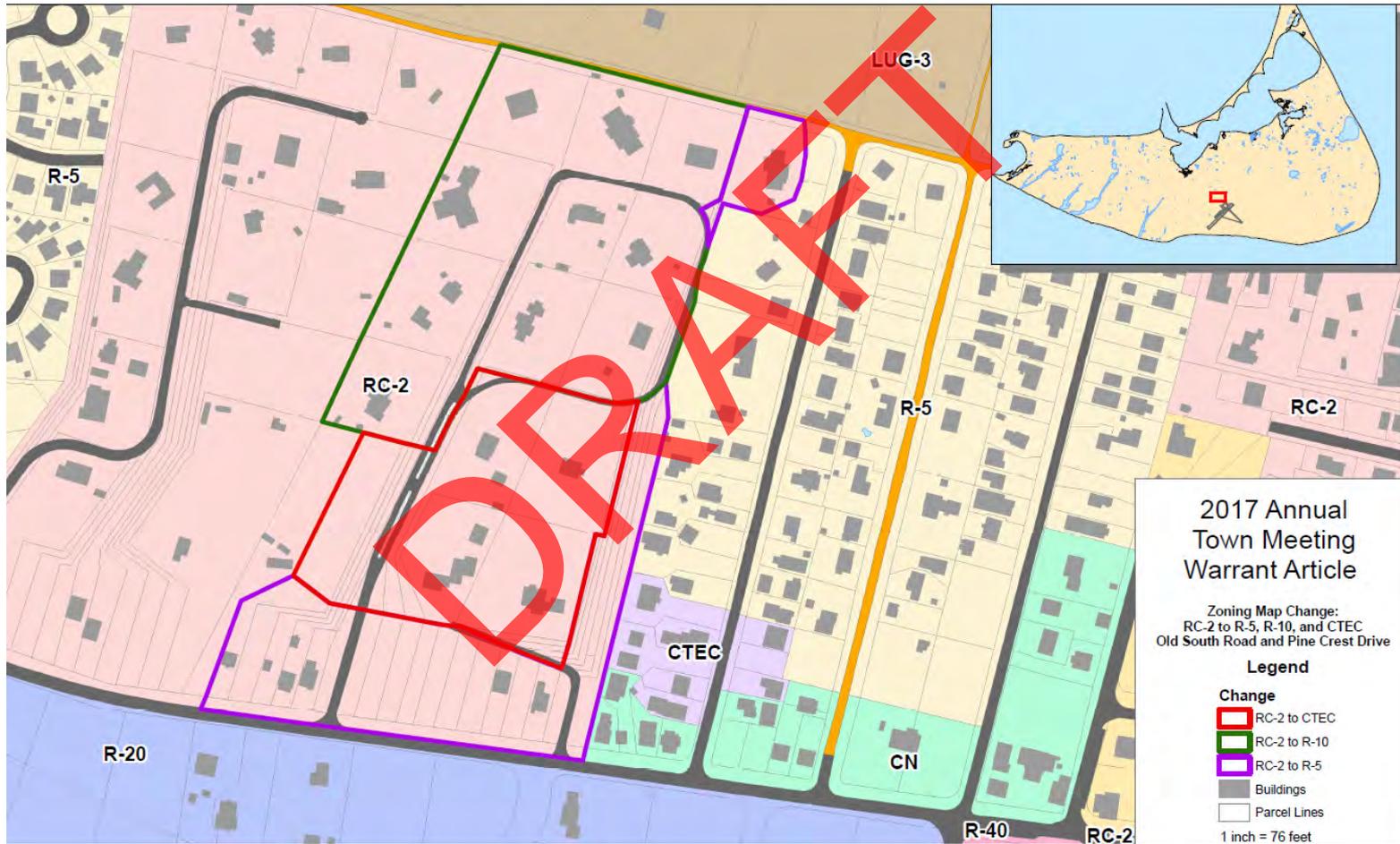
# RC-2 to CI: Airport



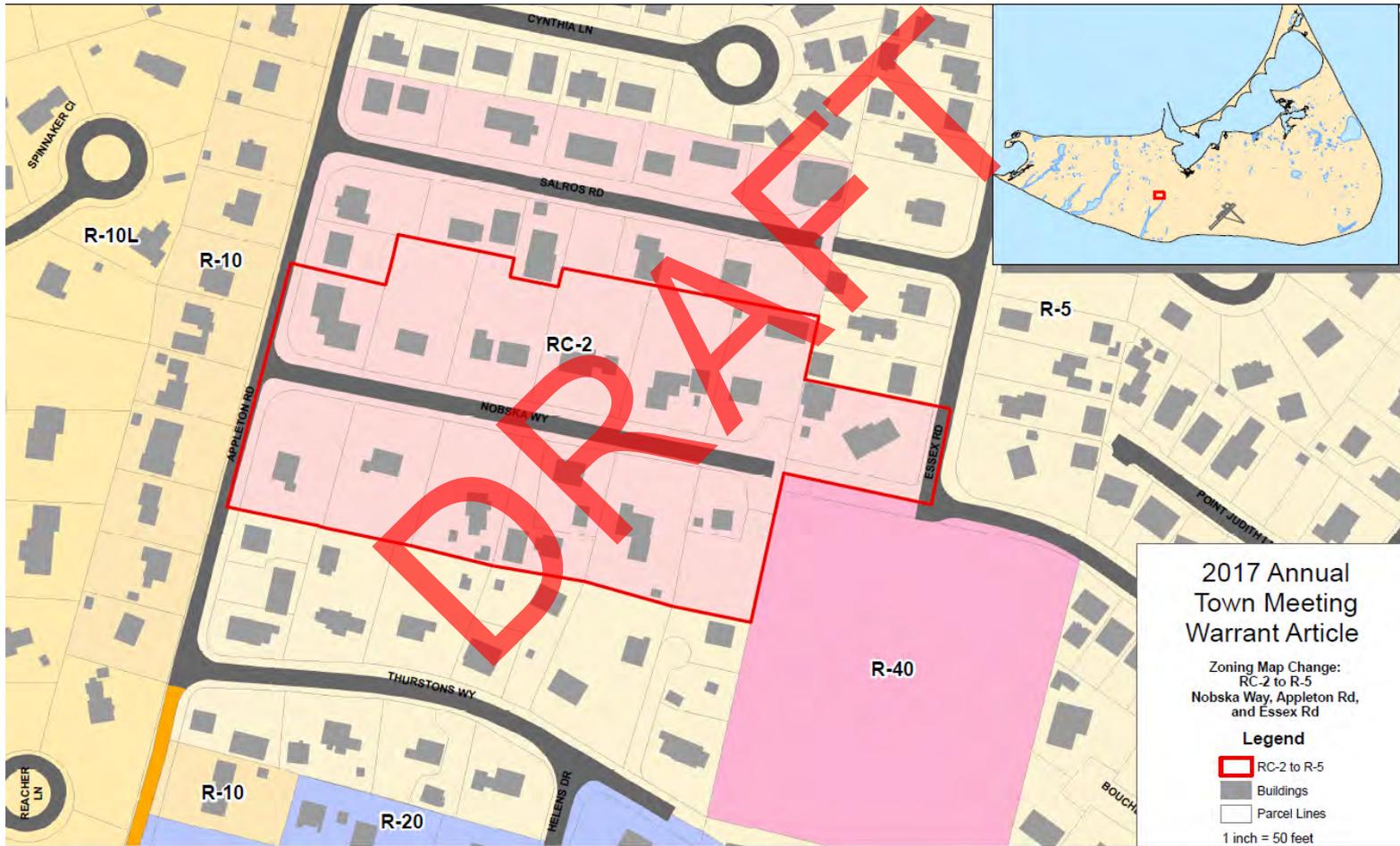
# RC-2 to LUG-3: Nobadeer Farm Road



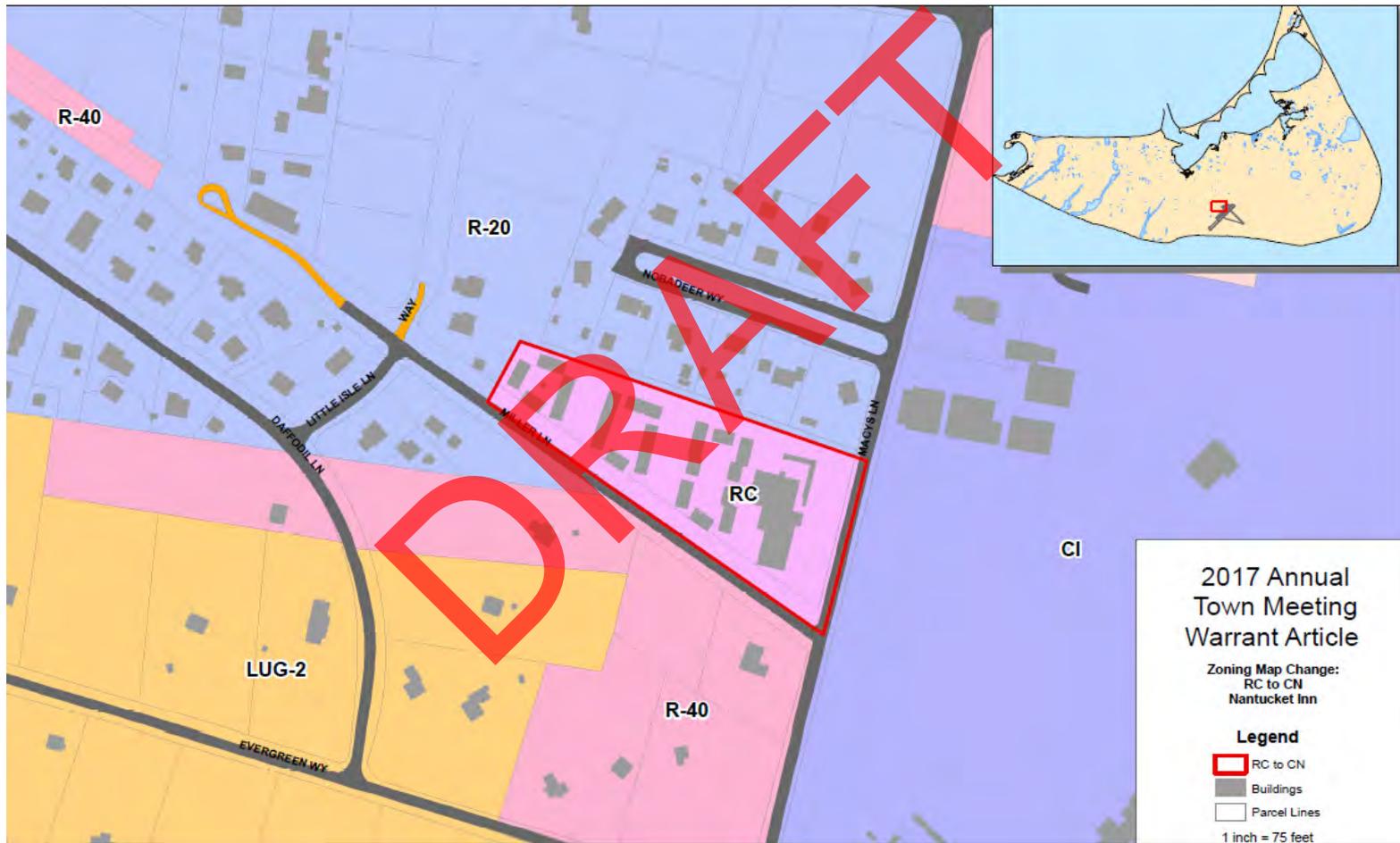
# RC-2 to R-5, R-10, and CTEC Pine Crest Drive



