

1. 2012 Special Town Meeting Warrant As Adopted By The Board Of Selectmen September 12, 2012

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COMMONWEALTH OF MASSACHUSETTS

TOWN OF NANTUCKET



WARRANT FOR

SPECIAL TOWN MEETING
Nantucket High School
Monday, October 22, 2012 - 6:00 PM

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

To the Constables of the Town of Nantucket:

GREETING:

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

**MONDAY, OCTOBER 22, 2012 AT 6:00 PM,
THEN AND THERE TO ACT ON THE ARTICLES
CONTAINED WITH THE ENCLOSED WARRANT:**

ARTICLE 1

(Appropriation: Fiscal Year 2013 Enterprise Fund Operating Budget Amendments)

To see what Fiscal Year 2013 Enterprise Fund operating budgets, as voted at the 2012 Annual Town Meeting in Article 14, the Town will vote to amend, and further to appropriate, and also to raise, or transfer from available funds, a sum or sums of money for such purposes; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 2

(Appropriation: Fiscal Year 2013 Enterprise Fund Capital Expenditure Amendments)

To see what Fiscal Year 2013 Enterprise Fund capital expenditures, as voted at the 2012 Annual Town Meeting in Article 15, the Town will vote to amend, and further to appropriate, and also to raise, or transfer from available funds or borrow, a sum or sums of money for such purposes; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 3

(Appropriation: Fiscal Year 2013 General Fund Operating Budget Amendments)

To see what Fiscal Year 2013 General Fund operating budgets, as voted at the 2012 Annual Town Meeting in Article 8, the Town will vote to amend, and further to appropriate, and also to raise, or transfer from available funds, a sum or sums of money for such purposes; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 4

(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 5

(Appropriation: Madaket Landfill Wind Turbine)

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 materials and professional services related to the design, permitting, construction supervision, engineering and other related professional services, for construction of a community scale wind turbine similar in size and specifications to the Nantucket High School wind turbine, to be located at the Madaket Landfill.

(Barbara Gookin, et al)

ARTICLE 6

(Zoning Map Change: Meadow Lane R-20 to R-1)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential-20 (R-20) district in the Residential 1 (R-1) district:

Map	Lot	Number	Street
41	402	6	Meadow Lane
41	403	10	Meadow Lane

All as shown on a map entitled “2012 Special Town Meeting Warrant Article 6 Meadow Lane” dated August 2012 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 7

**(Zoning Map Change: Industrial Land:
Arrowhead Drive, Sun Island and Hinsdale Roads)**

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

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

Map	Lot	Number	Street
69	29.6	11	Sun Island Road
69	29.7	13	Sun Island Road
69	29.8	15	Sun Island Road
69	108	109	Hinsdale Road
69	30.1	110	Hinsdale Road
69	30.2	112	Hinsdale Road
69	30.3	114	Hinsdale Road
69	10.2	19	Arrowhead Drive

All as shown on a map entitled "2012 Special Town Meeting Warrant Article 7 Industrial Land" dated August 2012 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 8

(Zoning Bylaw Amendment: Zoning Enforcement Officer)

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

1. To amend section 2 by amending the following definition:

ZONING ENFORCEMENT OFFICER

~~An official of the Town of Nantucket~~ Any building official identified in MGL Chapter 40A section 7 and any person within the Planning and Land Use Services department appointed by the Town Manager, ~~who is responsible for the administration and enforcement of the Nantucket Zoning Bylaw in accordance with the provisions of MGL c. 40A, § 7.~~

2. To amend section 25A as follows:

Enforcement. This chapter shall be interpreted and enforced by a Zoning Enforcement Officer appointed by the Board of Selectmen.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 9

(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 41-3B (Siasconset Sewer District) of the Code of the Town of Nantucket by adding the following parcels to the Siasconset Sewer District:

Map	Lot	Number	Street
49	83	79	Sankaty Rd
49	112	76	Sankaty Rd
49	114	80	Sankaty Rd

(Joseph Manning, et al)

ARTICLE 10

(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 parcel to the Town Sewer District:

Map	Parcel	Street Number	Street
30	71	78	CLIFF RD
41	105	1	DERRY LANE
41	103	28	DERRYMORE RD
41	17	34	DERRYMORE RD
41	18	36	DERRYMORE RD
30	72	38	DERRYMORE RD
30	72	38	DERRYMORE RD

All as shown on a map entitled “2012 Special Town Meeting Warrant Article # ___” dated August 2012 and filed herewith at the Office of the Town Clerk. Or to take any other action related thereto.

(Thomas Barada, et al)

ARTICLE 11

(Home Rule Petition: Amend Historic District Commission Act)

To see if the town will vote to present to the General Court of the Commonwealth a petition on behalf of the inhabitants of the town of Nantucket for enactment of a Home Rule special act as set forth below to amend the Nantucket Historic District Act in order to address concerns of the public as a result of the recent court decision adverse to the Nantucket Historic District Commission regarding preservation of Martins Lane and to otherwise update and clarify the scope of the Nantucket Historic District Commission as set forth below; and to request the Town’s representatives to the General Court to introduce a Special Act set forth below; and further that the General Court, with approval by the Nantucket Historic District Commission, be authorized to 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 actions related thereto.

AN ACT TO AMEND THE NANTUCKET HISTORIC DISTRICT ACT

SECTION 1. The purpose of this Act is to establish the authority of the Nantucket Historic District Commission to preserve places of historic interest. Including without limitation, historic brick paved streets and ways in the town, to address contemporary concerns of the public learned from recent court decisions, and otherwise to further modernize a forty two year old statute used currently to define the role of the Nantucket Historic District Commission.

SECTION 2. Chapter 395 of the acts of 1970 entitled “An Act establishing an Historic District Commission for the Town of Nantucket and Establishing Nantucket Island as the Historic District”, as amended by chapter 708 of the acts of 1972; chapter 300 of the acts of 1984; chapter 291 of the acts of 1985, chapter 735 of the acts of 1987; chapter 333 of the acts of 1989, chapter 314 of the acts of 1990; chapter 193 of the acts of 1998; chapter 57 of the acts of 2000; chapter 90 of the acts of 2002 and chapter 8 of the Acts of 2010 (collectively hereinafter referred to as the “Act”), is hereby amended as set forth in this act.

SECTION 3. Section 2A of the Act is hereby amended to add the definition of “Historic place” after the definition of “Exterior architectural features” and before the definition of “Razed”, as follows: “Historic place” is a location or property, with or without the presence of buildings or structures or other improvements thereon, having historical significance at least fifty years old or older as of the date of application under section five of this Act, including but not limited to: historic streetscapes and unique Nantucket historical settings such as cobblestone roadways, or brick paved historic ways; places where historic events occurred such as historical settlements, ruins, or location of historic cultural or governmental organized ceremonies; or any place determined by the Commission to be significant in the history, archaeology, architecture or culture of Nantucket. Any such determination by the Commission that a location or property constitutes a “historic place” pursuant to this section shall occur at a public hearing of the Commission after notice to the public and any affected persons by publishing such notice in one or more newspapers of general circulation in the Town issued at least fourteen (14) days prior to the hearing, by posting a copy of such notice at Town Hall at least fourteen (14) days prior to the hearing, and by posting a copy of such notice at a conspicuous place on the property on which the Commission is to hold a hearing to consider whether a particular location or property should be designated a historic place under this Act.

SECTION 4. Section 2A of the Act is hereby further amended by adding a new sentence to the definition of “Structure” after the existing sentence, as follows: “The words walk and driveway in the foregoing sentence shall be liberally construed and shall include but not be limited to the curbing, the curb cut at the intersection or crossing of any walk or driveway and the nearest access way, the sidewalk, if any, to be crossed by a walk or driveway, fencing openings, gates, aprons, berms and configuration, grading and improvement of any ways to accommodate same, whether or not located on any property owned or maintained privately or owned or maintained by the Town, the county of Nantucket, political subdivision of the Commonwealth of Massachusetts or public agency, provided however that this sentence shall apply only to the Old Historic District and the Siasconset Old Historic District as defined by reference to maps delineating those districts entitled Town of Nantucket - GIS Mapsheet entitled " Historic Districts" and maintained for public inspection in the offices of the Nantucket Historic District Commission and the town clerk of the town of Nantucket.

SECTION 5. The Act is further amended by adding new Section 3A to read as follows

SECTION 3A. Notwithstanding any other law to the contrary, the Commission is authorized to establish rules for the imposition of reasonable fees for the employment of outside consultants and to deposit such fees in a special account, which account shall be maintained and used in accordance with the provisions of chapter 44, section 53G of the general laws.

SECTION 6. The Act is further amended by adding new Section 9A to read as follows:

SECTION 9A. Notwithstanding any other law to the contrary,

- (a) No historic place shall be altered, wholly or partially, in any way that alters its physical appearance without either (1) a certificate of appropriateness issued by the Commission expressly authorizing such alteration, or (2) the Commission has first issued a certificate of nonapplicability with respect to such alteration.
- (b) Nothing in this Act shall be construed to prevent the ordinary care, maintenance, and/or repair (including replacement of cobblestones, mowing of fields, and the like) of an historic place, provided such care, maintenance or repair does not involve a change in design, material, color or outward appearance.
- (c) It shall be the responsibility of any applicant seeking a certificate of appropriateness to alter an historic place to provide all necessary plans, elevations and other information deemed necessary by the Commission or reasonably requested by the Commission to evaluate a proposed alteration.
- (d) The provisions of this Act applicable to the processing of applications for certificates of appropriateness applicable to buildings and structures shall also apply to applications for alteration of an historic place.
- (e) It shall be a violation of this Act for any person to alter an historic place without obtaining either a certificate of appropriateness or a certificate of nonapplicability from the Commission, or otherwise to destroy, deface, burn, topple, mar with graffiti, damage, spoil, encroach upon, or injure an historic place.

SECTION 7. Section 11 of the Act is hereby amended by adding after the last sentence the following new sentence: "Notwithstanding any other law to the contrary, the Commission is authorized to appoint special legal counsel of its choosing, separate from Town counsel, to assist the Commission in connection with any such appeal before the Board of Selectmen. The services of such special legal counsel shall be paid for in the same manner and from the same source as Town counsel."

SECTION 8. Section 12 of the Act is hereby amended by adding after the last sentence the following new sentence: “Notwithstanding any other law to the contrary, the Commission is authorized to appoint special legal counsel of its choosing, separate from Town counsel, to assist the Commission in connection with any such appeal it may so file in Superior Court as an aggrieved party from a decision by the Board of Selectmen. The services of such special legal counsel shall be paid for in the same manner and from the same source as Town counsel.”

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

(David Barham, et al)

ARTICLE 12

(Real Estate Acquisition: Various “Paper” Streets)

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 portions of the following unconstructed rights of way, together with any public and private rights of passage for public ways, open space and/or general municipal purposes:

- Proprietors Road in the Polpis area partially known as Hilltop Road between a northeastern lot line of Parcel 6 on Assessor Map 43 to the southwestern sideline of Shawkemo Road, not including any portion of Rabbit Run Road;
- Alabama Avenue (Madaket) between the southwestern sideline of Ames Avenue to the Atlantic Ocean;
- Midland Avenue (Madaket) between the northern sideline of Madaket Road to the Atlantic Ocean;
- Madaket Road (f.k.a. Oregon Avenue) from a line extending the western sideline of Ames Avenue across Madaket Road to the Atlantic Ocean;
- Dayton Street (Madaket) between the northern sideline of Midland Avenue to the southern sideline of Denver Street;
- Denver Street (Madaket) between the southwestern sideline of Ames Avenue and the northeastern property line of Assessor Map 60. Parcel 134;
- Cherry Street, s.k.a. Naushon Way (Surfside) between the northern sideline of Nonantum Avenue and the northern sideline of Weweeder Avenue; and between the northern sideline of Pochick Avenue and the southern sideline of Masaquet Avenue;
- Cumberland Avenue (Tom Nevers) between the eastern sideline of Fairfield Street and the western sideline of Exeter Street;

- Russell and Jefferson Streets (Maddequecham) between the southern sideline of Weweeder Avenue and the northern sideline of the former Boulevarde;
- Chase Lane - Proprietors Road (Quidnet/Squam) between a line extending through Chase Lane at the eastern edge of the westernmost way located on a property to identified as Assessor Map 21, Parcel 37 and a line extending the western property line of a property identified as Assessor Map 21, Parcel 52 through Chase Lane.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 13

(Real Estate Conveyance: Various "Paper" Streets)

To see if the Town will vote to authorize the Board of Selectmen to (1) sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of the land identified below pursuant 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, or (2) convey, sell or otherwise dispose of the fee or any lesser interests of any portion of the land identified below to the Nantucket Islands Land Bank, any such disposition to be on such terms and conditions as the Board of Selectmen deems appropriate, which may include the reservation of easements and restrictions; and (3) for such parcels as the Board of Selectmen determines by vote to be not needed for conveyance, to dedicate all or any portion of the land identified below for open space and recreational purposes:

- Proprietors Road in the Polpis area partially known as Hilltop Road between a northeastern lot line of Parcel 6 on Assessor Map 43 to the southwestern sideline of Shawkemo Road, not including any portion of Rabbit Run Road;
- Alabama Avenue (Madaket) between the southwestern sideline of Ames Avenue to the Atlantic Ocean;
- Midland Avenue (Madaket) between the northern sideline of Madaket Road to the Atlantic Ocean;
- Madaket Road (f.k.a.Oregon Avenue) from a line extending the western sideline of Ames Avenue across Madaket Road to the Atlantic Ocean;
- Dayton Street (Madaket) between the northern sideline of Midland Avenue to the southern sideline of Denver Street;

- Denver Street (Madaket) between the southwestern sideline of Ames Avenue and the northeastern property line of Assessor Map 60. Parcel 134;
- Cherry Street, s.k.a. Naushon Way (Surfside) between the northern sideline of Nonantum Avenue and the northern sideline of Weweeder Avenue; and between the northern sideline of Pochick Avenue and the southern sideline of Masaquet Avenue;
- Cumberland Avenue (Tom Nevers) between the eastern sideline of Fairfield Street and the western sideline of Exeter Street;
- Russell and Jefferson Streets (Maddequecham) between the southern sideline of Weweeder Avenue and the northern sideline of the former Boulevard;
- Chase Lane - Proprietors Road (Quidnet/Squam) between a line extending through Chase Lane at the eastern edge of the westernmost way located on a property to identified as Assessor Map 21, Parcel 37 and a line extending the western property line of a property identified as Assessor Map 21, Parcel 52 through Chase Lane.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 14
(Real Estate Conveyance: Conveyance of Moorland Management
District Property from County to Town)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the change in use, transfer and conveyance of a certain parcel of land from the County of Nantucket for beach purposes, as described in more detail below and as shown on a map entitled "2012 Special Town Meeting Warrant Article 14" dated August, 2012 and filed with the Office of the Town Clerk, to the Town of Nantucket for beach purposes and also for open space purposes, and further, to authorize the Board of Selectmen to accept such parcel of land; 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 Approving the Conveyance of Property by the County of Nantucket

Section 1. The County of Nantucket is hereby authorized to convey without consideration the fee in a parcel of land shown on the Nantucket Board of Assessors'

Map 82, as Parcel 22, Heller Way/Smooth Hummocks, from the County of Nantucket for beach purposes to the Town of Nantucket for beach and open space purposes.

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

Section 3. This Act shall take effect upon passage.

Or to take any other action relative thereto.

(Board of Selectmen)

ARTICLE 15

(Real Estate Conveyance: 17 Dave's Street)

To see if the Town will vote to transfer from the Board of Selectmen or other board or committee with custody of the property for the purposes for which such property is currently held to the Board of Selectmen for purposes of sale or conveyance, and further, to authorize the Board of Selectmen to sell, convey, release or otherwise dispose of any interests in all or any portion of land listed below, subject to Chapter 30B of the Massachusetts General Laws, any such disposition to be on such terms and conditions the Board of Selectmen deems appropriate, which may include the reservation of easements and restrictions in regard to the following land:

- Assessor Map 55 Parcel 428;

All as shown on a map entitled "2012 Special Town Meeting Warrant Article 15" dated August 2012 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 16

(Real Estate Conveyance: 33 New Street)

To see if the Town will vote to transfer from the Siasconset Water Commission for water supply purposes to the Board of Selectmen for purposes of sale or conveyance, and further, to authorize the Board of Selectmen to sell, convey, or otherwise dispose of any interest the Town may have in, or to, a parcel of property located at 33 New Street, Siasconset, shown on Assessor's Map 73.4.2, Parcel 83, more particularly described in a deed recorded in Book 102, Page 262 of the Nantucket County Registry of Deeds, subject to Chapter 30B of the Massachusetts General Laws, any such disposition to be on such terms and conditions as the Board of Selectmen deems appropriate, which may include the reservation of easements and restrictions.

Or to take any other action related thereto.

(Board of Selectmen for Siasconset Water Commission)

ARTICLE 17

(Real Estate Acquisition: William Coffin Setoff Property/44 Sparks Avenue)

To see if the Town will vote to authorize the Board of Selectmen to acquire by eminent domain, purchase or gift, the fee interest in the following property, for general municipal or cemetery purposes, and if acquired for cemetery purposes, to place such property in the care, custody and control of the Nantucket Cemetery Commission:

- Assessors Map 55 Parcel 600 known as 44 Sparks Avenue shown as Lot A containing 15,636 square feet of land

as shown on a "Plan of Land in Nantucket, Mass.", dated December 19, 1997 on file at the Nantucket Planning Board at Plan File 6235.

Or to take any other action related thereto.

(Board of Selectmen for Cemetery Commission)

ARTICLE 18

(Real Estate Acquisition: 42 Sparks Avenue)

To see if the Town will vote to authorize the Board of Selectmen to acquire by eminent domain, purchase or gift, the fee interest in the following property, for general municipal or cemetery purposes, and if acquired for cemetery purposes, to place such property in the care, custody and control of the Nantucket Cemetery Commission:

- Assessors Map 55 Parcel 601 known as 42 Sparks Avenue shown as Lot A containing 13,816 square feet of land

As shown on a "Plan of Land in Nantucket, Mass.", dated December 19, 1997 on file at the Nantucket Planning Board at Plan File 6235.

Or to take any other action related thereto.

(Board of Selectmen for Cemetery Commission)

ARTICLE 19

(Real Estate Acquisition/Conveyance: 40 Sparks Avenue)

To see if the Town will vote to authorize the Board of Selectmen to acquire by eminent domain, purchase or gift, the fee interest in the following property, for general municipal or open space purposes or for the purposes of conveyance; if acquired for open space purposes, the property shall be placed in the care, custody and control of the Board of Selectmen; if acquired for the purposes of conveyance, to further authorize the Board of Selectmen to convey, sell or dispose of the fee or any lesser interests in all or any portion of the land identified below to the Nantucket Islands Land Bank, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate which may include the reservation of easements and restrictions:

- Assessors Map 55 Parcel 602 known as 40 Sparks Avenue shown as Lot A containing 36,511 square feet of land

as shown on a “Plan of Land in Nantucket, Mass.”, dated December 19, 1997 on file at the Nantucket Planning Board at Plan File 6235.

Or to take any other action related thereto.

(Board of Selectmen for Cemetery Commission)

ARTICLE 20

(Real Estate Acquisition: Various Parcels)

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 the following parcels of land for public ways, open space and/or general municipal purposes:

- 6 Rhode Island Avenue (Madaket), Assessor Map 60.3.1 Parcels 383 and 385;
- 17 New Hampshire Avenue (Madaket), Map 60.3.1 Parcel 400
- 9 Sheep Pond Road (Madaket) Assessor Map 63 Parcel 24;
- Clark Cove Road (Southwest Quarter), Map 64 Parcel 5
- 1 Huntington Street (Tom Nevers), Map 71.3.2 Parcel 314;
- 3 Fawcett Way (Siasconset), Map 73.1.3 Parcel 17;
- 10 Ocean Avenue (Siasconset), Map 73.2.4 Parcels 15 and 23;
- Low Beach (Siasconset), Map 75 Parcel 22
- 143 E Surfside Road, Map 80 Parcel 101.6;
- 274 Hummock Pond Road (Cisco), Assessor Map 83 Parcel 48;

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 21

(Real Estate Conveyance: Various Parcels)

To see if the Town will vote to authorize the Board of Selectmen to (1) sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the land identified below pursuant 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, or (2) convey, sell or otherwise dispose of the fee or any lesser interests of any portion of the land identified below to the Nantucket Islands Land Bank, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions; and (3) for such parcels as the Board of Selectmen determines by vote to be not needed for conveyance, to dedicate all or any portion of the land identified below for open space and recreational purposes:

- 6 Rhode Island Avenue (Madaket), Assessor Map 60.3.1 Parcels 383 and 385;
- 17 New Hampshire Avenue (Madaket), Map 60.3.1 Parcel 400
- 9 Sheep Pond Road (Madaket), Assessor Map 63 Parcel 24;
- Clark Cove Road (Southwest Quarter), Map 64 Parcel 5
- 1 Huntington Street (Tom Nevers), Map 71.3.2 Parcel 314;
- 3 Fawcett Way (Siasconset), Map 73.1.3 Parcel 17;
- 10 Ocean Avenue (Siasconset), Map 73.2.4 Parcels 15 and 23;
- Low Beach (Siasconset), Map 75 Parcel 22
- 143 E Surfside Road, Map 80 Parcel 101.6;
- 274 Hummock Pond Road (Cisco), Assessor Map 83 Parcel 48;

Or to 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.

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 aforesaid.

Given under our hands this 12th day of September in the year Two Thousand Twelve.

Patricia Roggeveen, Chairman

Robert DeCosta, Vice Chairman

Rick Atherton

Bruce D. Miller

SELECTMEN OF NANTUCKET, MA

Pursuant to Chapter 39, section 10 of the General Laws of the Commonwealth and the Warrant of September 12, 2012, 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 Grand Union on Salem 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

COMMONWEALTH OF MASSACHUSETTS

TOWN OF NANTUCKET



WARRANT WITH FINANCE COMMITTEE MOTIONS FOR
2012 SPECIAL TOWN MEETING
Nantucket High School
Monday, October 22, 2012 - 6:00 PM

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

BOARD OF SELECTMEN

**Patricia Roggeveen, Chairman
Robert DeCosta, Vice Chairman
Rick Atherton
Bruce D. Miller**

FINANCE COMMITTEE

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MODERATOR

Sarah F. Alger

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TOWN OF NANTUCKET
October 22, 2012
SPECIAL TOWN MEETING

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ARTICLE 1

(Appropriation: Fiscal Year 2013 Enterprise Fund Operating Budget Amendments)

To see what Fiscal Year 2013 Enterprise Fund operating budgets, as voted at the 2012 Annual Town Meeting in Article 14, the Town will vote to amend, and further to appropriate, and also to raise, or transfer from available funds, a sum or sums of money for such purposes; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2013 Enterprise Fund budgets approved under Article 14 of the 2012 Annual Town Meeting be amended by appropriating the additional amounts, or reducing appropriations, for the purposes and in the amounts specified below:

	<i>FY 2013</i>	<i>FY 2013</i>	<i>FY 2013</i>	<i>FY 2012</i>
<i>FUND</i>	<i>PAYROLL</i>	<i>EXPENSES</i>	<i>TOTAL BUDGET (showing 2012 ATM budget number in strikethrough, and new total budget number for informational purposes)</i>	<i>TOTAL BUDGET</i>
Airport	\$701,472	\$1,301,644	\$5,802,254 \$7,805,370	\$11,968,145
Sewer (includes Wastewater Treatment; Collection & Disposal; and Siasconset plant)	\$266,035	(\$796,678)	\$6,138,378 \$5,607,735	\$5,697,549
Siasconset Water	(\$2,000)	\$186,795	\$962,250 \$1,147,045	\$969,350
Solid Waste		\$189,920	\$7,603,996 \$7,793,916	\$7,658,500
Wannacomet Water		(\$269,510)	\$4,346,010 \$4,076,500	\$4,032,040

and as funding therefor, to amend the total amounts to be raised from the FY13 Tax Levy and Other General Revenues or transferred from FY13 Anticipated Receipts as follows:

Enterprise Fund	FY 13 Tax Levy and Other General revenues	Amount to be Transferred from FY 13 Estimated Revenue
Airport	\$1,060,728	\$6,744,642
Our Island Home	\$2,261,560	\$4,706,440
Sewer		\$5,607,735
Siasconset Water		\$1,147,045
Solid Waste	\$4,516,502	\$3,277,414
Wannacomet Water		\$4,076,500

Total Funding Sources

\$33,398,567

Quantum of vote required for passage of this motion is a majority vote

ARTICLE 2

(Appropriation: Fiscal Year 2013 Enterprise Fund Capital Expenditure Amendments)

To see what Fiscal Year 2013 Enterprise Fund capital expenditures, as voted at the 2012 Annual Town Meeting in Article 15, the Town will vote to amend, and further to appropriate, and also to raise, or transfer from available funds or borrow, a sum or sums of money for such purposes; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the vote taken under Article 15 of the 2012 Annual Town Meeting for Enterprise Fund capital expenditures be amended by approving the additional capital expenditures for the purposes and in the amounts specified, and, as funding therefor, to transfer from available funds or authorize borrowing of the sums indicated:

DEPARTMENT	FUNDING SOURCE(S)	ITEM	AMOUNT
Airport	Transfer \$275,020 from Article 13 of the 2008 Annual Town Meeting (Terminal Building Improvements) Transfer \$147,096 from Article 13 of the 2009 Annual Town Meeting (Terminal Building Renovations) Transfer \$8,138 From Article 13 of the 2009 Annual Town Meeting (Raze and Remove Annex)	Supplemental appropriation for professional services, permitting, construction, and other costs associated with the General Aviation Building and furnishings	\$430,255
Airport	Transfer \$147,777 from Article 13 of the 2009 Annual Town Meeting (Landscape Perimeter Fence)	Purchase furnishings and equipment for the Airport and General Aviation Building	\$147,777

Airport	Transfer \$100,000 from Article 13 of the 2009 Annual Town Meeting (Landscape Perimeter Fence)	Professional services, permitting, construction, and other costs associated with Airport parking lot improvements	\$100,000
Sewer	Transfer \$931,458 from Article 4 of the 2005 Special Town Meeting (Supplemental funding for the Surfside Wastewater Treatment Facility)	Costs associated with the repairs, replacement, and equipment upgrades at the Surfside Waste Water Treatment Facility	\$931,458
Siasconset Water	Transfer \$601,685 from Article 13 of the 2009 Annual Town Meeting (Low Beach Water Main Improvements)	Professional services for design, permitting, construction, and other costs associated with pump station/SCADA improvements	\$601,685
Wannacomet Water	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$800,000 pursuant to G.L. c.44, §§7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Wannacomet Water Enterprise Fund revenues, state and federal grants and other available funds for Wannacomet Water items	Professional services for design, permitting, construction, and other costs associated with distribution system improvements	\$800,000

FINANCE COMMITTEE COMMENT: The funding for all of the items shown in the motion - except for the Wannacomet Water item - is merely being transferred from other accounts to cover projects/items that require additional funding. The debt service payments resulting from the Wannacomet Water borrowing item are expected to be covered by retained earnings of Wannacomet Water and will be a transfer at the 2013 Annual Town Meeting.

Quantum of vote required for passage of this motion is a two-thirds vote

ARTICLE 3

(Appropriation: Fiscal Year 2013 General Fund Operating Budget Amendments)

To see what Fiscal Year 2013 General Fund operating budgets, as voted at the 2012 Annual Town Meeting in Article 8, the Town will vote to amend, and further to appropriate, and also to raise, or transfer from available funds, a sum or sums of money for such purposes; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Fiscal Year 2013 operating budget approved under Article 8 of the 2012 Annual Town Meeting be amended by raising and appropriating from the Fiscal Year 2013 Tax Levy and Other General Revenues of the Town the additional sum of Three Hundred Thirty-eight Thousand Six Hundred Sixty-eight Dollars (\$338,668) for the payment of principal and interest on debt service for the Hummock Pond Road bicycle path.