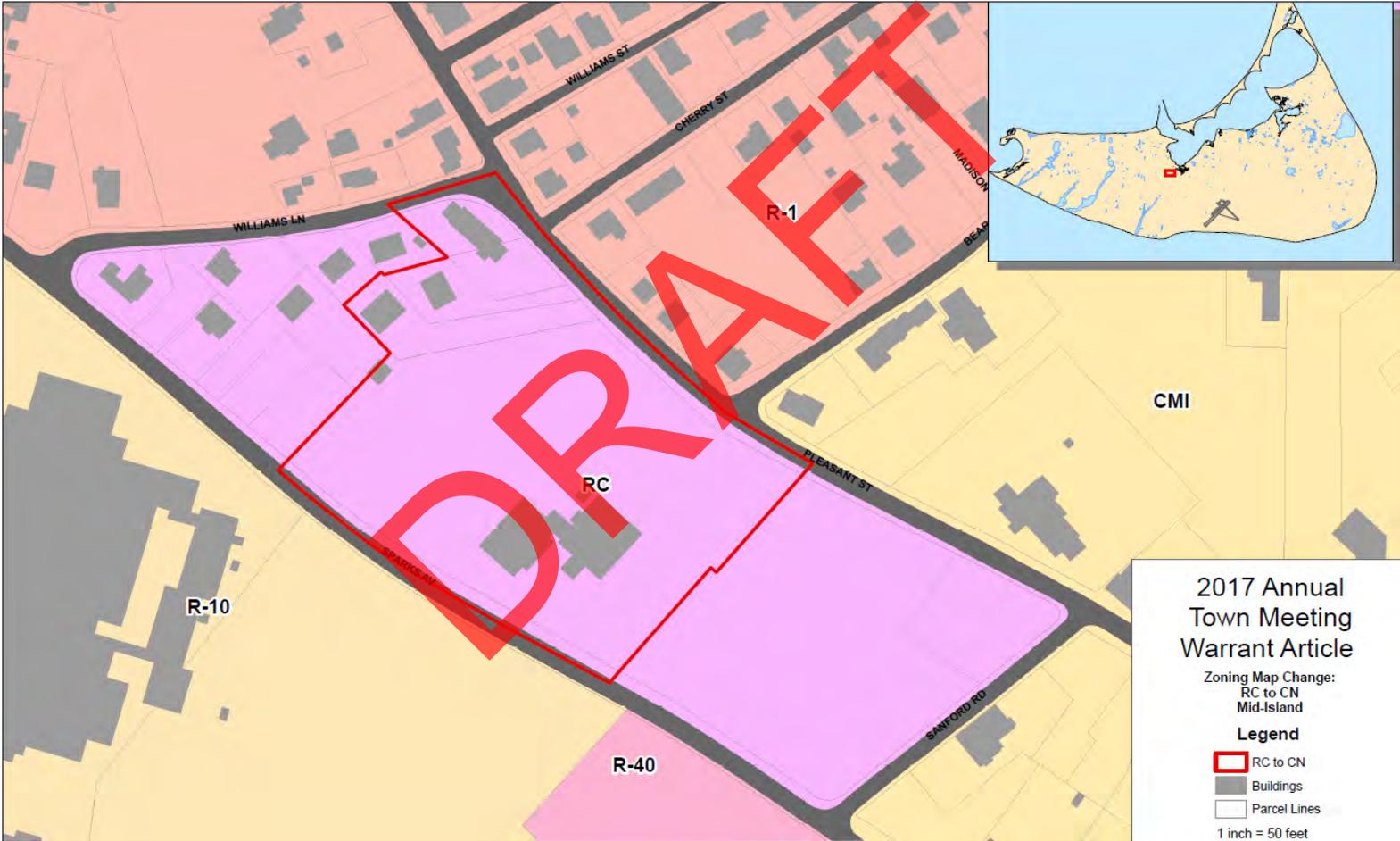
# RC-2 to R-5: Nobska Way



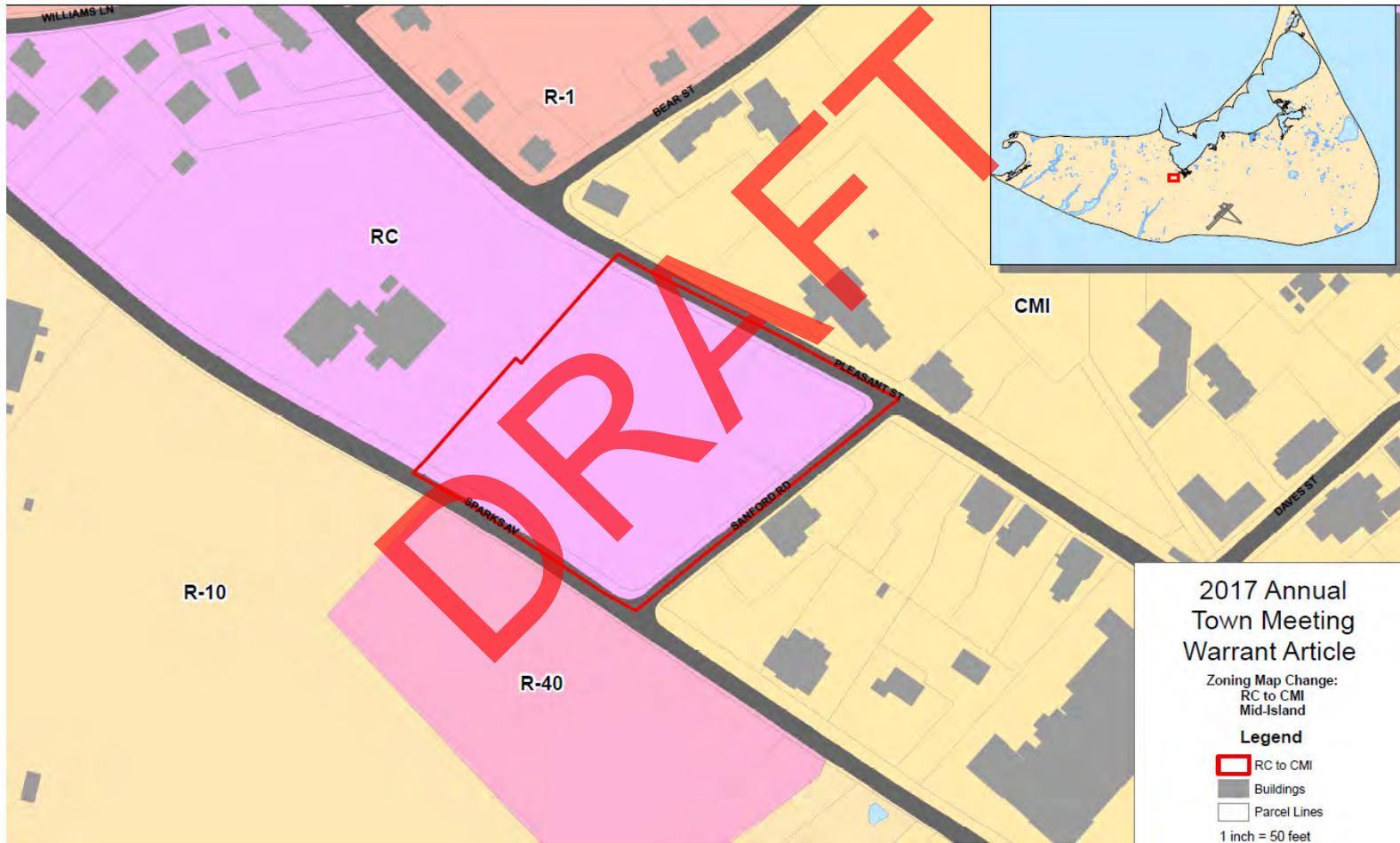
# RC to CN: Nantucket Inn



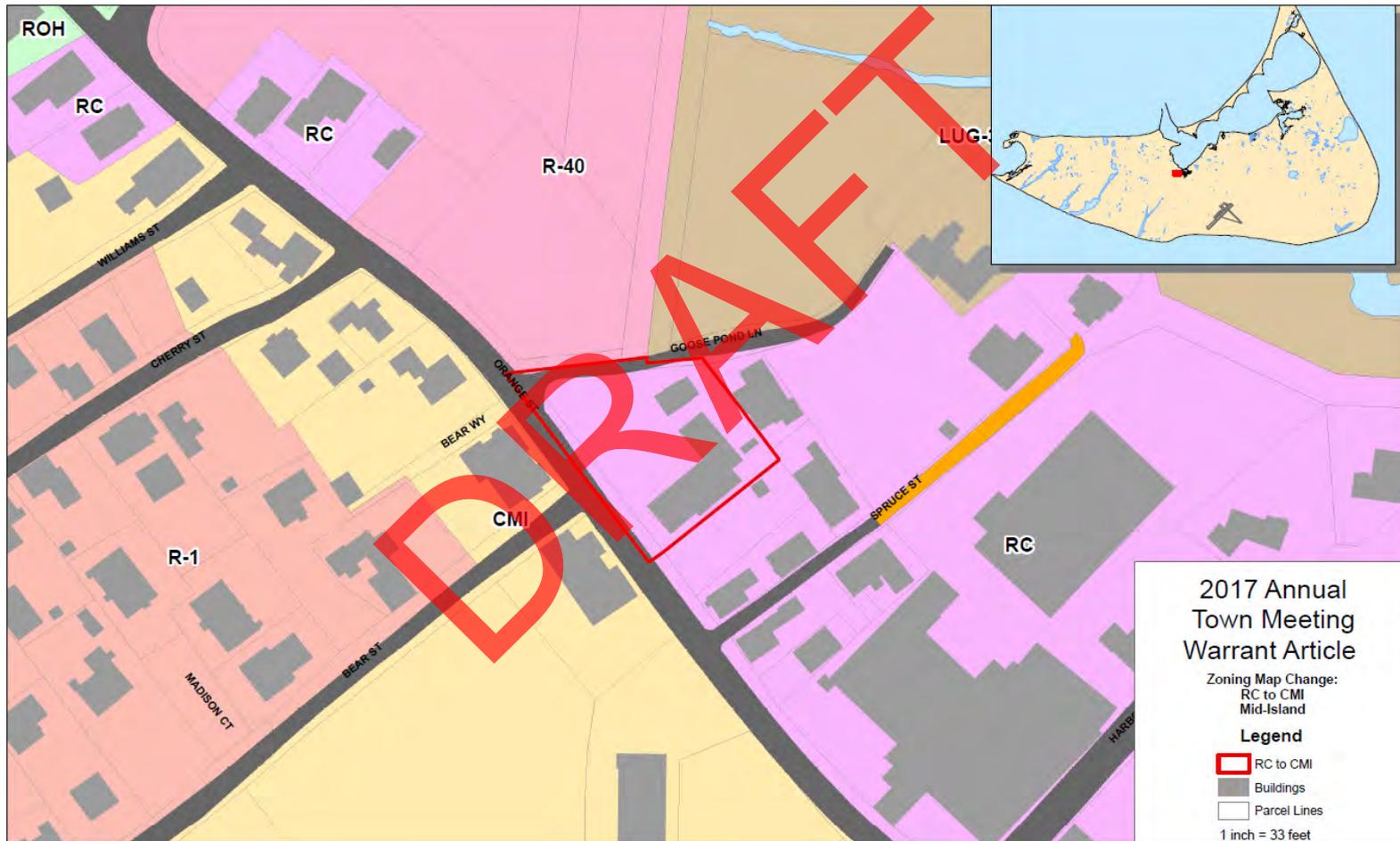
# RC to CN: Mid-Island



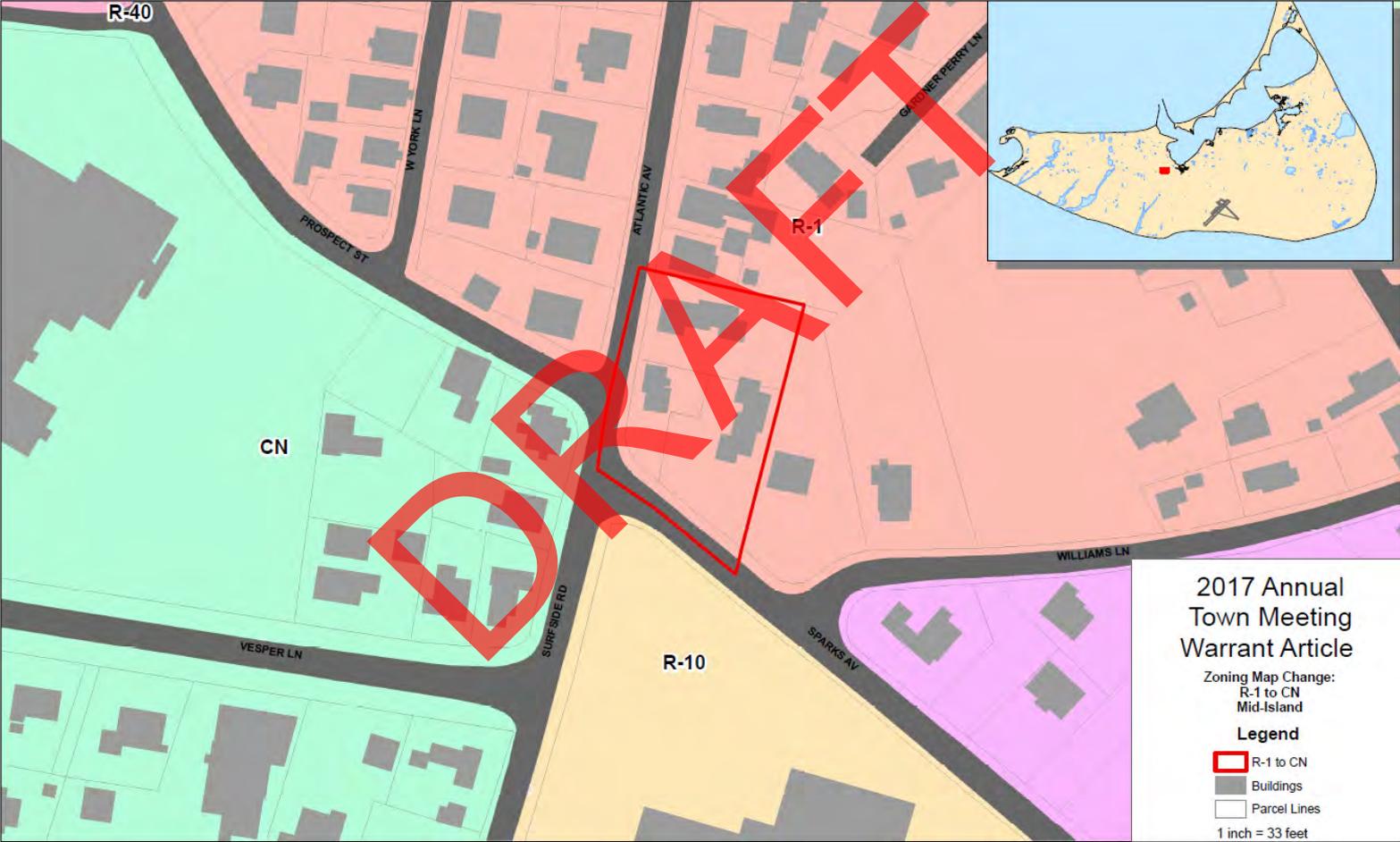
# RC to CMI: Mid-Island – Sparks Avenue



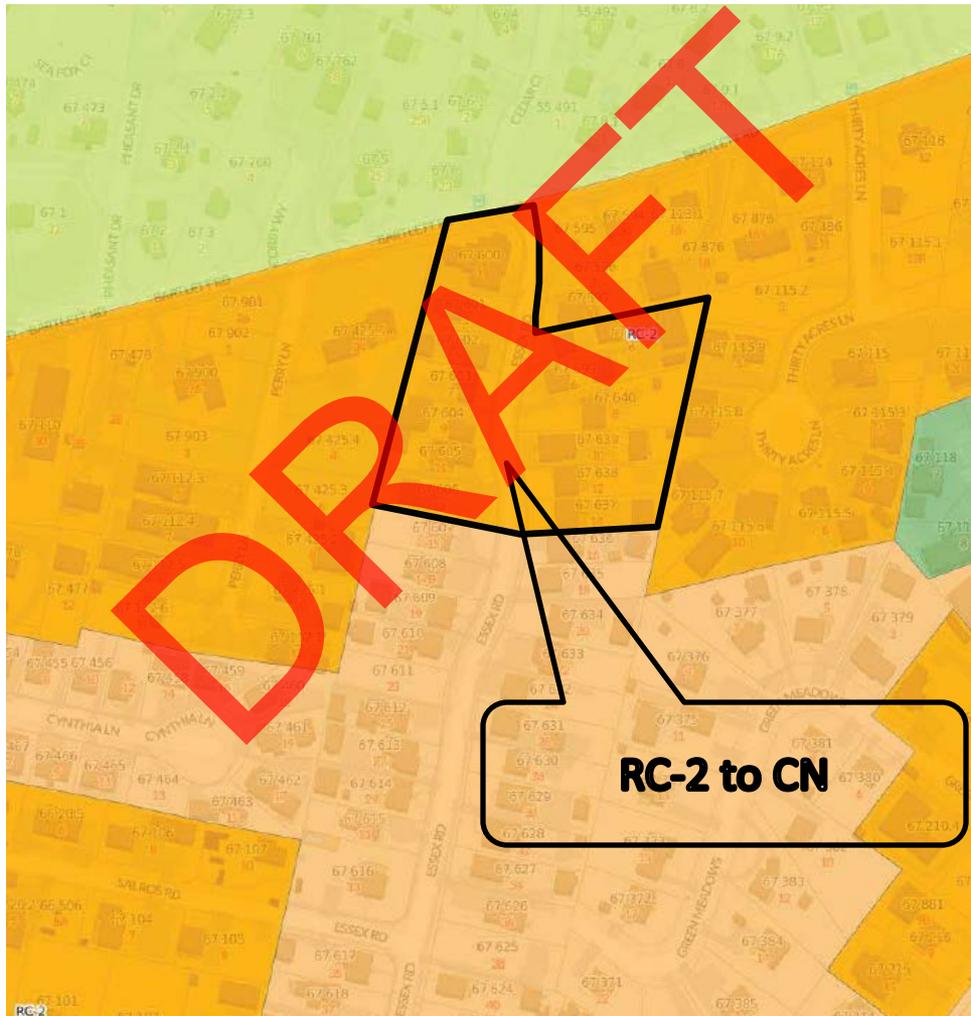
# RC to CMI: Mid-Island – Orange Street



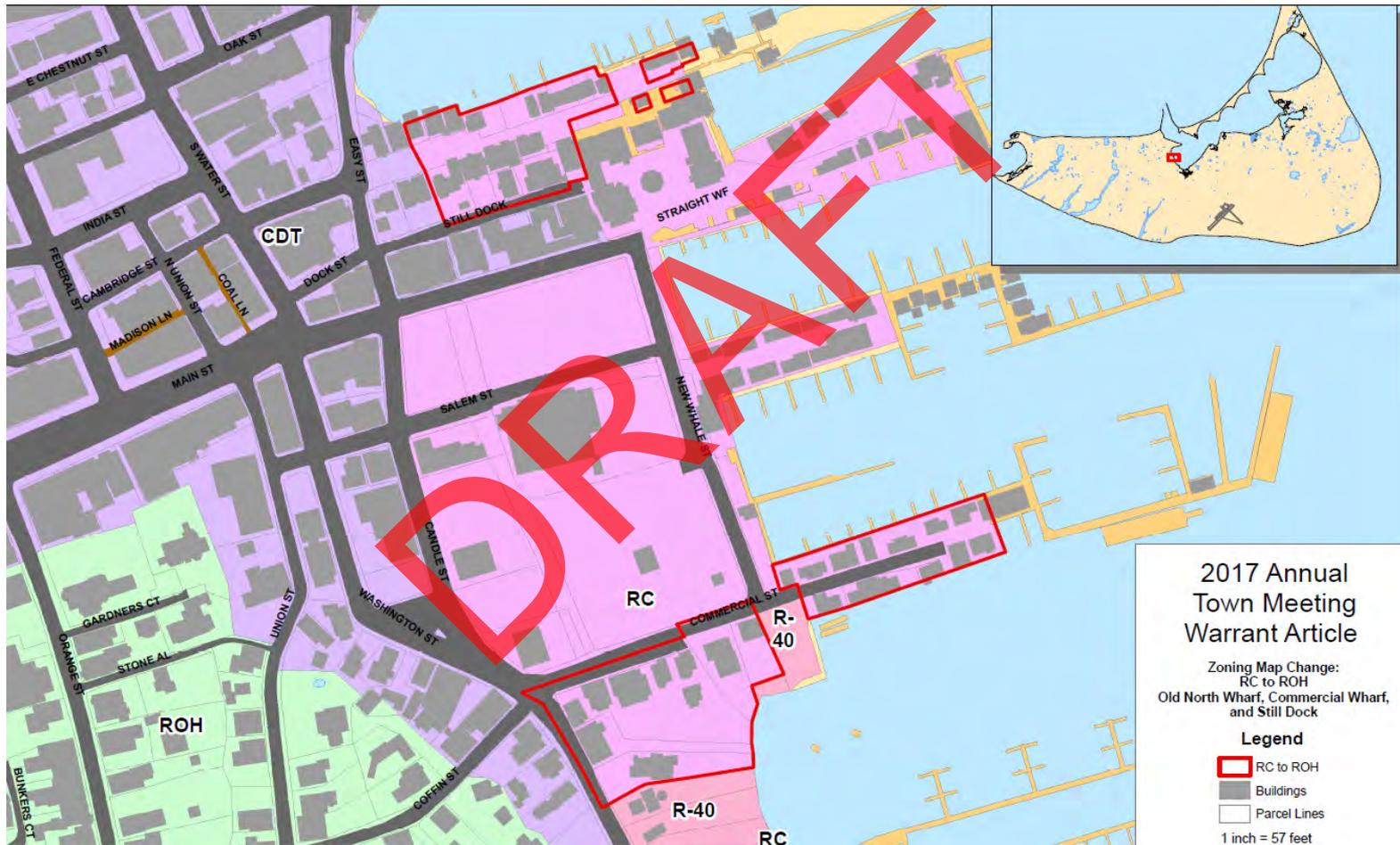
# R-1 to CN: Hospital/Williams Lane



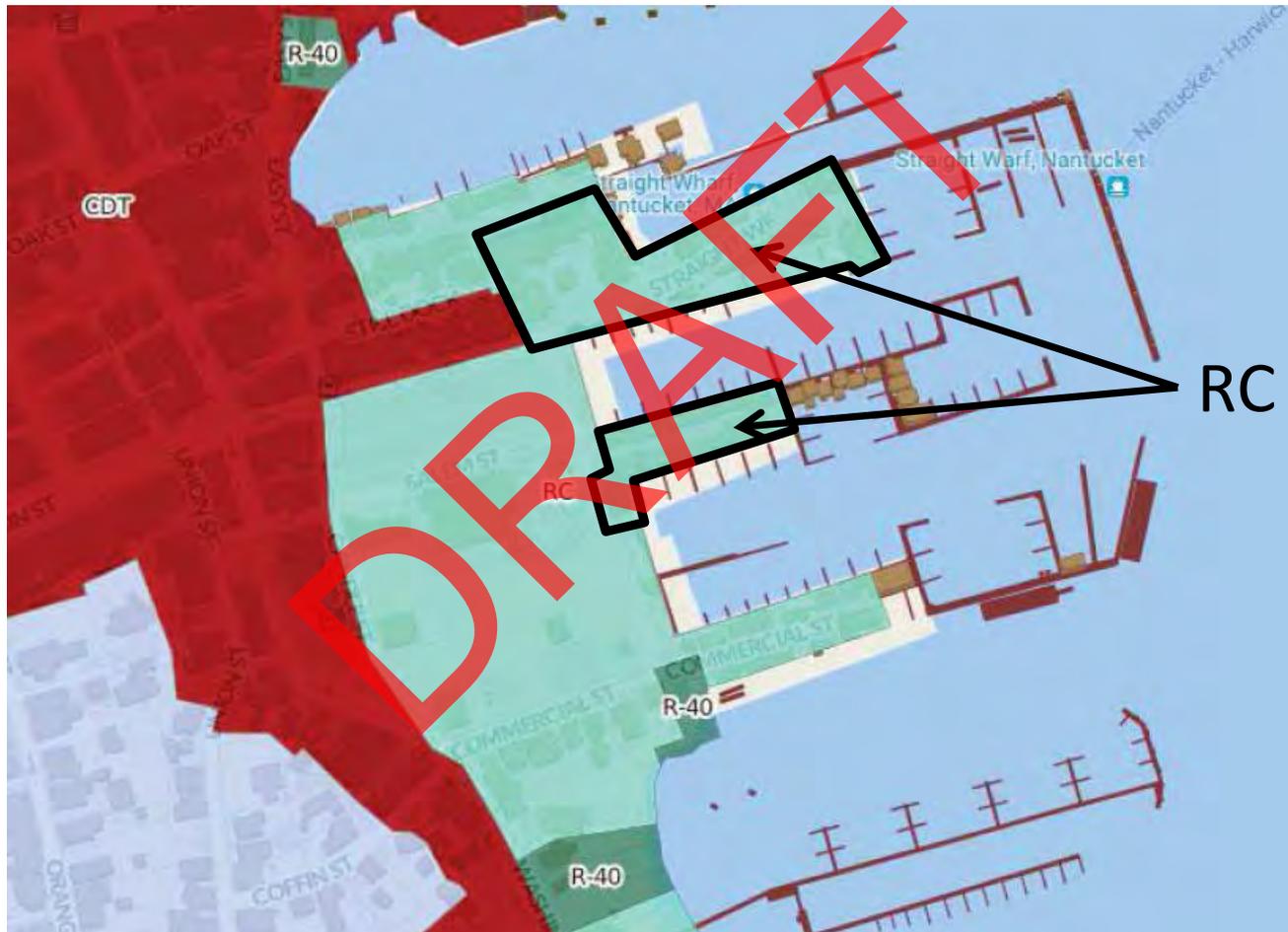
# RC-2 to CN: Essex Road



# RC to ROH: Old North and Commercial Wharves, and Still Dock

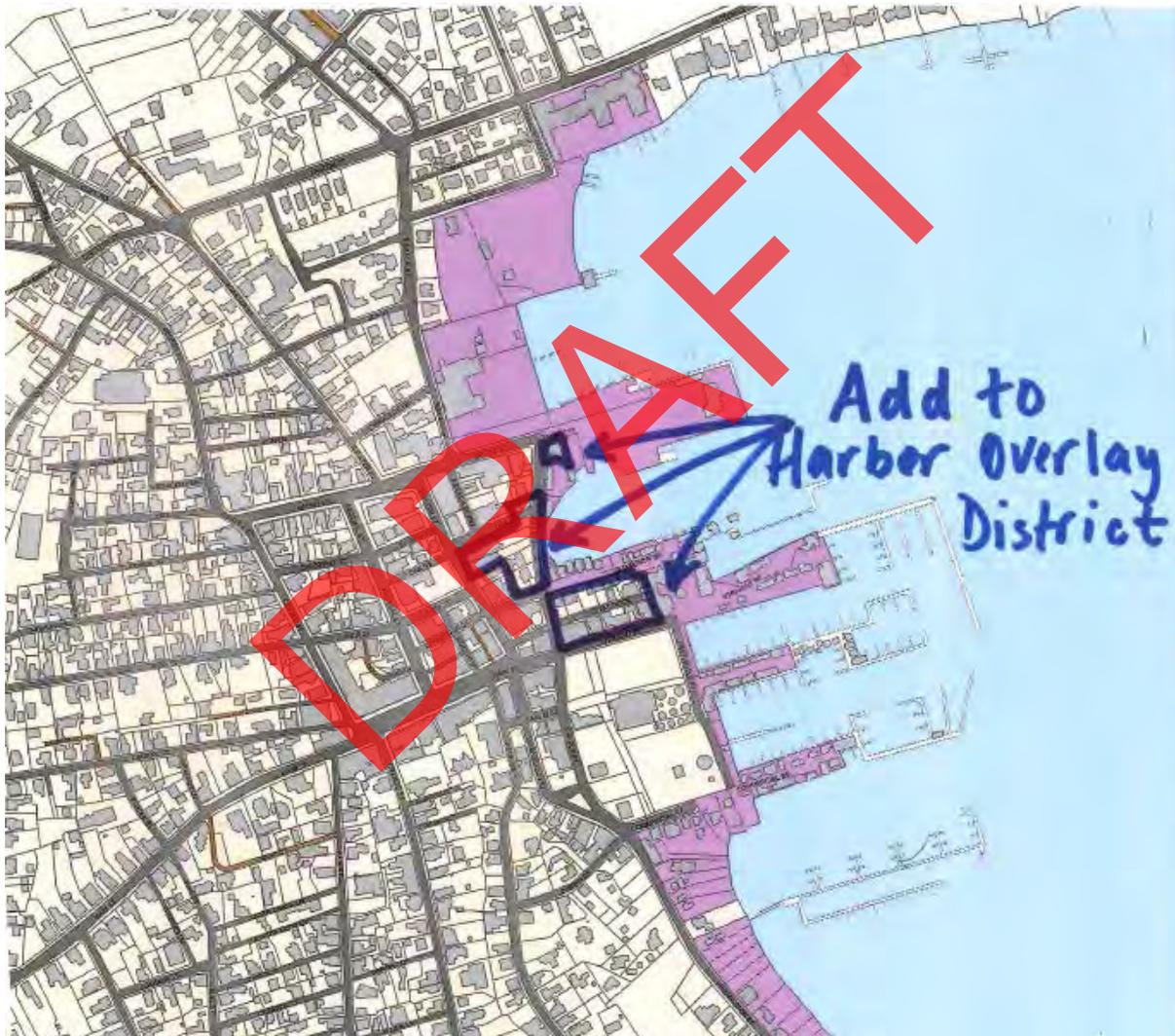


# RC to CDT: Wharves



RC to CDT

# Harbor Overlay District



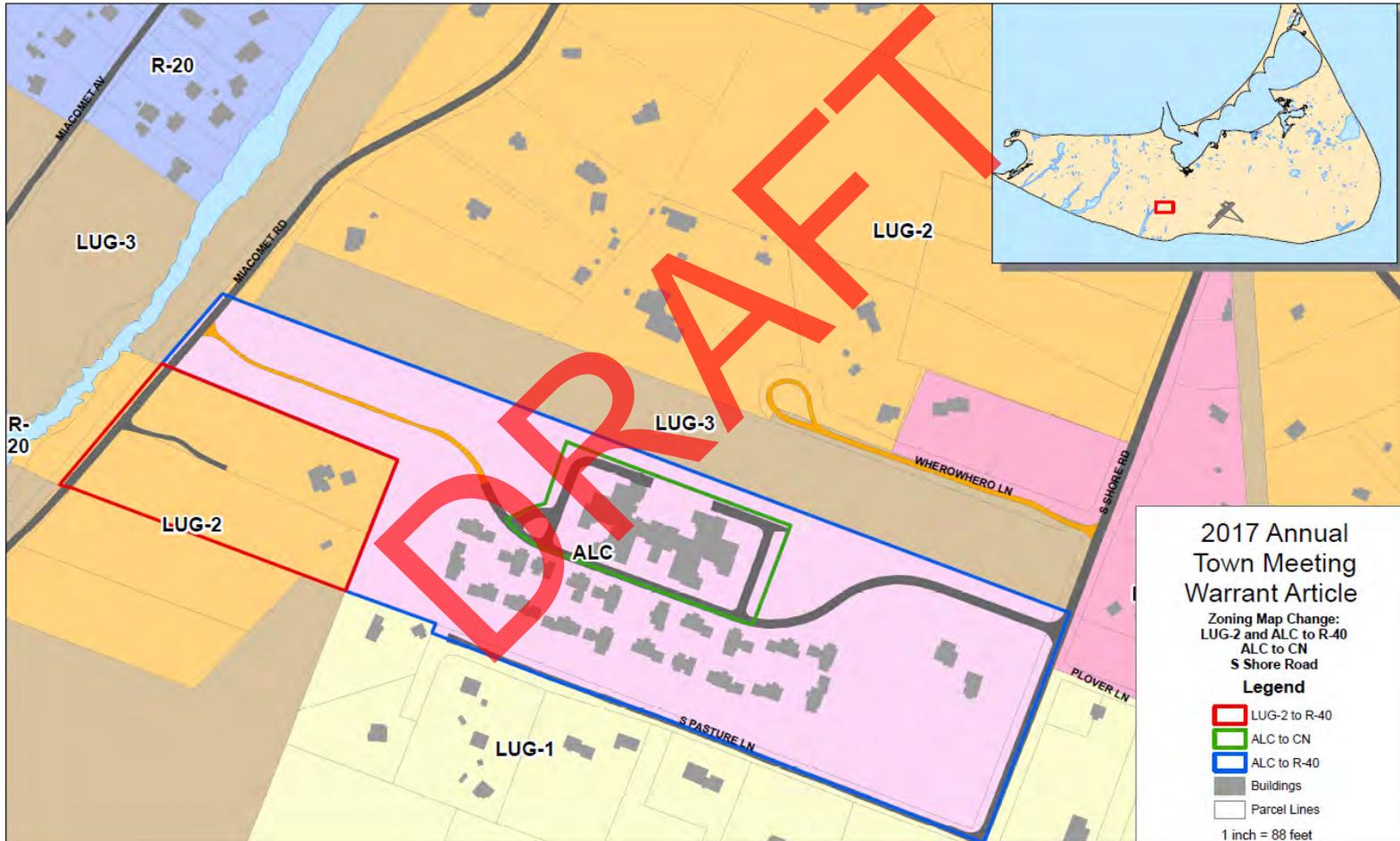


# Misc. Split Zone Corrections

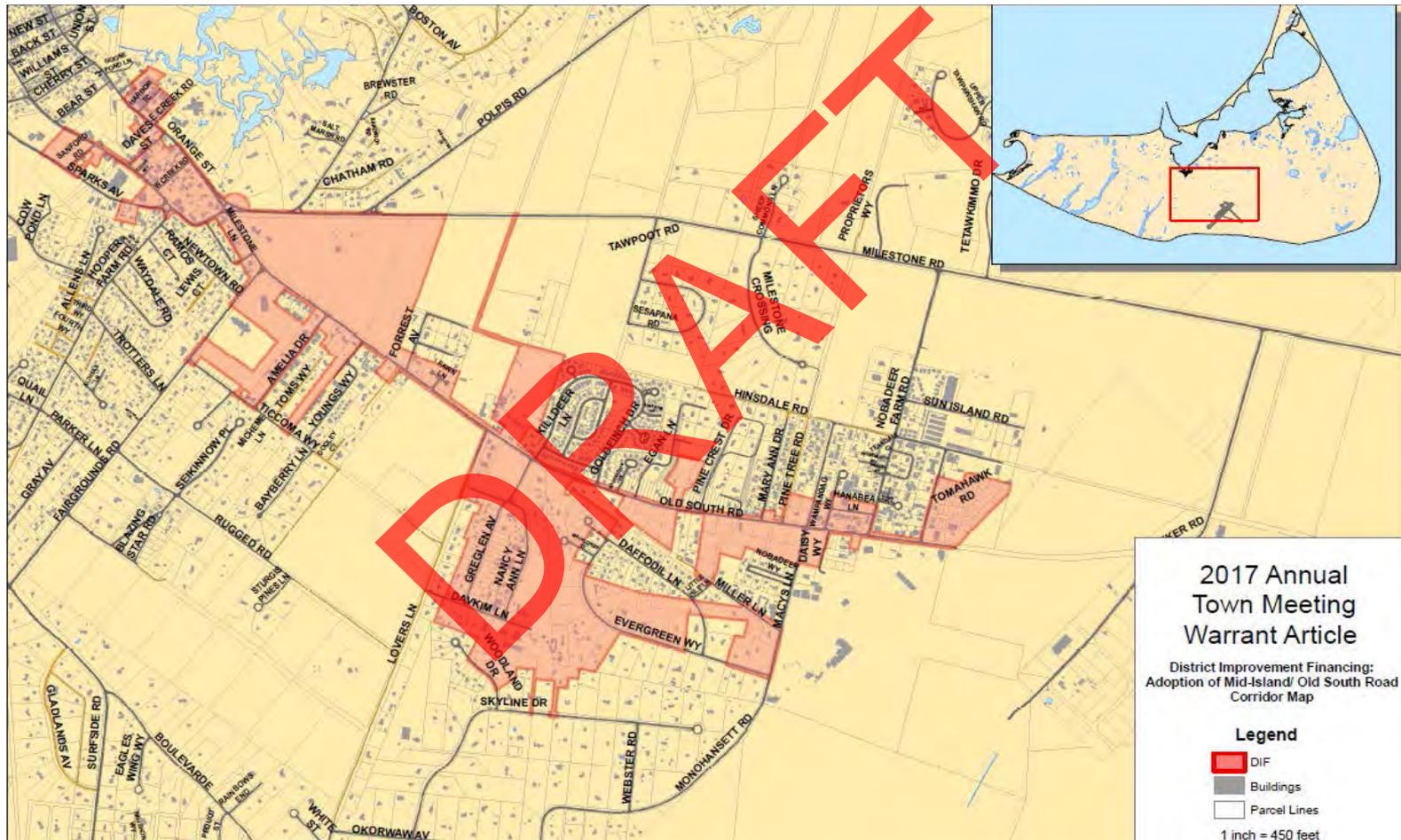
MAP TO BE DEVELOPED

DRAFT

# ALC to R-40 and CN: Sherburne Commons



# District Improvement Financing (DIF)



# Zoning Bylaw Amendments

- Misc. Technical Amendments (housekeeping)
- Secondary Lots (clarification)
- Assisted Living Community (remove and merge with Elder Housing Facility)
- Intensity Regulations (frontage increase for RC and RC-2)
- Expansion of Harbor Overlay District

# Other Articles

- General Bylaw Amendment for DIF
- Home Rule Petition to finalize Article 55 from 2016 ATM
- Municipal Modernization Bill – articles to be determined
- Real Estate:
  - Misc paper road acquisition and disposition
  - Acquisition of land for Our Island Home

**DRAFT - as of 010617**

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF NANTUCKET**



**WARRANT FOR**

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

**AND**

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

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

To the Constables of the Town of Nantucket:

**GREETING:**

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

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

**ARTICLE 1  
(Receipt of Reports)**

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

*(Board of Selectmen)*

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

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

*(Board of Selectmen)*

**ARTICLE 3  
(Appropriation: Prior Year Articles)**

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

*(Board of Selectmen)*

**ARTICLE 4  
(Revolving Accounts: Annual Authorization)**

To see what revolving accounts the Town may vote to authorize or reauthorize pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws for Fiscal Year 2018; or to take any other action related thereto.

*(Board of Selectmen)*

**TOWN COUNSEL: DOES THIS GET REPLACED WITH THE BYLAW AMENDMENT?**

**ARTICLE 5  
(Appropriation: Reserve Fund)**

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

*(Board of Selectmen)*

**ARTICLE 6  
(Fiscal Year 2017 General Fund Budget Transfers)**

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

*(Board of Selectmen)*

**ARTICLE 7  
(Personnel Compensation Plans for Fiscal Year 2018)**

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

*Schedule A -- Miscellaneous Compensation Schedule*

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

*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*	\$15.00	\$16.00	\$17.00	\$18.00
B-Hourly*	\$15.50	\$16.50	\$17.50	\$18.50
C-Hourly*	\$16.50	\$17.50	\$18.50	\$19.50
D-Hourly*	\$17.50	\$18.50	\$19.50	\$20.50
E-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
- B: Seasonal Health Assistant, Shellfish Warden, Seasonal Natural Resources Enforcement Officer
- C: Dock Worker, Natural Resources Technician, Seasonal Permit Sales Clerk
- D: Seasonal Firefighter/EMT, Community Service Officer, Lifeguard, Seasonal Laborer
- E: Lead Lifeguard, Lead Dock Worker, Seasonal Recreational Coordinator, Reserve Police Officer

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

Moderator	\$175 per year
Selectman, Chair	\$5,000/per year
Selectmen	\$3,500/per year
Town Clerk	\$97,194 \$99,138 = 2%

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

Or to take any other action related thereto.

*(Board of Selectmen)*

**ARTICLE 8**

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

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

*(Board of Selectmen)*

**ARTICLE 9**

**(Appropriation: Health and Human Services)**

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

*(Board of Selectmen)*

#### **ARTICLE 10**

##### **(Appropriation: General Fund Capital Expenditures)**

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

*(Board of Selectmen)*

#### **ARTICLE 11**

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

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

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

#### **ARTICLE 12**

##### **(Appropriation: Enterprise Funds Capital Expenditures)**

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

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

#### **ARTICLE 13**

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

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

*(Board of Selectmen)*

## ARTICLE 14

### **(Appropriation: 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 via the planned "Nantucket Harbor Shimmo" (formerly titled "Monomoy") sewer extension and for #6 Marsh Hawk Lane and #8 Marsh Hawk Lane via 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; 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/Sewer Commissioners)*

## ARTICLE 15

### **(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 XX Sewer District Map Changes” dated January, 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen/Sewer Commissioners)*

### **ARTICLE 16**

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

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 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, 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 including land acquisition costs and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

*(Board of Selectmen)*

### **ARTICLE 17**

#### **(Appropriation: Waterways Improvement Fund)**

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

prevention in the Town and County of Nantucket, and any other purpose allowed by applicable law.