FINANCE COMMITTEE COMMENT: An appropriation of \$3,200,000 was approved and a borrowing authorized at the 2012 Annual Town Meeting for the Hummock Pond Road bicycle path, contingent upon the passage of a debt exclusion ballot question at the Annual Town Election. The election was held subsequent to the Town Meeting and the ballot question was approved. However, since the borrowing did not occur until after the Town Meeting and Election, the debt service payment was neither known nor budgeted at the Town Meeting. Now that the borrowing has occurred and the debt service payment for FY 13 is known, the debt service budget is proposed to be amended.

Quantum of vote required for passage of this motion is a majority vote

ARTICLE 4

(Appropriation: Prior Year Articles)

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

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that thirty-year unspent bond proceeds from borrowing be transferred from completed projects to other projects in accordance with Chapter 44, Section 20 of the General Laws, as follows:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Article 13 of the 2006 Annual Town Meeting (Phase I and II infiltration/inflow improvements in downtown Core District)	Article 13 of the 2009 Annual Town Meeting (Phase IIB infiltration/inflow improvements)	\$29,825.54

Quantum of vote required for passage of this motion is a majority vote

ARTICLE 5

(Appropriation: Madaket Landfill Wind Turbine)

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 materials and professional services related to the design, permitting, construction supervision, engineering and other related professional services, for construction of a community scale wind turbine similar in

size and specifications to the Nantucket High School wind turbine, to be located at the Madaket Landfill.

(Barbara Gookin, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: The motion not to adopt this Article has been made after review of a limited amount of financial data and public participation. The Committee feels that a project that has drawn a high level of public concern, as it did at the 2012 Annual Town Meeting, requires more input by the general public, and financial scrutiny not provided for with the October Special Town Meeting.

BOARD OF SELECTMEN COMMENT: The Board of Selectmen supports the Finance Committee Motion and Comment.

Quantum of vote required for passage of this motion is a majority vote; passage of a positive motion requires a two-thirds vote

ARTICLE 6

(Zoning Map Change: Meadow Lane R-20 to R-1)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential-20 (R-20) district in the Residential 1 (R-1) district:

Map	Lot	Number	Street
41	402	6	Meadow Lane
41	403	10	Meadow Lane

All as shown on a map entitled “2012 Special Town Meeting Warrant Article 6 Meadow Lane” dated August 2012 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential 20 (R-20) district in the Residential 1 (R-1) district:

Map	Lot	Number	Street
41	402	6	Meadow Lane
41	403 (a portion of)	10	Meadow Lane

All as shown on a map entitled “2012 Special Town Meeting Warrant Article 6 Meadow Lane” dated August 2012, revised on September 26, 2012, as on file with the Office of the Town Clerk.

PLANNING BOARD COMMENT: The proposed rezoning affects two (2) residential properties at the edge of the existing R-1 district, neither of which conforms to the R-20 standards. The lot at 6 Meadow Lane is vacant and approximately 7,700 square feet in area. It should be grouped with similar lots located to the north and east, which were included in the R-1 zone and created at the same time. The inclusion of this lot will allow 2,300 square feet of ground cover, which is consistent with minimum areas allowed on most lots. The lot at 10 Meadow Lane contains two (2) dwellings, which the owners, due to family circumstances, wish to separate. Placing an approximately 7,000 square foot portion of the easterly side of the lot in R-1 would be consistent with zoning for 6 Meadow Lane and leave the other structure on an 11,000 square foot lot, which is similar to properties at 5, 7, and 9 Meadow Lane.

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

Quantum of vote required for passage of this motion is a two-thirds vote

**ARTICLE 7
(Zoning Map Change: Industrial Land:
Arrowhead Drive, Sun Island and Hinsdale Roads)**

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

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

Map	Lot	Number	Street
69	29.6	11	Sun Island Road
69	29.7	13	Sun Island Road
69	29.8	15	Sun Island Road
69	108	109	Hinsdale Road
69	30.1	110	Hinsdale Road
69	30.2	112	Hinsdale Road
69	30.3	114	Hinsdale Road
69	10.2	19	Arrowhead Drive

All as shown on a map entitled “2012 Special Town Meeting Warrant Article 7 Industrial Land” dated August 2012 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

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

PLANNING BOARD COMMENT: Owners of property included in this rezoning initially requested the lots inclusion and then requested additional time for further study.

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

Quantum of vote required for passage of this motion is a majority vote; passage of a positive motion requires a two-thirds vote

ARTICLE 8

(Zoning Bylaw Amendment: Zoning Enforcement Officer)

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

1. To amend section 2 by amending the following definition:

ZONING ENFORCEMENT OFFICER

~~An official of the Town of Nantucket~~ Any building official identified in MGL Chapter 40A section 7 and any person within the Planning and Land Use Services department appointed by the Town Manager, who is responsible for the administration and enforcement of the Nantucket Zoning Bylaw in accordance with the provisions of MGL c. 40A, § 7.

2. To amend section 25A as follows:

Enforcement. This chapter shall be interpreted and enforced by a Zoning Enforcement Officer appointed by the Board of Selectmen.

Or to take any other action related thereto.

(Board of Selectmen)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket be amended as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by 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*):

1. Amend section 2 by amending the following definition:

ZONING ENFORCEMENT OFFICER

~~An official of the Town of Nantucket~~ Any building official identified in MGL Chapter 40A section 7 and any person within the Planning and Land Use Services department appointed by the Town Manager, who is responsible for the administration and enforcement of the Nantucket Zoning Bylaw in accordance with the provisions of MGL c. 40A, § 7.

2. Amend section 25A as follows:

Enforcement. This chapter shall be interpreted and enforced by a Zoning Enforcement Officer appointed by the Board of Selectmen.

PLANNING BOARD COMMENT: The intent of this article is to provide for staffing flexibility of zoning enforcement duties within the allowances of MGL Chapter 40A section 7 and clarification/correction of existing language. The proposed changes will allow for administrative discretion by the Town Manager in ensuring that there are reasonable and efficient operations of zoning enforcement and interpretation. In addition, the article clarifies that the duties of a Zoning Enforcement Officer include the interpretation of the Zoning Bylaw and that Zoning Enforcement Officers are appointed by the Town Manager.

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

BOARD OF SELECTMEN COMMENT: The Board of Selectmen supports the Planning Board Motion and Comment.

Quantum of vote required for passage of this motion is a two-thirds vote

ARTICLE 9

(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 41-3B (Siasconset Sewer District) of the Code of the Town of Nantucket by adding the following parcels to the Siasconset Sewer District:

Map	Lot	Number	Street
49	83	79	Sankaty Rd
49	112	76	Sankaty Rd
49	114	80	Sankaty Rd

(Joseph Manning, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: The proposed article affects two developed lots and a parcel of protected open space. The two developed properties are undersized preexisting lots, each containing a single family dwelling. As evaluated pursuant to the sewer checklist, scoring 3 out of 7, the subject properties do not meet the minimum requirements for extension of the district.

Quantum of vote required for passage of this motion is a majority vote if recommended by the Board of Selectmen/Sewer Commission and a two-thirds vote if the Board does not recommend it

ARTICLE 10

(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 parcel to the Town Sewer District:

Map	Parcel	Street Number	Street
30	71	78	CLIFF RD
41	105	1	DERRY LANE
41	103	28	DERRYMORE RD
41	17	34	DERRYMORE RD
41	18	36	DERRYMORE RD
30	72	38	DERRYMORE RD
30	72	38	DERRYMORE RD

All as shown on a map entitled “2012 Special Town Meeting Warrant Article # ___” dated August 2012 and filed herewith at the Office of the Town Clerk. Or to take any other action related thereto.

(Thomas Barada, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: The proposed article affects seven properties, six of which are developed. Five of the subject properties exceed the minimum lot requirements and would become subdividable. As evaluated pursuant to the sewer checklist, scoring 2 out of 7, the subject properties do not meet the minimum requirements for extension of the district.

Quantum of vote required for passage of this motion is a majority vote if recommended by the Board of Selectmen/Sewer Commission and a two-thirds vote if the Board does not recommend it

ARTICLE 11

(Home Rule Petition: Amend Historic District Commission Act)

To see if the town will vote to present to the General Court of the Commonwealth a petition on behalf of the inhabitants of the town of Nantucket for enactment of a Home Rule special act as set forth below to amend the Nantucket Historic District Act in order to address concerns of the public as a result of the recent court decision adverse to the Nantucket Historic District Commission regarding preservation of Martins Lane and to otherwise update and clarify the scope of the Nantucket Historic District Commission as set forth below; and to request the Town’s representatives to the General Court to introduce a Special Act set forth below; and further that the General Court, with approval by the Nantucket Historic District Commission, be authorized to 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 actions related thereto.

AN ACT TO AMEND THE NANTUCKET HISTORIC DISTRICT ACT

SECTION 1. The purpose of this Act is to establish the authority of the Nantucket Historic District Commission to preserve places of historic interest. Including without limitation, historic brick paved streets and ways in the town, to address contemporary concerns of the public learned from recent court decisions, and otherwise to further modernize a forty two year old statute used currently to define the role of the Nantucket Historic District Commission.

SECTION 2. Chapter 395 of the acts of 1970 entitled “An Act establishing an Historic District Commission for the Town of Nantucket and Establishing Nantucket Island as the Historic District”, as amended by chapter 708 of the acts of 1972; chapter 300 of the acts of 1984; chapter 291 of the acts of 1985, chapter 735 of the acts of 1987; chapter 333 of the acts of 1989, chapter 314 of the acts of 1990; chapter 193 of the acts of 1998; chapter 57 of the acts of 2000; chapter 90 of the acts of 2002 and chapter 8 of the Acts of 2010 (collectively hereinafter referred to as the “Act”), is hereby amended as set forth in this act.

SECTION 3. Section 2A of the Act is hereby amended to add the definition of “Historic place” after the definition of “Exterior architectural features” and before the definition of “Razed”, as follows: “Historic place” is a location or property, with or without the presence of buildings or structures or other improvements thereon, having historical significance at least fifty years old or older as of the date of application under section five of this Act, including but not limited to: historic streetscapes and unique Nantucket historical settings such as cobblestone roadways, or brick paved historic ways; places where historic events occurred such as historical settlements, ruins, or location of historic cultural or governmental organized ceremonies; or any place determined by the Commission to be significant in the history, archaeology, architecture or culture of Nantucket. Any such determination by the Commission that a location or property constitutes a “historic place” pursuant to this section shall occur at a public hearing of the Commission after notice to the public and any affected persons by publishing such notice in one or more newspapers of general circulation in the Town issued at least fourteen (14) days prior to the hearing, by posting a copy of such notice at Town Hall at least fourteen (14) days prior to the hearing, and by posting a copy of such notice at a conspicuous place on the property on which the Commission is to hold a hearing to consider whether a particular location or property should be designated a historic place under this Act.

SECTION 4. Section 2A of the Act is hereby further amended by adding a new sentence to the definition of “Structure” after the existing sentence, as follows: “The words walk and driveway in the foregoing sentence shall be liberally construed and shall include but not be limited to the curbing, the curb cut at the intersection or crossing of any walk or driveway and the nearest access way, the sidewalk, if any, to be crossed by a walk or driveway, fencing openings, gates, aprons, berms and configuration, grading and improvement of any ways to accommodate same, whether or not located on any property owned or maintained privately or owned or maintained by the Town, the county of Nantucket, political subdivision of the Commonwealth of Massachusetts or public

agency, provided however that this sentence shall apply only to the Old Historic District and the Siasconset Old Historic District as defined by reference to maps delineating those districts entitled Town of Nantucket - GIS Mapsheet entitled " Historic Districts" and maintained for public inspection in the offices of the Nantucket Historic District Commission and the town clerk of the town of Nantucket.

SECTION 5. The Act is further amended by adding new Section 3A to read as follows

SECTION 3A. Notwithstanding any other law to the contrary, the Commission is authorized to establish rules for the imposition of reasonable fees for the employment of outside consultants and to deposit such fees in a special account, which account shall be maintained and used in accordance with the provisions of chapter 44, section 53G of the general laws.

SECTION 6. The Act is further amended by adding new Section 9A to read as follows:

SECTION 9A. Notwithstanding any other law to the contrary,

- (a) No historic place shall be altered, wholly or partially, in any way that alters its physical appearance without either (1) a certificate of appropriateness issued by the Commission expressly authorizing such alteration, or (2) the Commission has first issued a certificate of nonapplicability with respect to such alteration.
- (b) Nothing in this Act shall be construed to prevent the ordinary care, maintenance, and/or repair (including replacement of cobblestones, mowing of fields, and the like) of an historic place, provided such care, maintenance or repair does not involve a change in design, material, color or outward appearance.
- (c) It shall be the responsibility of any applicant seeking a certificate of appropriateness to alter an historic place to provide all necessary plans, elevations and other information deemed necessary by the Commission or reasonably requested by the Commission to evaluate a proposed alteration.
- (d) The provisions of this Act applicable to the processing of applications for certificates of appropriateness applicable to buildings and structures shall also apply to applications for alteration of an historic place.
- (e) It shall be a violation of this Act for any person to alter an historic place without obtaining either a certificate of appropriateness or a certificate of nonapplicability from the Commission, or

otherwise to destroy, deface, burn, topple, mar with graffiti, damage, spoil, encroach upon, or injure an historic place.

SECTION 7. Section 11 of the Act is hereby amended by adding after the last sentence the following new sentence: "Notwithstanding any other law to the contrary, the Commission is authorized to appoint special legal counsel of its choosing, separate from Town counsel, to assist the Commission in connection with any such appeal before the Board of Selectmen. The services of such special legal counsel shall be paid for in the same manner and from the same source as Town counsel."