Or to take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE 18**

##### **(Authorization: Airport Aviation Fuel Revolving Fund for Fiscal Year 2018)**

To see if the Town will vote to authorize a revolving fund for the Airport, to be known as the Airport Aviation Fuel Revolving Fund, to which shall be credited fees and other receipts received in connection with the sale of aviation fuel, which fund may be expended for the purchase of aviation fuel, to be expended by the Airport Commission, and further to establish a spending limit from the fund for Fiscal Year 2017, pursuant to the provisions of Chapter 28 of the Acts of 2004 and Massachusetts General Law Chapter 44, section 53E½, or to take any other action related thereto.

*(Board of Selectmen for Airport Commission)*

#### **ARTICLE 19**

##### **(Appropriation: Ambulance Reserve Fund)**

To see what sum the Town will vote to appropriate from the Ambulance Reserve Fund for the purchase of ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for three (3) ambulances, and other such related costs to operate the Town's ambulance services, including up to four (4) full-time firefighter/EMT positions. All expenditures to be made by the Fire Department, subject to the approval of the Town Manager; or to take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE 20**

##### **(Appropriation: County Assessment)**

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

Or to take any other action related thereto.

*(Board of Selectmen/County Commissioners)*

## ARTICLE 21

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

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

*(Board of Selectmen/County Commissioners)*

## ARTICLE 22

### (Rescind Unused Borrowing Authority)

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

Or to take any other action related thereto.

*(Board of Selectmen)*

## ARTICLE 23

### (Designation of Use of Bond Proceeds)

Per MUNICIPAL MOD ACT - NEW REQUIREMENTS MGL C. 44, S. 20 TO COVER ALL OUTSTANDING BOND AUTHORIZATIONS

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

*(Board of Selectmen)*

## ARTICLE 24

### (Appropriation: Ferry Embarkation Fee)

To see what sum the Town will vote to appropriate from the proceeds of the ferry embarkation fee established by Chapter 46, section 129 of the Acts of 2003 as amended, for the purposes of mitigating the impacts of ferry service on the Town and County of Nantucket, including but not limited to provision of harbor services, public safety protection, emergency services, infrastructure improvements within and around Nantucket Harbor, and professional

services pertaining to the potential use or reuse of land, buildings and infrastructure in the vicinity of Nantucket Harbor, and any other purpose allowed by applicable law.

Or to take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE 25**

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

**SHOULD THE AMOUNT BE INSERTED INTO THE ARTICLE (\$500,000)?**

#### **ARTICLE 26**

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

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

Or, to take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE 27**

##### **(Establish Stabilization Fund for Airport)**

**NEED WORDING**

#### **ARTICLE 28**

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

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

Or to take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE 29**

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

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

Or to take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE 30**

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

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

Or to take any other action related thereto.

*(Board of Selectmen for Airport Commission)*

#### **ARTICLE 31**

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

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

Or to take any other action related thereto.

*(Board of Selectmen)*

## **ARTICLE 32**

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

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

Or to take any other action related thereto.

*(Board of Selectmen)*

## **ARTICLE 33**

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

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

Or to take any other action related thereto.

*(Board of Selectmen)*

## **ARTICLE 34**

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

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

Or to take any other action related thereto.

*(Board of Selectmen for Nantucket Water Commission)*

## **ARTICLE 35**

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

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

Or to take any other action related thereto.

*(Board of Selectmen for Airport Commission)*

**ARTICLE**

**(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>Historic Preservation</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</b>	

<b>Community Preservation surcharge, interest and the State matching funds.</b>	
<b>Open Space Conservation/Recreation</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>Sub-total</b>	
	<b>\$299,005</b>
<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>	
<b>Administrative</b>	
<b>Community Preservation Committee</b> Administrative and operating expenses	
	\$120,000
<b>Sub-total</b>	
	<b>\$120,000</b>
<b>All of the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.</b>	
<b>TOTAL</b>	
	<b>\$2,618,500</b>
<b>All amounts to be appropriated from the following sources:</b>	
<b>SOURCES</b>	<b>AMOUNT</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>

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

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

*(Kenneth Beaugrand, et al)*

**ARTICLES XX - XX  
(Zoning Map Changes x 17 + NEED FOR OIH)  
NEED THE ARTICLES**

**ARTICLES XX - XX  
(Zoning Bylaw Amendments x 7  
NEED THE ARTICLES**

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

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

*(Charles W. Fisher, et al)*

**ARTICLE \_\_\_\_  
(Zoning Bylaw Amendment: Village Residential (VR))**

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 7A (Use Chart) as follows:

By deleting “A” in the “V-R” column and the “Swimming Pool-Residential” row and replacing it with “N.”

Or to take any other action related thereto.

*(Robert M. Kucharavy, et al)*

**ARTICLE**

**(Zoning Bylaw Amendment: Village Height Overlay District) - DOES THE 16 page list of parcels have to be published?**

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

MAP            LOT            NUMBER            STREET:            See Attached List

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

Or to take any other action related thereto.

*(Bradford L. Fleming, et al)*

**ARTICLE**

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

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

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

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

Or to take any other action related thereto.

*(Marcia Rubin, et al)*

**ARTICLE**

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

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

Or to take any other action related thereto.

*(David D. Worth, et al)*

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

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

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

or to take any other action related thereto.

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

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

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

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

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

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

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

Map	Lot	Number	Street
79	8	13A	Woodland Drive

79	208 (portion of)	13	Woodland Drive
----	------------------	----	----------------

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

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

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

Or to take any other action related thereto.

*(Paul F. Smith, et al)*

#### ARTICLE

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

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

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

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

Or to take any other action related thereto.

*(Barbara Clarke, et al)*

#### ARTICLE

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

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

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

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

Or to take any other action related thereto.

*(Lindsey Knapp, et al)*

**ARTICLE**

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

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

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

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

Or to take any other action related thereto.

*(Lindsey Knapp, et al)*

**ARTICLE**

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

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

Map	Lot	Number	Street
68	48	1	Airport Road

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

Or to take any other action related thereto.

*(Kim Glowacki, et al)*

**ARTICLE**  
**(Bylaw Amendment: District Improvement Financing)**  
**For Richmond/OSR Corridor**

**?**  
**Need the Article**

**ARTICLE**  
**(Bylaw Amendment: Sewer District for OIH)**  
**Need wording**

*(Board of Selectmen)*

**ARTICLE**  
**(Bylaw Amendment: Finances)**

To see if the Town will vote to amend Chapter 19 (Finances) Article X (Licenses and Permits; Collections) of the Code of the Town of Nantucket as follows:

AMEND BYLAW PER MUNICIPAL MODERNIZATION ACT - ?

*(Board of Selectmen)*

**NEED WORDING**

**ARTICLE**  
**(Bylaw Amendment: Finances)**

To see if the Town will vote to amend Chapter 19 (Finances) of the Code of the Town of Nantucket as follows:

TO ESTABLISH REVOLVING ACCOUNTS for FY 2018 per MUNICIPAL MODERNIZATION ACT -

*(Board of Selectmen)*

**NEED WORDING**

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

To see if the Town will vote to authorize spending limits for the following revolving accounts for FY 2018:

<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	
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	

**ADD THE SOLAR ONE?**

*(Board of Selectmen)*

**ARTICLE**

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

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

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

*(Steven Cohen, et al)*

**ARTICLE**

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

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

*(Linda Holland, et al)*

**ARTICLE**

**(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)*

**ARTICLE**

**(Acceptance of Massachusetts General Law: Sales Tax on Sale of Recreational Marijuana)**

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 64N, section 3 to allow the Town to impose a two (2) percent sales tax on the sale of recreational marijuana.

Or to take any other action related thereto.

*(Board of Selectmen)*

**MUNIICIPAL MOD ACT ARTICLE - NEEDS TOWN COUNSEL REVIEW**

**ARTICLE**

**(Acceptance of MGL c. 40 s. 57 re: withholding of permits to delinquent taxpayers)**

??

*(Board of Selectmen)*

**MUNIICIPAL MOD ACT ARTICLE - NEEDS TOWN COUNSEL REVIEW**

**ARTICLE**

**(Acceptance of MGL to set local speed limits at 25 mph in certain areas)**

NEED WORDING

*(Board of Selectmen)*

**MUNIICIPAL MOD ACT ARTICLE - NEEDS TOWN COUNSEL REVIEW**

**ARTICLE**

**(Acceptance of MGL RE: NEW OPEB TRUST FUND LANGUAGE)**

NEED WORDING

*(Board of Selectmen)*

**MUNIICIPAL MOD ACT ARTICLE - NEEDS TOWN COUNSEL REVIEW**

**ARTICLE**

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

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

Section 42. Towns accepting the provisions of this section and sections forty-three and forty-four, or which have accepted corresponding provisions of earlier laws may establish a fire department to be under the control of an officer to be known as the chief of the fire department.

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

*(Jeffrey M. Allen, et al)*

#### **ARTICLE**

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

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

*(Jeffrey M. Allen, et al)*

#### **ARTICLE**

##### **(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 strikethrough; these methods to denote changes are not meant to become part of the final text; and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

§11-1 Establishment; membership; vacancies:

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

Or to take any other action related thereto.

*(Michael A. Glowacki, et al)*

## ARTICLE

### **(Home Rule Petition: Charter Amendment Regarding Publication of Town Meeting Warrants)**

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 thereof as may be necessary or advisable to accomplish the intent of this proposed legislation in order to secure its passage, or to take any other action related thereto:

AN ACT amending the Charter of the Town of Nantucket concerning Newspaper Publication of Town Meeting Warrants

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

Section 1. Section 2.5(b) of the charter of the town of Nantucket, adopted under the provisions of chapter 289 of the acts of 1986, and as amended, on file with the archivist of the commonwealth in accordance with section 12 of chapter 43B of the general laws, is hereby amended by deleting the first sentence of said section 2.5(b) and inserting in place thereof the following:- The Board of Selectmen shall publish notice of the issuance of the warrant of

each Town Meeting in a newspaper of general circulation within the Town promptly after such issuance of the warrant.

Section 2. Said section 2.5 of the charter of the town of Nantucket is hereby further amended by deleting in the second sentence the following words:- of the warrant.

Section 3. This act shall take effect upon passage.

Or to take any other action related thereto.

*(Board of Selectmen)*

**RESUBMITTAL FROM 2016 ATM - IF NOT SIGNED BY GOV BY 1/18**

**ARTICLE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 11. The incumbent general manager of the Wannacomet Water Company, so-called, holding office as of the effective date of this act shall serve as the director of the

consolidated water department until the natural expiration of his current appointment, or his sooner resignation, retirement or removal.

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

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

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

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

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

SECTION 17. As of the effective date of this act, the members of the board of water commissioners created by the provisions of chapter 404 of the acts of 1903 and chapter 476 of the acts of 1987, previously known as the Nantucket Water Commissioners, shall become the first members of the five-member board of water commissioners created under section 8 of this act. Such commissioners shall serve for the remainder of their elected terms or their sooner vacating of office. Thereafter, such offices shall be filled in accordance with said section 8. Two additional commissioners shall be elected at the first annual town election occurring no less than 64 days after the passage of this act, one for a 2-year term and one for a 3-year term. If the 2 additional positions would remain vacant for more than 4 months, the board of selectmen may, in its discretion, make temporary appointments to fill the vacancies until the

annual election at which the offices may legally appear on the ballot. Thereafter, all elections and temporary appointments to the board shall be made in accordance with said section 8.

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

SECTION 19. This act shall take effect upon passage.

Or to take any other action related thereto.

*(Board of Selectmen for Nantucket Water Commission, Siasconset Water Commission)*  
**RESUBMITTAL FROM 2016 ATM - IF NOT SIGNED BY GOV BY 1/18**

**ARTICLE - DON'T NEED??**

**(Home Rule Petition: Conveyance of Properties from County to Town)**

To see if the Town will vote to petition the General Court to enact a special act of the Town of Nantucket the text of which is 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; or to take any other action related thereto.

**An Act Approving the Conveyance of Property by the County of Nantucket**

Section 1. The County of Nantucket is hereby authorized to convey the following parcels of land, owned by the County of Nantucket to the Town of Nantucket for general municipal purposes and access purposes:

- Assessors Map 60 Parcel 3, Massachusetts Ave.
- Assessors Map 36.2.3 Parcel 51, New York Ave.
- Assessors Map 36.2.3 Parcel 54, New York Ave.
- Assessors Map 36.2.3 Parcel 74, Wisconsin Ave.
- Assessors Map 55.1.4 Parcel 9.1, 100 Washington St.
- Assessors Map 55.1.4 Parcel 9.2, 98 Washington St.
- Assessors Map 60.2.4 Parcel 5, 6 Massachusetts Ave.
- Assessors Map 60.3.1 Parcel 84, 25 Massachusetts Ave.
- Assessors Map 60 Parcel 160, 0 Esther Island
- Assessors Map 61 Parcel 1, 0 Esther Island
- Assessors Map 61 Parcel 2, 0 Esther Island
- A portion of Parcel P-2, shown on Plan 49-O filed at the Nantucket County Registry of Deeds, adjacent to 121 Washington Street.

Section 2. The provision of Chapter 30B of the Massachusetts General Laws and any rights of first refusal in the Commonwealth under the provisions of Section 14 of Chapter 34 of the Massachusetts General Laws shall not be applicable to any conveyance authorized hereunder.

Section 3. This Act shall take effect upon passage.

*(Board of Selectmen)*

*NOTE: The above home rule petition was approved as Article 87 of the 2015 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2015, will expire unless renewed by a confirmatory town meeting vote.*

## **ARTICLE**

### **(Home Rule Petition: Community Housing and Sewer Funding) SAME TITLE?**

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

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

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

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

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

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

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

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

assessments which are not overdue at the time of transfer; the fair market value, at the time of transfer, of any other consideration or thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods or services paid, transferred or rendered in exchange for such real property interest.

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

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

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

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

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

the transfer upon which it is imposed. Notwithstanding the foregoing, whenever there is a conveyance of real property interests and a conveyance of personalty related thereto at or about the same time, the allocations of payments between real estate and personalty agreed to by the purchaser and seller shall not determine the amount of the fee due pursuant to this section; instead, the Town may require payment of the fee referred to in real property interests so conveyed as determined by the Town.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) If any seller liable to pay the fee established by this act neglects or refuses to pay the same, the amount, including any interest and penalty thereon, shall be a lien in favor of the Town upon all property and rights to property, whether real or personal, belonging to either such purchaser or such seller. Said lien shall arise at the time of transfer and shall continue

until the liability for such amount is satisfied. Said lien shall in any event terminate not later than six years following the time of transfer. Said lien shall not be valid as against any mortgagee, pledgee, purchaser or judgment creditor unless notice thereof has been filed by the Town (i) with respect to real property or fixtures, in the registry of deeds for Nantucket County, or (ii) with respect to personal property, in the office in which a security or financing statement or notice with respect to the property would be filed in order to perfect a nonpossessory security interest belonging to the person named in the relevant notice, subject to the same limitations as set forth in section fifty of chapter sixty-two C of the General Laws.

(d) Sellers applying for an exemption under subsections (a) through (o) of section four shall be required at the time of application for exemption to execute an agreement legally binding on sellers and separately legally binding upon any Legal Representative of the sellers (1) assuming complete liability for any fee, plus interest and penalties if any, waived on account of an allowed exemption subsequently determined to have been invalid, and (2) submitting to the jurisdiction of the trial court of the commonwealth sitting in Nantucket County. Fees, plus interest and penalties if any, shall be calculated as of the date of the initial property transfer. Execution of the above-described agreement shall not be required of any mortgagee, pledge, purchaser or judgment creditor unless notice of the agreement has been recorded or filed by the Town.

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

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

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

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

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

*(Board of Selectmen)*

## ARTICLE

### **(Home Rule Petition: Retired Police Officers to Serve as Special Police Officers)**

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 and to authorize the General Court, 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 passage; or to take any other action related thereto.

#### AN ACT AUTHORIZING THE APPOINTMENT OF RETIRED POLICE OFFICERS IN THE TOWN OF NANTUCKET TO SERVE AS SPECIAL POLICE OFFICERS

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

**SECTION 1.** The chief of police in the Town of Nantucket, as the appointing authority, may appoint as he/she deems necessary, retired police officers as special police officers for the purpose of performing police details or performing any police duties arising from those police details or arising during the course of police detail work, whether or not related to the detail work. The retired police officers must have been regular police officers and retired, based on superannuation. The special police officers shall not be subject to the maximum age restrictions applied to regular police officers under chapter 32 of the General Laws, but shall not be eligible to serve as special police officers if they have reached the age of 70. A special police officer must pass a medical examination by a physician or other certified professional chosen by the Town to determine that he/she is capable of performing the essential duties of a special police officer, the cost of which shall be borne by the special police officer prior to performing police details.

**SECTION 2.** Special police officers, appointed under this act, shall not be subject to chapter 31 of the General Laws or sections 99, 100 or 111F or of chapter 41 of the General Laws. Or section 85H of chapter 23 of the General Laws. Special police officers appointed under this act shall be subject to chapter 151A of the General Laws.

**SECTION 3.** Special police officers shall, when performing their duties under section 1, have the same powers to make arrests and perform other functions as do regular police officers in the Town of Nantucket.

**SECTION 4.** Special police officers shall be appointed for an indefinite term, subject to removal by the Chief of Police of the Town of Nantucket at any time with 14 days' written notice. Upon request, the Police Chief shall provide reasons for removal in writing.

**SECTION 5.** Special police officers shall be subject to the rules and regulations, policies and procedures and requirements of the police department and chief of police of the Town of Nantucket, including restrictions on the type of detail assignment, requirements regarding medical examinations to determined continued capacity to perform the duties of a special police officer, requirements for training, requirements for firearm licensing and qualification and

requirements regarding uniforms and equipment. Special police officers shall not be subject to section 96B of chapter 41 of the General Laws.

**SECTION 6.** Special police officers shall be sworn in before the Town Clerk of the Town of Nantucket who shall keep a record of all such appointments.

**SECTION 7.** An individual who is appointed as a special police officer under this act shall be eligible for assignment to any detail.

**SECTION 8.** Retired police officers in the Town of Nantucket serving as special police officers under this act shall be subject to the limitations on hours worked and on payments to retired Town employees under subsection (b) of section 91 of chapter 32 of the General Law.

**SECTION 9.** This act shall take effect upon its passage.

Or to take any other action related thereto.

*(Board of Selectmen)*

**RESUBMIT FROM 2016 ATM IF NOT SIGNED BY GOV BY 1/18**

## ARTICLE

### (Home Rule Petition: Land Bank Act Amendment)

To see if the Town will vote to request its representatives in the General Court to introduce legislation amending the Nantucket Islands Land Bank Act as set forth below and to authorize the General Court, 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 passage; or to take any other action related thereto.

### AN ACT AMENDING THE NANTUCKET ISLANDS LAND BANK ACT

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

The Nantucket Islands Land Bank Act (being chapter 669 of the Acts of 1983, as amended by chapter 407 of the Acts of 1984, by chapter 202 of the Acts of 1985, by chapter 666 of the Acts of 1987, by chapter 392 of the Acts of 1991, by chapter 309 of the Acts of 1994, by chapter 370 of the Acts of 2002, by chapter 130 of the Acts of 2006 and by chapter 354 of the Acts of 2010, referred to collectively as the "Land Bank Act") is hereby amended as follows:

(a) The definition of "Affordable Housing Restriction" shall be added to Section 1 of the Land Bank Act between the preamble and the definition of "Commission", as follows:

"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 as defined in Chapter 184. Without limiting the generality of the foregoing, “Affordable Housing Restriction” includes 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 from time to time in the Town of Nantucket Code, or (ii) an affordable housing restriction complying with the definition and other requirements stated in Massachusetts General Laws Chapter 184.”

(b) The following Subsection (-o-) shall be inserted at the end of Section 12 of the Land Bank Act:

“(-o-) Transfer of a real property interest which is subject to and used consistent with an Affordable Housing Restriction; provided that the Affordable Housing Restriction has a term remaining at the time of the Transfer of five (5) or more years; and provided further the purchaser shall make the real property interest which is the subject of the transfer the purchaser's actual domicile within two (2) years of the time of transfer, and shall remain permanently or for an indefinite time and without any certain purpose to return to a former place of abode for a period lasting at least to the fifth (5<sup>th</sup>) anniversary of the transfer. Notwithstanding the foregoing, if the real property interest is transferred again within five (5) years and the later transfer complies with this Exemption “O”, no fee, interest or penalties will be due. In the event that the holder of an Affordable Housing Restriction determines within five (5) years of the transfer that the real property interest to which it pertains is not being used consistent with the requirements of the Affordable Housing Restriction, or in the event of a later transfer within five (5) years which does not comply with this Exemption “O”, the fee exempted hereunder shall become due, together with the accumulated interest and penalties calculated from the date of the transfer exempted hereunder. The purchaser shall certify as to the foregoing, and the Commission shall attach to the deed a certificate which shall recite the fact that there is running with the land a lien equal to the amount of the fee exempted plus accumulated interest and penalties until such time as all conditions of this subsection have been met.