SECTION 8. Section 12 of the Act is hereby amended by adding after the last sentence the following new sentence: "Notwithstanding any other law to the contrary, the Commission is authorized to appoint special legal counsel of its choosing, separate from Town counsel, to assist the Commission in connection with any such appeal it may so file in Superior Court as an aggrieved party from a decision by the Board of Selectmen. The services of such special legal counsel shall be paid for in the same manner and from the same source as Town counsel."

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

(David Barham, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: The Committee shares a concern about the issues surrounding the Martin's Lane matter but the broader implications of the Article need more public deliberation at an Annual Town Meeting.

BOARD OF SELECTMEN COMMENT: The Board of Selectmen supports the Finance Committee Motion and Comment.

Quantum of vote required for passage of this motion is a majority vote and a counted vote is recommended if the motion passes

ARTICLE 12

(Real Estate Acquisition: Various "Paper" Streets)

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 portions of the following unconstructed rights of way, together with any public and private rights of passage for public ways, open space and/or general municipal purposes:

- Proprietors Road in the Polpis area partially known as Hilltop Road between a northeastern lot line of Parcel 6 on Assessor Map 43 to the southwestern sideline of Shawkemo Road, not including any portion of Rabbit Run Road;
- Alabama Avenue (Madaket) between the southwestern sideline of Ames Avenue to the Atlantic Ocean;

- Midland Avenue (Madaket) between the northern sideline of Madaket Road to the Atlantic Ocean;
- Madaket Road (f.k.a. Oregon Avenue) from a line extending the western sideline of Ames Avenue across Madaket Road to the Atlantic Ocean;
- Dayton Street (Madaket) between the northern sideline of Midland Avenue to the southern sideline of Denver Street;
- Denver Street (Madaket) between the southwestern sideline of Ames Avenue and the northeastern property line of Assessor Map 60. Parcel 134;
- Cherry Street, s.k.a. Naushon Way (Surfside) between the northern sideline of Nonantum Avenue and the northern sideline of Weweeder Avenue; and between the northern sideline of Pochick Avenue and the southern sideline of Masaquet Avenue;
- Cumberland Avenue (Tom Nevers) between the eastern sideline of Fairfield Street and the western sideline of Exeter Street;
- Russell and Jefferson Streets (Maddequecham) between the southern sideline of Weweeder Avenue and the northern sideline of the former Boulevarde;
- Chase Lane - Proprietors Road (Quidnet/Squam) between a line extending through Chase Lane at the eastern edge of the westernmost way located on a property to identified as Assessor Map 21, Parcel 37 and a line extending the western property line of a property identified as Assessor Map 21, Parcel 52 through Chase Lane.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved to authorize the Board of Selectmen to acquire by purchase, gift, or eminent domain, the fee or lesser interests in all or any portions of the following unconstructed rights of way, together with any public and private rights of passage for public ways, open space and/or general municipal purposes:

- Proprietors Road in the Polpis area partially known as Hilltop Road between a northeastern lot line of Parcel 6 on Assessor Map 43 to the southwestern sideline of Shawkemo Road, not including any portion of Rabbit Run Road;
- Alabama Avenue (Madaket) between the southwestern sideline of Ames Avenue to the Atlantic Ocean;

- Midland Avenue (Madaket) between the northern sideline of Madaket Road to the Atlantic Ocean;
- Madaket Road (f.k.a. Oregon Avenue) from a line extending the western sideline of Ames Avenue across Madaket Road to the Atlantic Ocean;
- Dayton Street (Madaket) between the northern sideline of Midland Avenue to the southern sideline of Denver Street;
- Denver Street (Madaket) between the southwestern sideline of Ames Avenue and the northeastern property line of Assessor Map 60. Parcel 134;
- Cherry Street, s.k.a. Naushon Way (Surfside) between the northern sideline of Nonantum Avenue and the northern sideline of Weweeder Avenue; and between the northern sideline of Pochick Avenue and the southern sideline of Masaquet Avenue;
- Cumberland Avenue (Tom Nevers) between the eastern sideline of Fairfield Street and the western sideline of Exeter Street;
- Russell and Jefferson Streets (Maddequecham) between the southern sideline of Weweeder Avenue and the northern sideline of the former Boulevarde;
- Chase Lane - Proprietors Road (Quidnet/Squam) between a line extending through Chase Lane at the eastern edge of the westernmost way located on a property to identified as Assessor Map 21, Parcel 37 and a line extending the western property line of a property identified as Assessor Map 21, Parcel 52 through Chase Lane.

Quantum of vote required for passage of this motion is a majority vote

ARTICLE 13

(Real Estate Conveyance: Various "Paper" Streets)

To see if the Town will vote to authorize the Board of Selectmen to (1) sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of the land identified below pursuant 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, or (2) convey, sell or otherwise dispose of the fee or any lesser interests of any portion of the land identified below to the Nantucket Islands Land Bank, any such disposition to be on such terms and conditions as the Board of Selectmen deems appropriate, which may include the reservation of easements and restrictions; and (3) for such parcels as the Board of Selectmen determines by vote to be not needed for conveyance, to dedicate all or any portion of the land identified below for open space and recreational purposes:

- Proprietors Road in the Polpis area partially known as Hilltop Road between a northeastern lot line of Parcel 6 on Assessor Map 43 to the southwestern sideline of Shawkemo Road, not including any portion of Rabbit Run Road;
- Alabama Avenue (Madaket) between the southwestern sideline of Ames Avenue to the Atlantic Ocean;
- Midland Avenue (Madaket) between the northern sideline of Madaket Road to the Atlantic Ocean;
- Madaket Road (f.k.a. Oregon Avenue) from a line extending the western sideline of Ames Avenue across Madaket Road to the Atlantic Ocean;
- Dayton Street (Madaket) between the northern sideline of Midland Avenue to the southern sideline of Denver Street;
- Denver Street (Madaket) between the southwestern sideline of Ames Avenue and the northeastern property line of Assessor Map 60. Parcel 134;
- Cherry Street, s.k.a. Naushon Way (Surfside) between the northern sideline of Nonantum Avenue and the northern sideline of Weweeder Avenue; and between the northern sideline of Pochick Avenue and the southern sideline of Masaquet Avenue;
- Cumberland Avenue (Tom Nevers) between the eastern sideline of Fairfield Street and the western sideline of Exeter Street;
- Russell and Jefferson Streets (Maddequecham) between the southern sideline of Weweeder Avenue and the northern sideline of the former Boulevarde;
- Chase Lane - Proprietors Road (Quidnet/Squam) between a line extending through Chase Lane at the eastern edge of the westernmost way located on a property to identified as Assessor Map 21, Parcel 37 and a line extending the western property line of a property identified as Assessor Map 21, Parcel 52 through Chase Lane.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved to authorize the Board of Selectmen to take the following actions:

- (1) Sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of the land identified below pursuant 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:

- Proprietors Road in the Polpis area partially known as Hilltop Road between a northeastern lot line of Parcel 6 on Assessor Map 43 to the southwestern sideline of Shawkemo Road, not including any portion of Rabbit Run Road;
 - The eastern portion of Alabama Avenue as determined by the Board of Selectmen;
 - Dayton Street (Madaket) between the northern sideline of Midland Avenue to the southern sideline of Denver Street;
 - Denver Street (Madaket) between the southwestern sideline of Ames Avenue and the northeastern property line of Assessor Map 60. Parcel 134;
 - Cherry Street, s.k.a. Naushon Way (Surfside) between the northern sideline of Nonantum Avenue and the northern sideline of Weweeder Avenue; and between the northern sideline of Pochick Avenue and the southern sideline of Masaquet Avenue;
 - Cumberland Avenue (Tom Nevers) between the eastern sideline of Fairfield Street and the western sideline of Exeter Street;
 - Russell and Jefferson Streets (Maddequecham) between the southern sideline of Weweeder Avenue and the northern sideline of the former Boulevarde, except for areas that are determined the Board of Selectmen to be needed for beach and coastal access purposes;
 - Chase Lane - Proprietors Road (Quidnet/Squam) between a line extending through Chase Lane at the eastern edge of the westernmost way located on a property to identified as Assessor Map 21, Parcel 37 and a line extending the western property line of a property identified as Assessor Map 21, Parcel 52 through Chase Lane.
- (2) Convey, sell or otherwise dispose of the fee or any lesser interests of any portion of the land identified below to the Nantucket Islands Land Bank, any such disposition to be on such terms and conditions as the Board of Selectmen deems appropriate, which may include the reservation of easements and restrictions; or if the Board of Selectmen determines by vote to be not needed for conveyance, to dedicate all or any portion of the land identified below for open space and recreational purposes:
- The western portion of Alabama Avenue (beach area) as determined by the Board of Selectmen;

- Midland Avenue (Madaket) between the northern sideline of Madaket Road to the Atlantic Ocean;
- Madaket Road (f.k.a. Oregon Avenue) from a line extending the western sideline of Ames Avenue across Madaket Road to the Atlantic Ocean;
- Russell and Jefferson Streets (Maddequecham) between the southern sideline of Weweeder Avenue and the northern sideline of the former Boulevard (beach and coastal access).

Quantum of vote required for passage of this motion is a majority vote

ARTICLE 14
(Real Estate Conveyance: Conveyance of Moorland Management District Property from County to Town)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the change in use, transfer and conveyance of a certain parcel of land from the County of Nantucket for beach purposes, as described in more detail below and as shown on a map entitled “2012 Special Town Meeting Warrant Article 14” dated August, 2012 and filed with the Office of the Town Clerk, to the Town of Nantucket for beach purposes and also for open space purposes, and further, to authorize the Board of Selectmen to accept such parcel of land; 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 Approving the Conveyance of Property by the County of Nantucket

Section 1. The County of Nantucket is hereby authorized to convey without consideration the fee in a parcel of land shown on the Nantucket Board of Assessors’ Map 82, as Parcel 22, Heller Way/Smooth Hummocks, from the County of Nantucket for beach purposes to the Town of Nantucket for beach and open space purposes.

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

Section 3. This Act shall take effect upon passage.

Or to take any other action relative thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved to authorize the Board of Selectmen to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation as set forth below to authorize the change in use, transfer and conveyance of a certain parcel of land from the County of Nantucket for beach purposes, as described in more detail below and as shown on a map entitled “2012 Special Town Meeting Warrant Article 14” dated August, 2012 and filed with the Office of the Town Clerk, to the Town of Nantucket for beach purposes and also for open space purposes, and further, to authorize the Board of Selectmen to accept such parcel of land; 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:

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

Section 1. The County of Nantucket is hereby authorized to convey without consideration the fee in a parcel of land shown on the Nantucket Board of Assessors’ Map 82, as Parcel 22, Heller Way/Smooth Hummocks, from the County of Nantucket for beach purposes to the Town of Nantucket for beach and open space purposes.

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

Section 3. This Act shall take effect upon passage.

Quantum of vote required for passage of this motion is a majority vote and a counted vote is recommended if the motion passes

ARTICLE 15

(Real Estate Conveyance: 17 Dave’s Street)

To see if the Town will vote to transfer from the Board of Selectmen or other board or committee with custody of the property for the purposes for which such property is currently held to the Board of Selectmen for purposes of sale or conveyance, and further, to authorize the Board of Selectmen to sell, convey, release or otherwise dispose of any interests in all or any portion of land listed below, subject to Chapter 30B of the Massachusetts General Laws, any such disposition to be on such terms and conditions the Board of Selectmen deems appropriate, which may include the reservation of easements and restrictions in regard to the following land:

- Assessor Map 55 Parcel 428;

All as shown on a map entitled “2012 Special Town Meeting Warrant Article 15” dated August 2012 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Town transfer from the Sewer Commissioners for sewer purposes to the Board of Selectmen for purposes of sale or conveyance, and further, authorize the Board of Selectmen to sell, convey, release or otherwise dispose of any interests in, all or any portion of a parcel of property located at 17 Dave's Street, shown as Assessor Map 55, Parcel 428, subject to Chapter 30B of the Massachusetts General Laws, any such disposition to be on such terms and conditions the Board of Selectmen deems appropriate, which shall include the reservation of a sewer and pedestrian access easement and may include the reservation of other easements and restrictions.

All as shown on a map entitled "2012 Special Town Meeting Warrant Article 15" dated August 2012, as on file with the Office of the Town Clerk.

Quantum of vote required for passage of this motion is a two-thirds vote

ARTICLE 16

(Real Estate Conveyance: 33 New Street)

To see if the Town will vote to transfer from the Siasconset Water Commission for water supply purposes to the Board of Selectmen for purposes of sale or conveyance, and further, to authorize the Board of Selectmen to sell, convey, or otherwise dispose of any interest the Town may have in, or to, a parcel of property located at 33 New Street, Siasconset, shown on Assessor's Map 73.4.2, Parcel 83, more particularly described in a deed recorded in Book 102, Page 262 of the Nantucket County Registry of Deeds, subject to Chapter 30B of the Massachusetts General Laws, any such disposition to be on such terms and conditions as the Board of Selectmen deems appropriate, which may include the reservation of easements and restrictions.

Or to take any other action related thereto.

(Board of Selectmen for Siasconset Water Commission)

FINANCE COMMITTEE MOTION: Moved that the Town transfer from the Siasconset Water Commission for water supply purposes to the Board of Selectmen for purposes of sale or conveyance, and further, to authorize the Board of Selectmen to sell, convey, or otherwise dispose of any interest the Town may have in, or to, a parcel of property located at 33 New Street, Siasconset, shown on Assessor's Map 73.4.2, Parcel 83, more particularly described in a deed recorded in Book 102, Page 262 of the Nantucket County Registry of Deeds, subject to Chapter 30B of the Massachusetts General Laws, any such disposition to be on such terms and conditions as the Board of Selectmen deems appropriate, which may include the reservation of easements and restrictions.

FINANCE COMMITTEE COMMENT: The intent of Siasconset Water Commission is to use proceeds from said sale to reduce the debt service incurred in the construction of the Siasconset Water Department 400,000 gallon Composite Elevated Tank

Quantum of vote required for passage of this motion is a two-thirds vote

ARTICLE 17

(Real Estate Acquisition: William Coffin Setoff Property/44 Sparks Avenue)

To see if the Town will vote to authorize the Board of Selectmen to acquire by eminent domain, purchase or gift, the fee interest in the following property, for general municipal or cemetery purposes, and if acquired for cemetery purposes, to place such property in the care, custody and control of the Nantucket Cemetery Commission:

- Assessors Map 55 Parcel 600 known as 44 Sparks Avenue shown as Lot A containing 15,636 square feet of land

as shown on a "Plan of Land in Nantucket, Mass.", dated December 19, 1997 on file at the Nantucket Planning Board at Plan File 6235.

Or to take any other action related thereto.

(Board of Selectmen for Cemetery Commission)

FINANCE COMMITTEE MOTION: Moved to authorize the Board of Selectmen to acquire by eminent domain, purchase or gift, for cemetery purposes, the fee interest in a parcel of land known as 44 Sparks Avenue, shown as Assessors Map 55, Parcel 600, containing 15,636 square feet of land, more or less, and shown as Lot A on a "Plan of Land in Nantucket, Mass.", dated December 19, 1997 on file at the Nantucket Planning Board at Plan File 6235, and to place such property in the care, custody and control of the Nantucket Cemetery Commission.

Quantum of vote required for passage of this motion is a majority vote

ARTICLE 18

(Real Estate Acquisition: 42 Sparks Avenue)

To see if the Town will vote to authorize the Board of Selectmen to acquire by eminent domain, purchase or gift, the fee interest in the following property, for general municipal or cemetery purposes, and if acquired for cemetery purposes, to place such property in the care, custody and control of the Nantucket Cemetery Commission:

- Assessors Map 55 Parcel 601 known as 42 Sparks Avenue shown as Lot A containing 13,816 square feet of land

As shown on a "Plan of Land in Nantucket, Mass.", dated December 19, 1997 on file at the Nantucket Planning Board at Plan File 6235.

Or to take any other action related thereto.

(Board of Selectmen for Cemetery Commission)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: The land that is the subject of this article has been discussed at prior Town Meetings and has been the source of much review. A final

determination about the long-term use of this land is therefore most appropriately addressed at an Annual Town Meeting.

Quantum of vote required for passage of this motion is a majority vote; passage of a positive motion also requires a majority vote

ARTICLE 19

(Real Estate Acquisition/Conveyance: 40 Sparks Avenue)

To see if the Town will vote to authorize the Board of Selectmen to acquire by eminent domain, purchase or gift, the fee interest in the following property, for general municipal or open space purposes or for the purposes of conveyance; if acquired for open space purposes, the property shall be placed in the care, custody and control of the Board of Selectmen; if acquired for the purposes of conveyance, to further authorize the Board of Selectmen to convey, sell or dispose of the fee or any lesser interests in all or any portion of the land identified below to the Nantucket Islands Land Bank, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate which may include the reservation of easements and restrictions:

- Assessors Map 55 Parcel 602 known as 40 Sparks Avenue shown as Lot A containing 36,511 square feet of land

as shown on a "Plan of Land in Nantucket, Mass.", dated December 19, 1997 on file at the Nantucket Planning Board at Plan File 6235.

Or to take any other action related thereto.

(Board of Selectmen for Cemetery Commission)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: The land that is the subject of this article has been discussed at prior Town Meetings and has been the source of much review. A final determination about the long-term use of this land is therefore most appropriately addressed at an Annual Town Meeting.

Quantum of vote required for passage of this motion is a majority vote; passage of a positive motion also requires a majority vote

ARTICLE 20

(Real Estate Acquisition: Various Parcels)

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 the following parcels of land for public ways, open space and/or general municipal purposes:

- 6 Rhode Island Avenue (Madaket), Assessor Map 60.3.1 Parcels 383 and 385;
- 17 New Hampshire Avenue (Madaket), Map 60.3.1 Parcel 400

- 9 Sheep Pond Road (Madaket) Assessor Map 63 Parcel 24;
- Clark Cove Road (Southwest Quarter), Map 64 Parcel 5
- 1 Huntington Street (Tom Nevers), Map 71.3.2 Parcel 314;
- 3 Fawcett Way (Siasconset), Map 73.1.3 Parcel 17;
- 10 Ocean Avenue (Siasconset), Map 73.2.4 Parcels 15 and 23;
- Low Beach (Siasconset), Map 75 Parcel 22
- 143 E Surfside Road, Map 80 Parcel 101.6;
- 274 Hummock Pond Road (Cisco), Assessor Map 83 Parcel 48;

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, the fee or lesser interests in the following parcels of land for public ways, open space and/or general municipal purposes:

- 6 Rhode Island Avenue (Madaket), Assessor Map 60.3.1 Parcels 383 and 385;
- 17 New Hampshire Avenue (Madaket), Map 60.3.1 Parcel 400
- 9 Sheep Pond Road (Madaket) Assessor Map 63 Parcel 24;
- Clark Cove Road (Southwest Quarter), Map 64 Parcel 5
- 1 Huntington Street (Tom Nevers), Map 71.3.2 Parcel 314;
- 3 Fawcett Way (Siasconset), Map 73.1.3 Parcel 17;
- 10 Ocean Avenue (Siasconset), Map 73.2.4 Parcels 15 and 23;
- Low Beach (Siasconset), Map 75 Parcel 22
- 143 E Surfside Road, Map 80 Parcel 101.6;
- 274 Hummock Pond Road (Cisco), Assessor Map 83 Parcel 48.

Quantum of vote required for passage of this motion is a majority vote

ARTICLE 21
(Real Estate Conveyance: Various Parcels)

To see if the Town will vote to authorize the Board of Selectmen to (1) sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the land identified below pursuant 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, or (2) convey, sell or otherwise dispose of the fee or any lesser interests of any portion of the land identified below to the Nantucket Islands Land Bank, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions; and (3) for such parcels as the Board of Selectmen determines by vote to be not needed for conveyance, to dedicate all or any portion of the land identified below for open space and recreational purposes:

- 6 Rhode Island Avenue (Madaket), Assessor Map 60.3.1 Parcels 383 and 385;
- 17 New Hampshire Avenue (Madaket), Map 60.3.1 Parcel 400
- 9 Sheep Pond Road (Madaket), Assessor Map 63 Parcel 24;
- Clark Cove Road (Southwest Quarter), Map 64 Parcel 5
- 1 Huntington Street (Tom Nevers), Map 71.3.2 Parcel 314;
- 3 Fawcett Way (Siasconset), Map 73.1.3 Parcel 17;
- 10 Ocean Avenue (Siasconset), Map 73.2.4 Parcels 15 and 23;
- Low Beach (Siasconset), Map 75 Parcel 22
- 143 E Surfside Road, Map 80 Parcel 101.6;
- 274 Hummock Pond Road (Cisco), Assessor Map 83 Parcel 48;

Or to take any other action related thereto.

(Board of Selectmen)

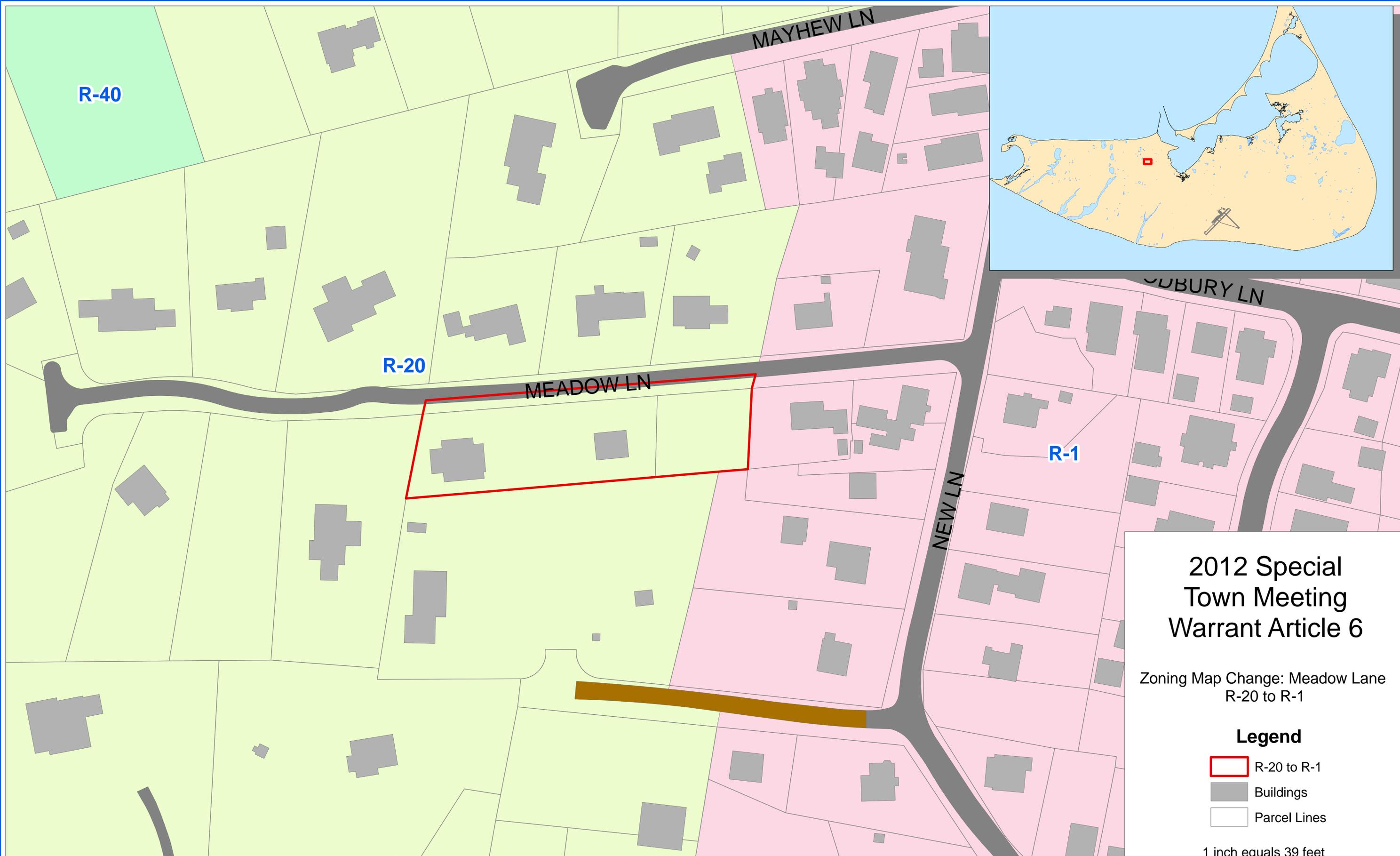
FINANCE COMMITTEE MOTION: Moved to authorize the Board of Selectmen to take the following actions:

1. **To (1) sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the land identified below pursuant to Chapter 30B of the Massachusetts General Laws, or (2) convey, sell or otherwise dispose of the fee or any lesser interests of any portion of the land identified below to the Nantucket Islands Land Bank, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of**

easements and restrictions; and (3) for such parcels as the Board of Selectmen determines by vote to be not needed for conveyance, to dedicate all or any portion of the land identified below for open space and recreational purposes:

- 6 Rhode Island Avenue (Madaket), Assessor Map 60.3.1 Parcels 383 and 385;
 - 1 Huntington Street (Tom Nevers), Map 71.3.2 Parcel 314;
 - 10 Ocean Avenue (Siasconset), Map 73.2.4 Parcels 15 and 23, provided that the Town retains beach and coastal access areas;
2. To convey, sell or otherwise dispose of the fee or any lesser interests of any portion of the land identified below to the Nantucket Islands Land Bank, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions; or if the Board of Selectmen determines by vote to be not needed for conveyance, to dedicate all or any portion of the land identified below for open space and recreational purposes:
- 9 Sheep Pond Road (Madaket), Assessor Map 63 Parcel 24, provided that the Town retains a One Big Beach easement in the event that it is conveyed;
 - Clark Cove Road (Southwest Quarter), Map 64 Parcel 5;
 - 3 Fawcett Way (Siasconset), Map 73.1.3 Parcel 17, provided that the Town retains a One Big Beach easement in the event that it is conveyed;
 - Low Beach (Siasconset), Map 75 Parcel 22, provided that the Town retains a One Big Beach easement in the event that it is conveyed;
 - 274 Hummock Pond Road (Cisco), Assessor Map 83 Parcel 48, provided that the Town retains a One Big Beach easement in the event that it is conveyed;
3. To sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the land identified below pursuant to Chapter 30B of the Massachusetts General Laws:
- 17 New Hampshire Avenue (Madaket), Map 60.3.1 Parcel 400;
 - 143 E Surfside Road, Map 80 Parcel 101.6.

Quantum of vote required for passage of this motion is a majority vote



2012 Special Town Meeting Warrant Article 6

**Zoning Map Change: Meadow Lane
R-20 to R-1**

Legend

- R-20 to R-1
- Buildings
- Parcel Lines

1 inch equals 39 feet

Data Sources:
The planimetric data on this mapsheet is based primarily upon interpretation of April, 2003 aerial photography. It was compiled to meet the ASPRS Standard for Class 1 Map Accuracy for 1"=100' scale maps.

The parcel boundaries are based primarily upon the Tax Assessor's data through December, 2008.

The data on this mapsheet represents the efforts of the Town of Nantucket and other cooperating organizations to record and compile pertinent geographical and related information utilizing the capabilities of the Nantucket Geographic Information System (GIS). The GIS staff maintains an ongoing program to record and correct errors in these data that are brought to its attention. The Town of Nantucket makes no claims as to the absolute validity or reliability of these data or their fitness for any particular use.