Or to take any other action related thereto.

*(Board of Selectmen for Nantucket Islands Land Bank Commission)*

**RESUBMIT FROM 2016 ATM IF NOT SIGNED BY GOV BY 1/18**

#### **ARTICLE**

**(Home Rule Petition: Amend Historic District Commission Act)  
REMOVE BOS FROM APPEALS PROCESS?**

#### **ARTICLE**

**(Home Rule Petition: Nantucket Housing Needs Covenant)**

*NEED HRP TO ALLOW PROVISIONS OF ARTICLE 55 FROM 2016 ATM (SECONDARY LOTS/QUALIFIED FAMILY MEMBER)  
NEED WORDING*

**ARTICLES XX - XX  
REAL ESTATE**

- clean-up of old ROW bed at Fire Station property
- easement to NGrid for School underground electric distribution system for new Intermediate School
  - Emery Swap?
- need easements for sewer installation - First Way

**ARTICLE**

**(Real Estate Acquisition: Nancy Ann Lane)**

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

*(Patricia Roggeveen, et al)*

**ARTICLE**

**(Real Estate Conveyance: Nancy Ann Lane)**

To see if the Town will vote to authorize the Board of Selectmen to convey, sell, or otherwise dispose of the fee title or lesser interests of all or any portion of the following described land, including a portion of the existing right of way known as Nancy Ann Lane as depicted on Land Court Plan 16514-Z, containing of approximately 33,129 square feet, and as shown on the plan attached hereto and on file with the office of the Town Clerk, pursuant to Massachusetts General Laws Chapter 30B; any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, provided the disposition is consistent with the purposes for which the property interest was acquired; or to take any other action related thereto..

*(Patricia Roggeveen, et al)*

**ARTICLE**

**(Real Estate Acquisition: Mayflower Circle, Daffodil Lane)**

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

*(Patricia Roggeveen, et al)*

#### **ARTICLE**

##### **(Real Estate Conveyance: Mayflower Circle, Daffodil Lane)**

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

*(Patricia Roggeveen, et al)*

#### **Article**

##### **(Real Estate Acquisition: North Road)**

To see if the Town will vote to: authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for general municipal purposes and for the purpose of conveyance of the fee or lesser interests, together with any public or private rights of passage, in the portion of North Road (Shimmo) between the extended western sideline of land shown upon Assessor Map 43 as Parcel 79 and the extended easterly sideline of the land shown upon Assessor Map 43 and Parcel 128, approximately 470+/- feet in length, or to take any other action related thereto.

*(Steven Cohen, et al)*

#### **ARTICLE**

##### **(Real Estate Conveyance: North Road)**

To see if the Town will vote to: authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or an portion of the subject land pursuant to M.G.L., c. 30B and guidelines established under the “Nantucket Yard Sales” program on file at the Board of Selectmen’s office, any such disposition to be such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in the portion of North Road (Shimmo) between the extended western sideline of land shown upon Assessor Map 43 as Parcel 79 and the extended easterly sideline of the land shown upon Assessor Map 43 and Parcel 128, approximately 470+/- feet in length, or to take any other action related thereto.

*(Steven Cohen, et al)*

#### **ARTICLE**

##### **(Real Estate Acquisition: Sandwich Road)**

To see if the Town will vote to: authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for general municipal purposes and for the purpose of conveyance of the fee or lesser interests, together with any public or private rights of passage, in the portion of Sandwich Road (Monomoy) lying between the northerly line of Chatham Road and the extended north easterly sideline of the land known and numbered at 8 Monomoy Road, shown upon Assessor Map 54 and Parcel 196, approximately 385+/- feet in length, or to take any other action related thereto.

*(Steven Cohen, et al)*

#### **ARTICLE**

##### **(Real Estate Conveyance: Sandwich Road)**

To see if the Town will vote to: authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or an portion of the subject land pursuant to M.G.L., c. 30B and guidelines established under the “Nantucket Yard Sales” program on file at the Board of Selectmen’s office, any such disposition to be such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in the portion of Sandwich Road (Monomoy) lying between the northerly line of Chatham Road and the extended north easterly sideline of the land known and numbered at 8 Monomoy Road, shown upon Assessor Map 54 and Parcel 196, approximately 385+/- feet in length, or to take any other action related thereto.

*(Steven Cohen, et al)*

#### **Article**

##### **(Real Estate Acquisition: Scott’s Way)**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests together with any public or private rights of passage for public ways, open space, conveyance and/or general municipal purposes in all or any portion of the unconstructed right of way known as Scotts Way from a line extending

across Scotts Way at a point at the southeasterly corner of Map 67, Parcel 168, to the northern sideline of Lovers Lane, approximately 2,575 linear feet.

Or to take any other action related thereto.

*(Christopher L .Ray, et al)*

**ARTICLE**

**(Real Estate Conveyance: Scotts Way)**

To see if the Town will vote to authorize the Board of Selectmen to convey, sell or otherwise dispose of the fee title or lesser interests in a portion of land known as Scotts Way from a line extending across Scotts Way at a point at the southeasterly corner of Map 67, Parcel 168, to the northern sideline of Lovers Lane, approximately 2,575 linear feet, subject to Chapter 30B on the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions.

Or to take any other action related thereto.

*(Christopher L. Ray, et al)*

**ARTICLE**

**(Real Estate Conveyance: 131, 135 Pleasant Street)**

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

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

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

Or to take any other action related thereto.

*(Catherine Flanagan Stover, et al)*

**ARTICLE**

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

To see if the Town will vote to transfer the parcel of land described below from municipal or county vacant land to the Board of Selectmen to be held for the purpose of conveyance, all

or any portion of 2, 4, 6, and 8 Ticcoma Way thereof for a public purpose including without limitation, funeral home purposes by a non-profit entity pursuant to Chapter 261 of the Acts of 2014, subject to MGL Chapter 30B, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate:

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

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

Or to take any other action related thereto.

*(Catherine Flanagan Stover, et al)*

#### **ARTICLE**

##### **(Real Estate Conveyance: 9 East Creek Road)**

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

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

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

Or to take any other action related thereto.

*(Catherine Flanagan Stover, et al)*

#### **ARTICLE**

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

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

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

And to see if the Town will vote to appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes.

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

Or to take any other action related thereto.

*(Lucy Dillon, et al)*

#### ARTICLE

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

To see if the Town will vote to authorize the Board of Selectmen to sell, convey, or otherwise dispose of the fee or lesser interests in all or any portion of the following unconstructed rights of way, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the “Nantucket Yard Sales Program” on file at the Board of Selectmen’s office, such disposition to be on any such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

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

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

Or to take any other action related thereto.

*(Lucy Dillon, et al)*

#### ARTICLE

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

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for general municipal purposes and for the purpose of conveyance of the fee title or lesser interests, together with any public or private rights of passage, in all or any portions of the unnamed private ways off Low Beach Road, Siasconset, shown upon a “Plan of Rule Lot at South End of ‘Sconset” by R. N. Allen, Surveyor, recorded with the Nantucket Registry of Deeds in Plan Book 4, Page 7, and lying adjacent to or within the lands situated at and known as 54 Morey Lane, 1 Low Beach Road, 3 Low Beach Road, 11 Low Beach Road, 13 Low Beach Road, 15 Low Beach Road and 17 Low Beach Road (Assessor’s Parcels

73.3.2-54, 73.3.2-27, 73.3.2-29, 73.3.2-34, 74-45, 74-84 and 74-85, respectively); or to take any other action related thereto.

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

#### **ARTICLE**

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

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land pursuant to M.G.L., c. 30B, and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in all or any portions of the unnamed private ways off Low Beach Road, Siasconset, shown upon a "Plan of Rule Lot at South End of 'Sconset" by R. N. Allen, Surveyor, recorded with the Nantucket Registry of Deeds in Plan Book 4, Page 7, and lying adjacent to or within the lands situated at and known as 54 Morey Lane, 1 Low Beach Road, 3 Low Beach Road, 11 Low Beach Road, 13 Low Beach Road, 15 Low Beach Road and 17 Low Beach Road (Assessor's Parcels 73.3.2-54, 73.3.2-27, 73.3.2-29, 73.3.2-34, 74-45, 74-84 and 74-85, respectively); or to take any other action related thereto.

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

#### **ARTICLE**

##### **(Appropriation: Stabilization Fund)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of the Stabilization Fund in accordance with Chapter 40 section 5B of the Massachusetts General Laws, from which appropriations may be made by a two-thirds vote of an Annual or Special Town Meeting for any purpose for which a municipality may borrow money or for any other lawful purpose; said sum not to exceed ten percent (10%) of the Fiscal Year 2017 tax levy.

Or to take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE**

##### **(Appropriation: Free Cash)**

To see what sum the Town will vote to transfer from Free Cash in the treasury to meet the appropriations for the current and/or ensuing Fiscal Year and to authorize the Assessors to use in the fixing the tax rate, pass any vote, or take any other action related thereto.

*(Board of Selectmen)*

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

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

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

*for the following purpose:*

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

**NEEDS TO BE UPDATED**

Moderator	One for a term of one year
Selectman	Two for terms of three years
School Committee	Two for terms of three years
Historic District Commission	Two for terms of three years
<b>Historic District Commission Associate</b>	<b>One for a term of three years</b>
Nantucket Housing Authority	One for a term of five years
Nantucket Islands Land Bank Commission	One for a term of five years
Harbor and Shellfish Advisory Board	Two for terms of three years
Planning Board	One for a term of five years
Nantucket Water Commission	One for a term of three years
Siasconset Water Commission	One for a term of three years

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

1. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to 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., including acquisition of any interests in land as may be necessary or appropriate, and the payment of all other costs incidental and related thereto?

\*\*\*\*\*

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

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

\_\_\_\_\_  
James R. Kelly, Chairman

\_\_\_\_\_  
Dawn E. Hill Holdgate, Vice Chairman

\_\_\_\_\_  
Rick Atherton

\_\_\_\_\_  
Robert R. DeCosta

\_\_\_\_\_  
Matthew G. Fee

SELECTMEN OF NANTUCKET, MA

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

Sworn to under pains and penalties of perjury,

\_\_\_\_\_  
Catherine Flanagan Stover, Constable