Town of Nantucket - GIS Mapsheet

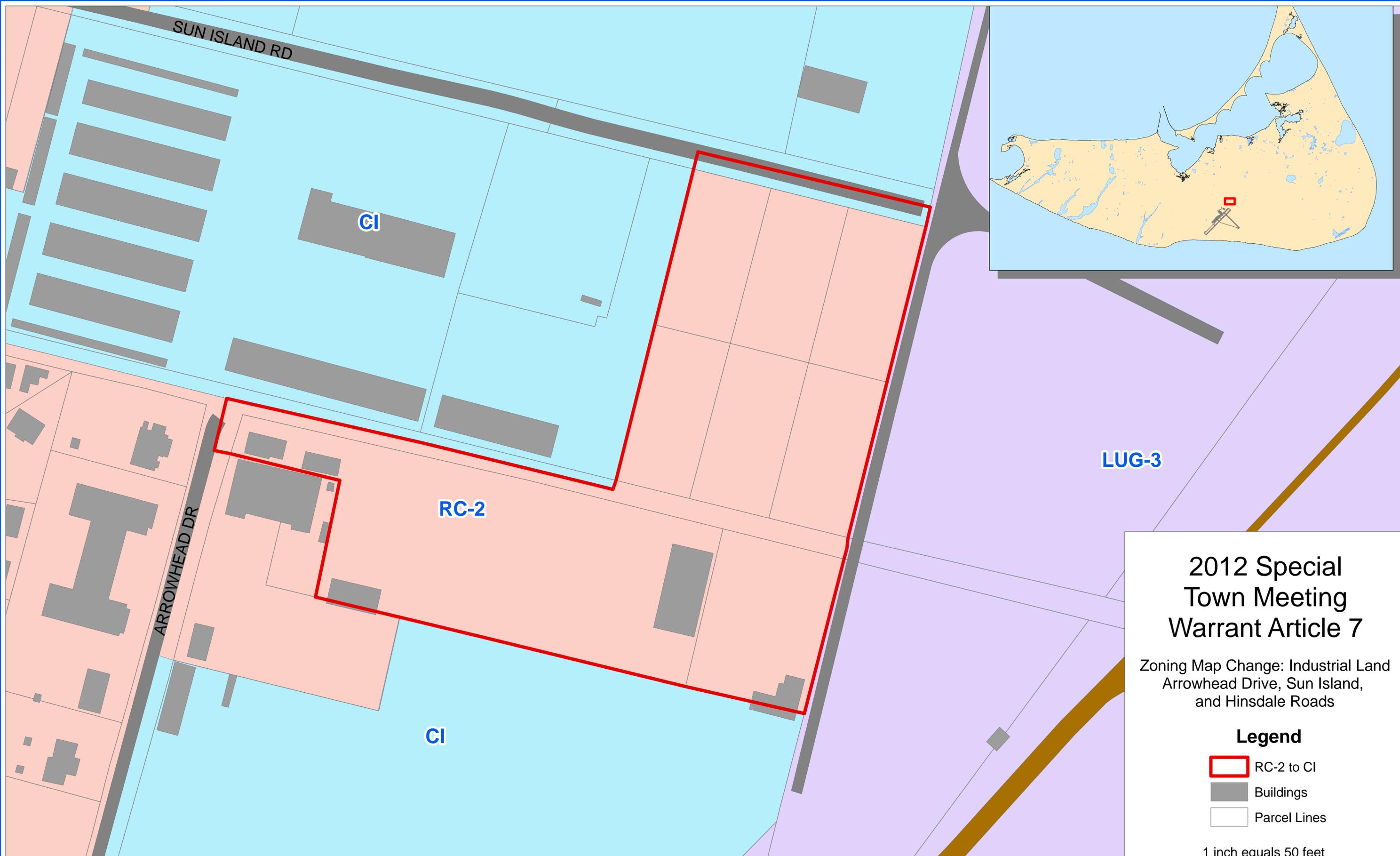


Nantucket governmental agencies will not necessarily approve applications based solely on GIS data. Applicants for permits and licenses must inquire of the relevant agency for applicable requirements.

The presence of information on this mapsheet does not necessarily imply public right-of-way or the right of public access.

Please send identification of any errors and corresponding corrections to:

GIS Coordinator
Town of Nantucket
2 Fairgrounds Road
Nantucket, MA 02554



2012 Special Town Meeting Warrant Article 7

Zoning Map Change: Industrial Land
Arrowhead Drive, Sun Island,
and Hinsdale Roads

Legend

- RC-2 to CI
- Buildings
- Parcel Lines

1 inch equals 50 feet

Data Sources:
The planimetric data on this mapsheet is based primarily upon interpretation of April, 2003 aerial photography. It was compiled to meet the ASPRS Standard for Class 1 Map Accuracy for 1"=100' scale maps.

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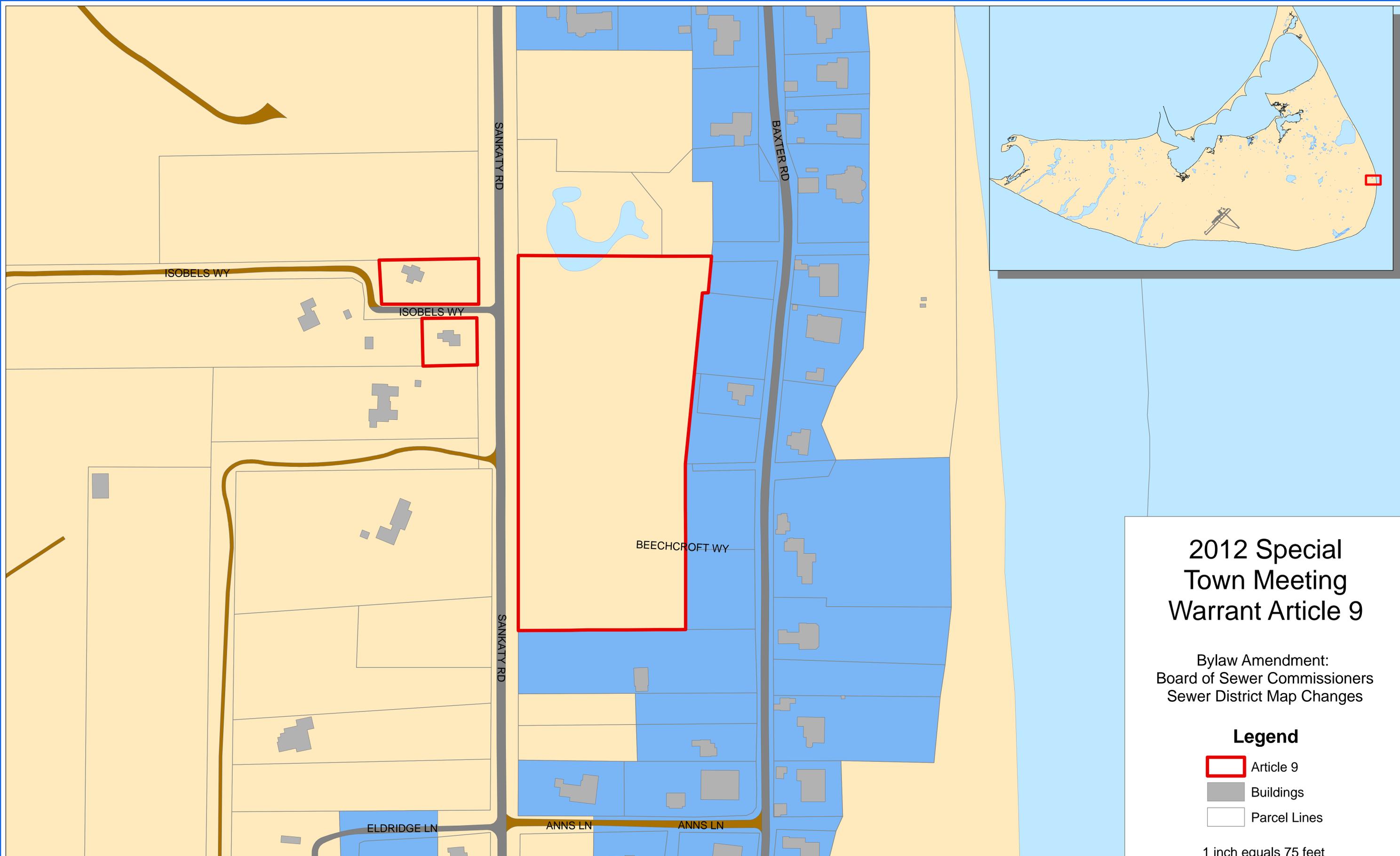
Town of Nantucket - GIS Mapsheet



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Please send identification of any errors and corresponding corrections to:

GIS Coordinator
Town of Nantucket
2 Fairgrounds Road
Nantucket, MA 02554



2012 Special Town Meeting Warrant Article 9

Bylaw Amendment:
Board of Sewer Commissioners
Sewer District Map Changes

Legend

- Article 9
- Buildings
- Parcel Lines

1 inch equals 75 feet

Data Sources:
The planimetric data on this mapsheet is based primarily upon interpretation of April, 2003 aerial photography. It was compiled to meet the ASPRS Standard for Class 1 Map Accuracy for 1"=100' scale maps.

The parcel boundaries are based primarily upon the Tax Assessor's data through December, 2008.

The data on this mapsheet represents the efforts of the Town of Nantucket and other cooperating organizations to record and compile pertinent geographical and related information utilizing the capabilities of the Nantucket Geographic Information System (GIS). The GIS staff maintains an ongoing program to record and correct errors in these data that are brought to its attention. The Town of Nantucket makes no claims as to the absolute validity or reliability of these data or their fitness for any particular use.



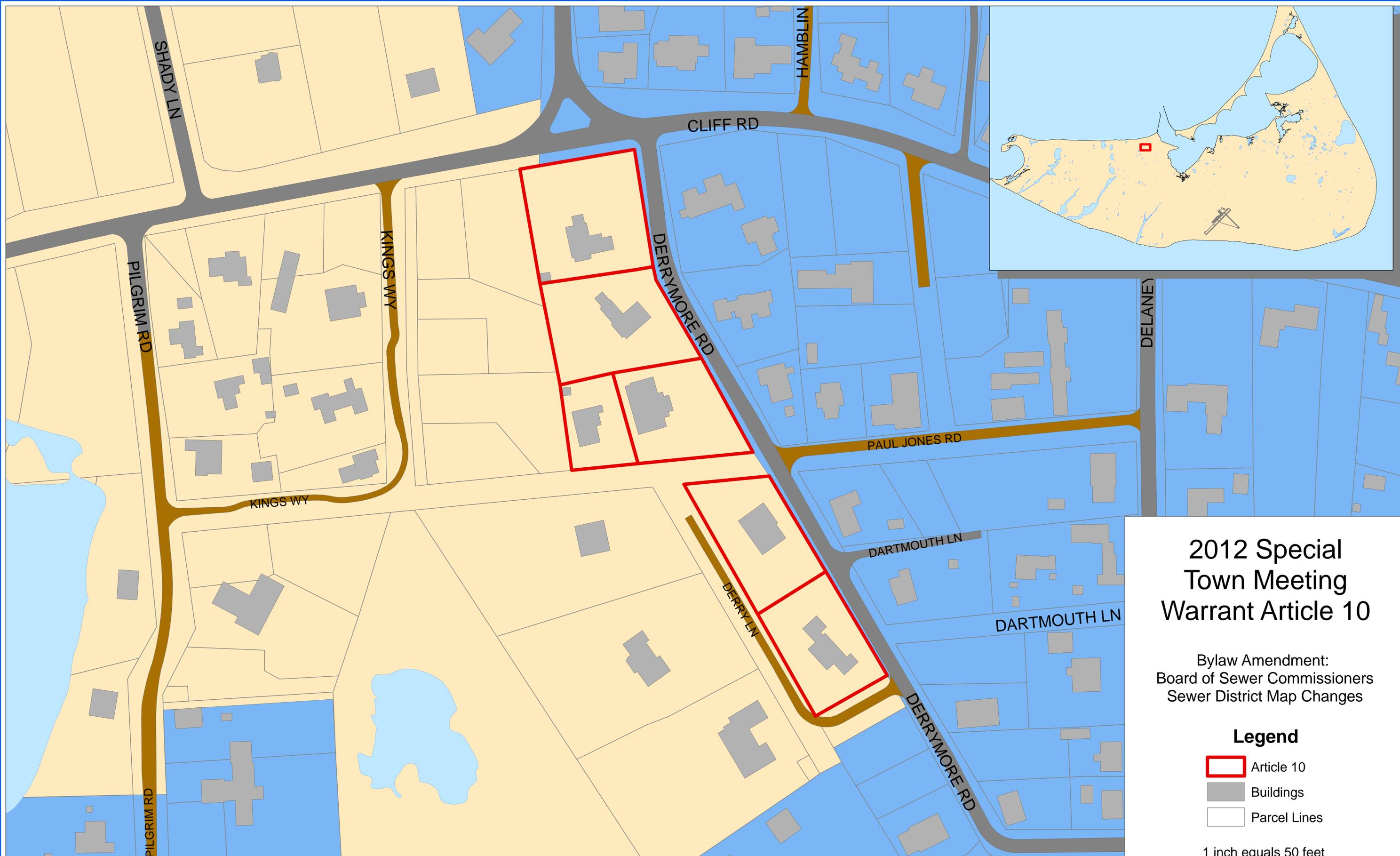
Town of Nantucket - GIS Mapsheet



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Please send identification of any errors and corresponding corrections to:

GIS Coordinator
Town of Nantucket
2 Fairgrounds Road
Nantucket, MA 02554



2012 Special Town Meeting Warrant Article 10

Bylaw Amendment:
Board of Sewer Commissioners
Sewer District Map Changes

Legend

- Article 10
- Buildings
- Parcel Lines

1 inch equals 50 feet

Data Sources:
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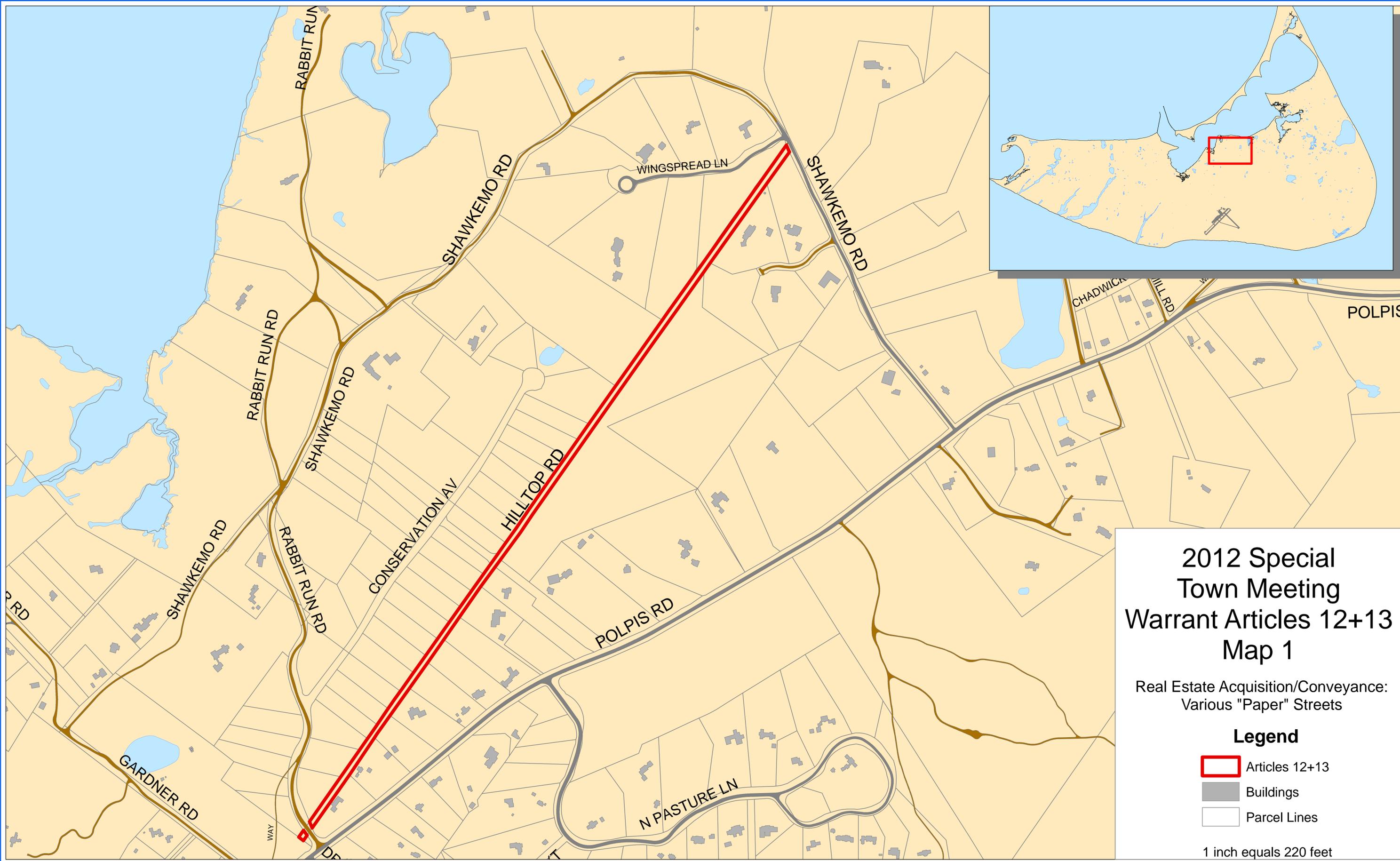
Town of Nantucket - GIS Mapsheet



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Please send identification of any errors and corresponding corrections to:

GIS Coordinator
Town of Nantucket
2 Fairgrounds Road
Nantucket, MA 02554



2012 Special Town Meeting Warrant Articles 12+13 Map 1

Real Estate Acquisition/Conveyance:
Various "Paper" Streets

Legend

- Articles 12+13
- Buildings
- Parcel Lines

1 inch equals 220 feet

Data Sources:
The planimetric data on this mapsheet is based primarily upon interpretation of April, 2003 aerial photography. It was compiled to meet the ASPRS Standard for Class 1 Map Accuracy for 1"=100' scale maps.

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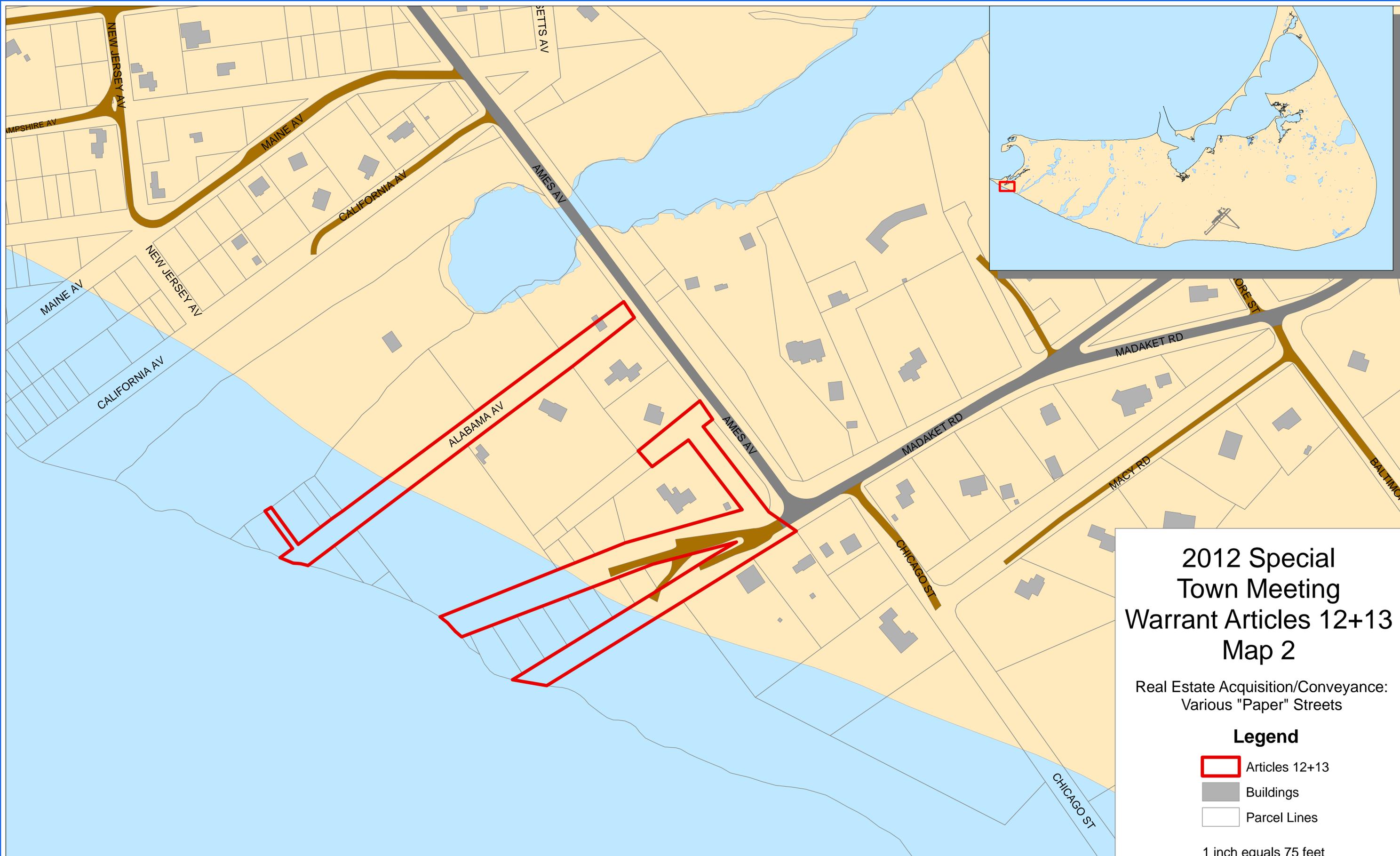
Town of Nantucket - GIS Mapsheet



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Please send identification of any errors and corresponding corrections to:

GIS Coordinator
Town of Nantucket
2 Fairgrounds Road
Nantucket, MA 02554



2012 Special Town Meeting Warrant Articles 12+13 Map 2

Real Estate Acquisition/Conveyance:
Various "Paper" Streets

Legend

- Articles 12+13
- Buildings
- Parcel Lines

1 inch equals 75 feet

Data Sources:
The planimetric data on this mapsheet is based primarily upon interpretation of April, 2003 aerial photography. It was compiled to meet the ASPRS Standard for Class 1 Map Accuracy for 1"=100' scale maps.

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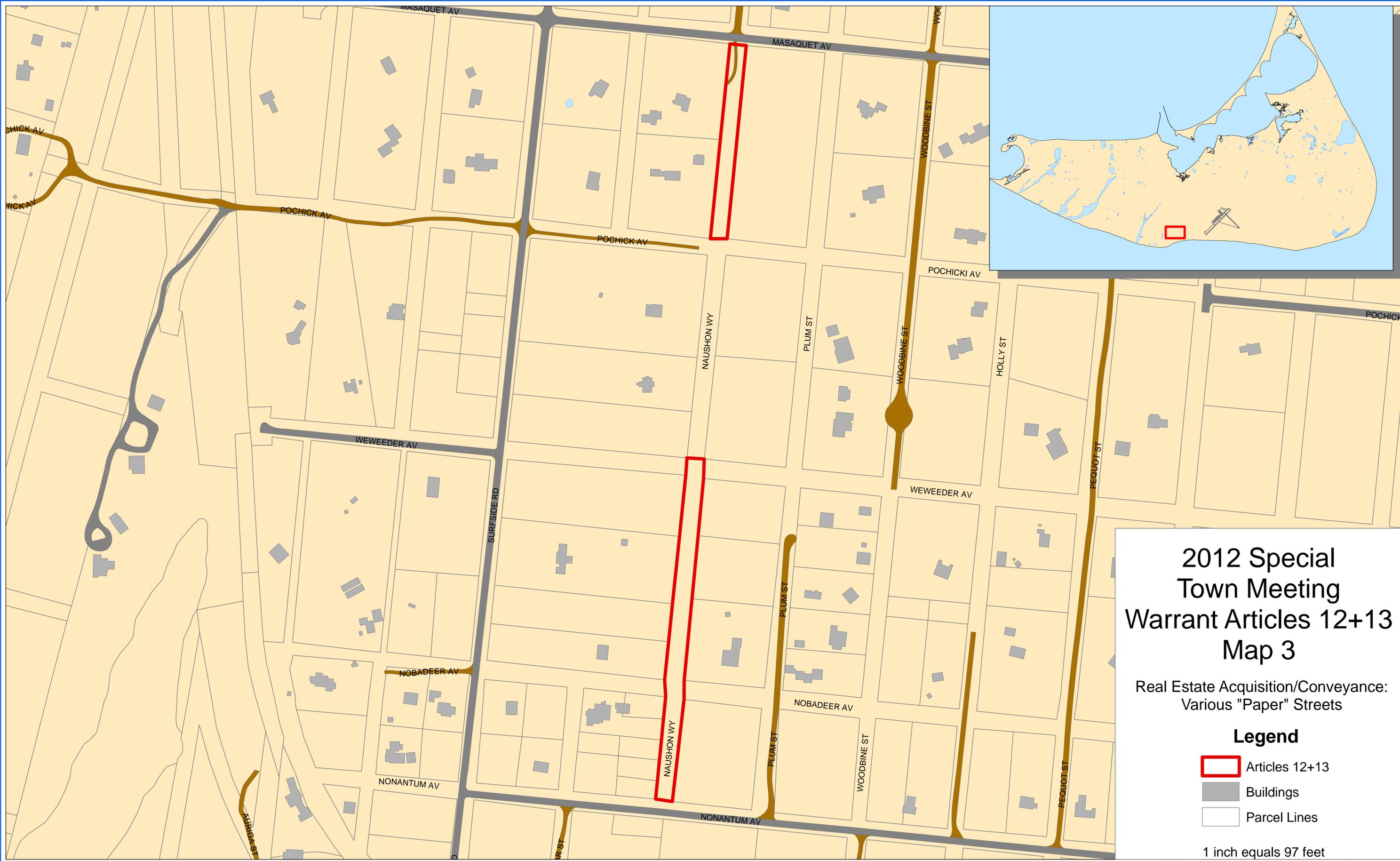
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2012 Special Town Meeting Warrant Articles 12+13 Map 3

Real Estate Acquisition/Conveyance:
Various "Paper" Streets

Legend

- Articles 12+13
- Buildings
- Parcel Lines

1 inch equals 97 feet

Data Sources:
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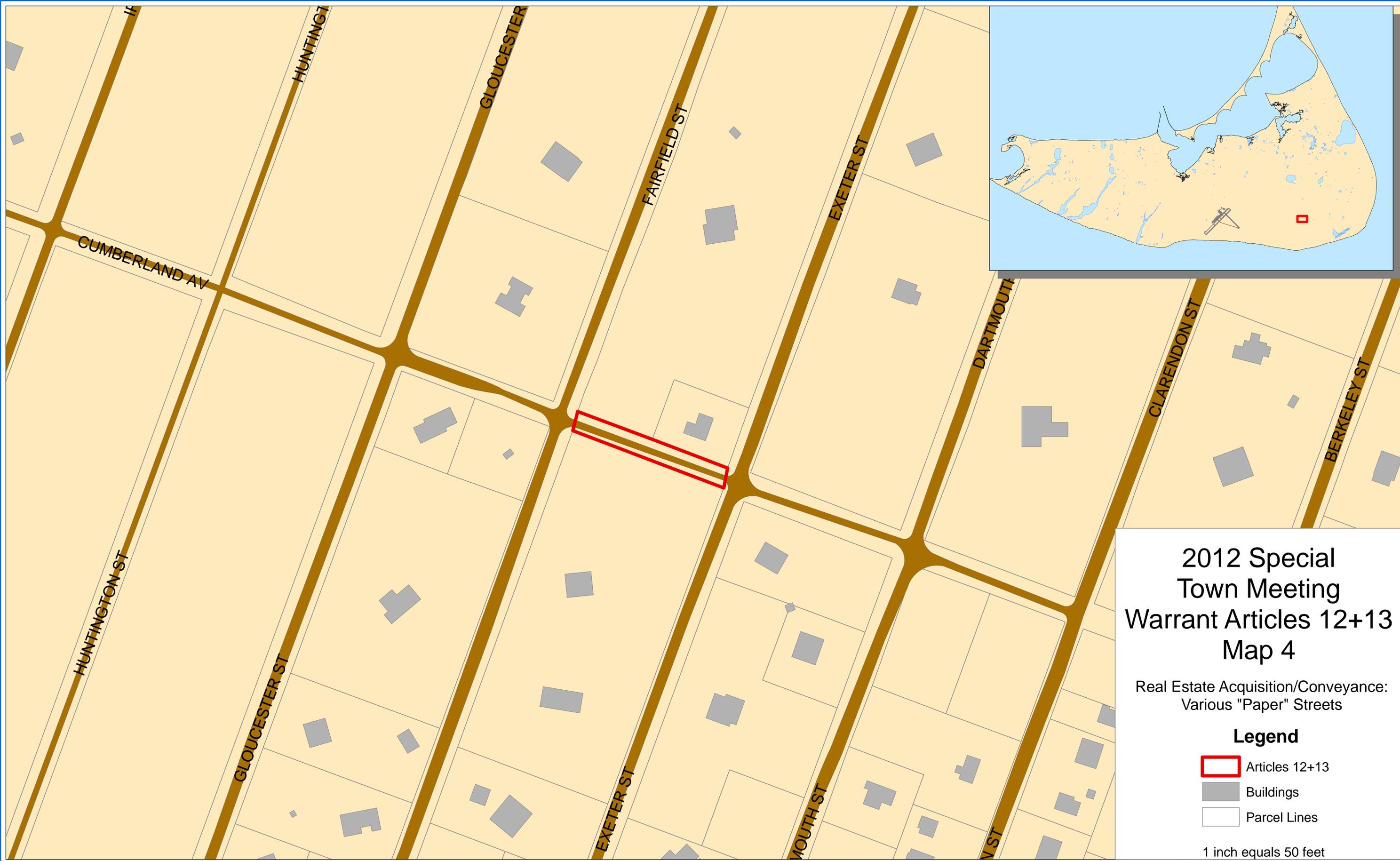
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2012 Special Town Meeting Warrant Articles 12+13 Map 4

Real Estate Acquisition/Conveyance:
Various "Paper" Streets

Legend

- Articles 12+13
- Buildings
- Parcel Lines

1 inch equals 50 feet

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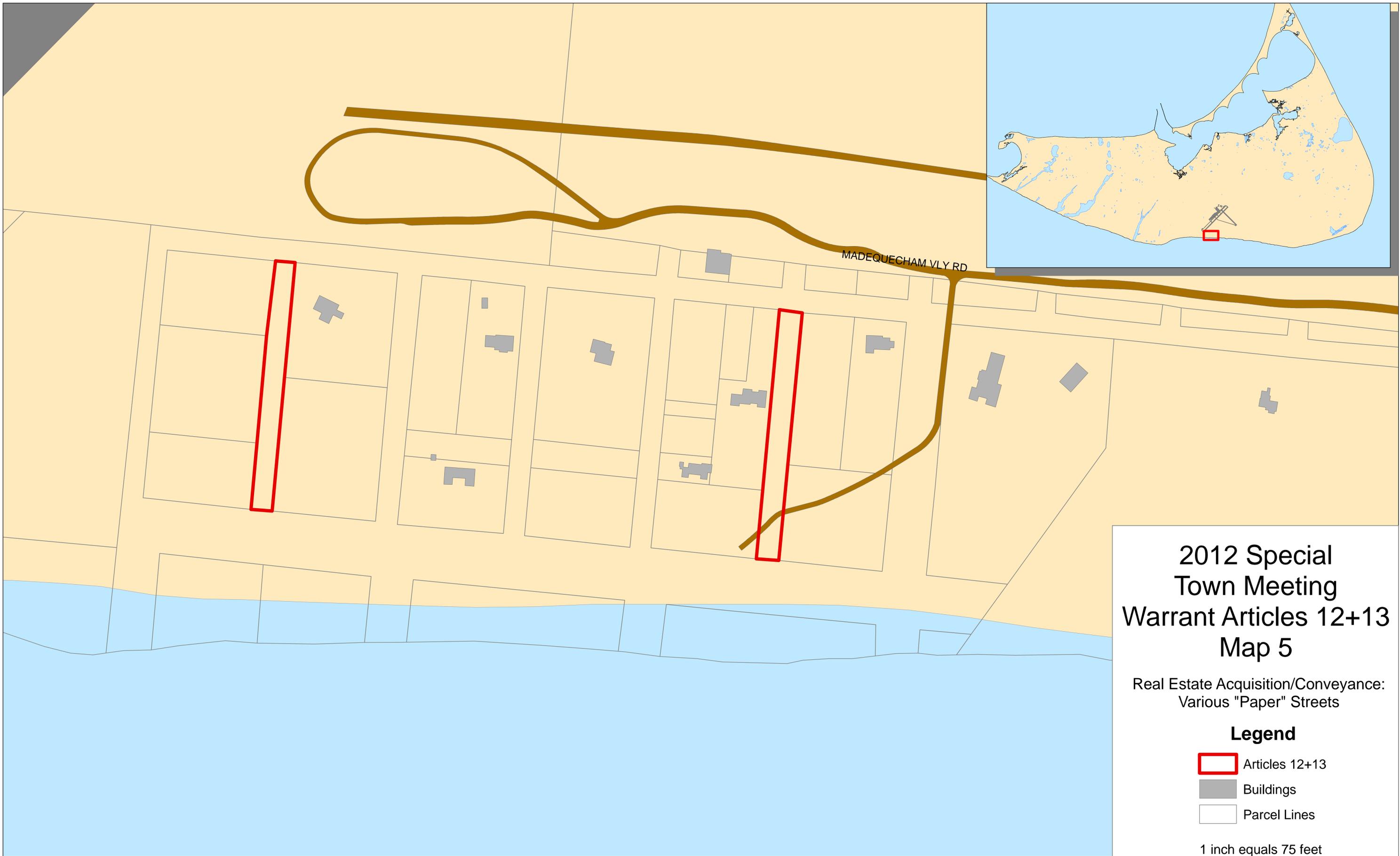
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**2012 Special
Town Meeting
Warrant Articles 12+13
Map 5**

Real Estate Acquisition/Conveyance:
Various "Paper" Streets

Legend

- Articles 12+13
- Buildings
- Parcel Lines

1 inch equals 75 feet

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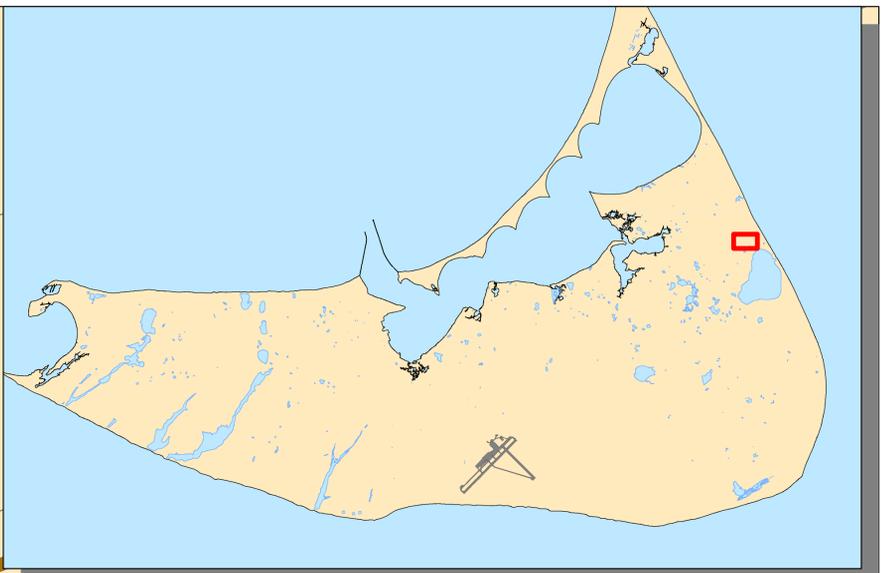
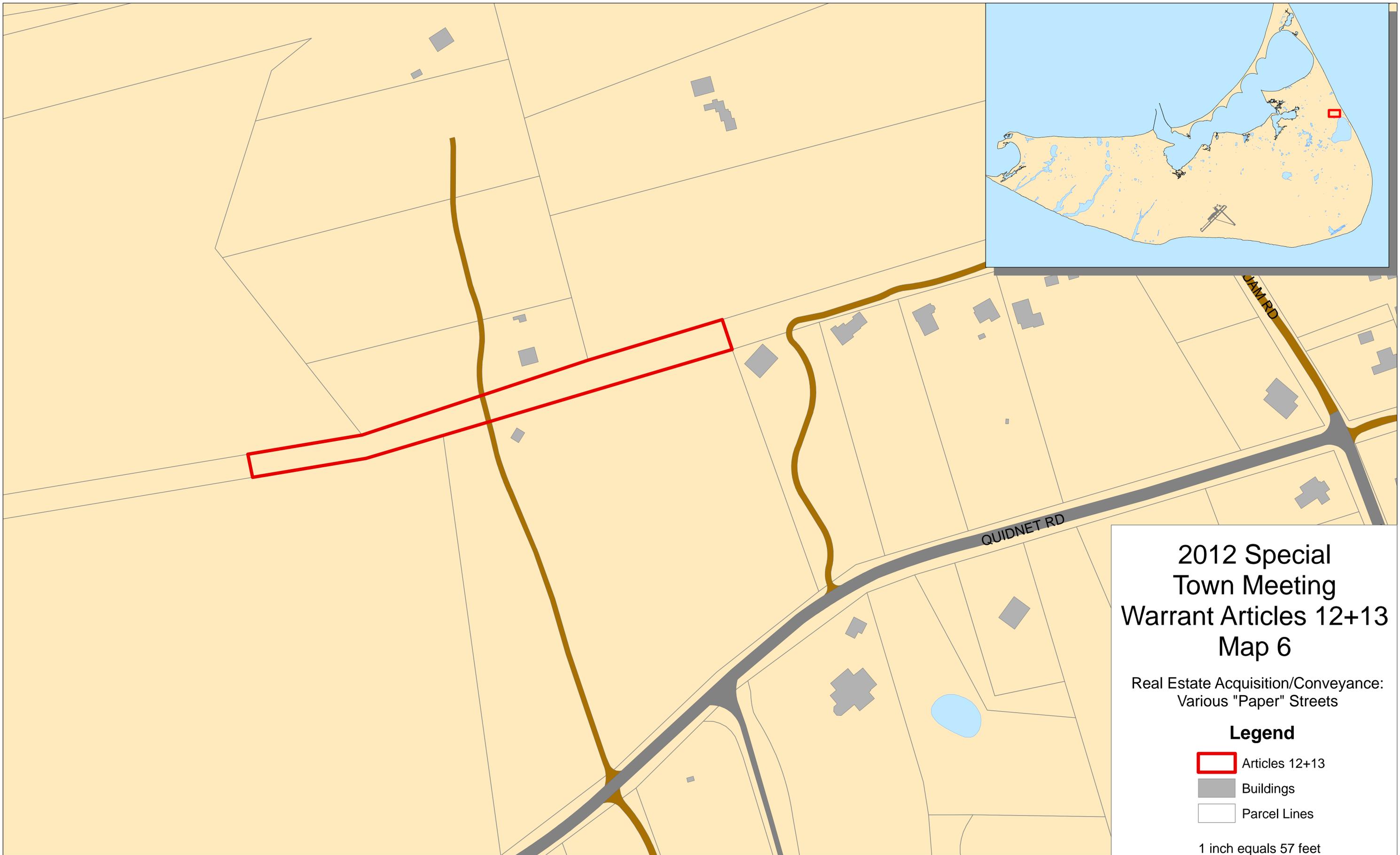
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**2012 Special
Town Meeting
Warrant Articles 12+13
Map 6**

Real Estate Acquisition/Conveyance:
Various "Paper" Streets

Legend

- Articles 12+13
- Buildings
- Parcel Lines

1 inch equals 57 feet

Data Sources:
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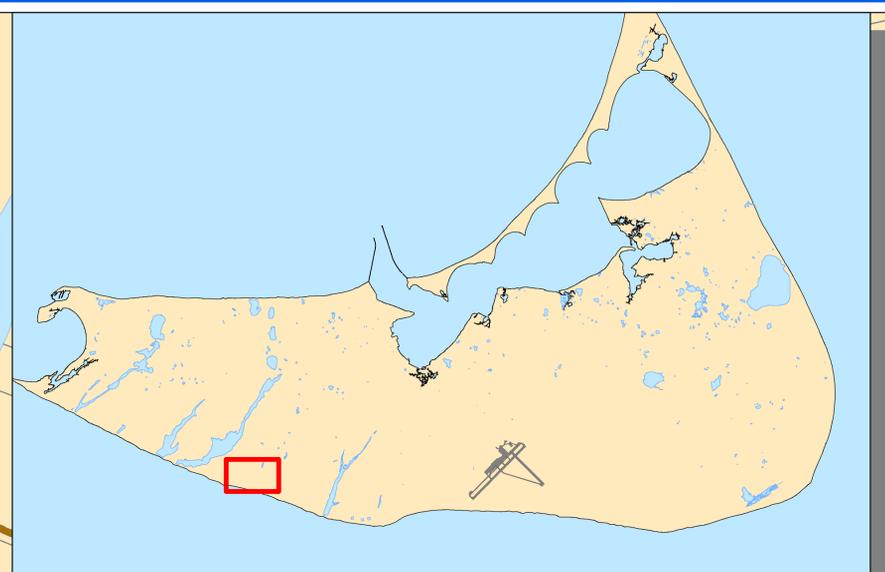
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2012 Special Town Meeting Warrant Article 14

Real Estate Conveyance: Land Bank
Moorland Management
District Property

Legend

- Article 14
- Buildings
- Parcel Lines

1 inch equals 128 feet

Data Sources:
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2012 Special Town Meeting Warrant Article 15

Real Estate Conveyance:
11 Dave Street

Legend

- Article 15
- Buildings
- Parcel Lines

1 inch equals 50 feet

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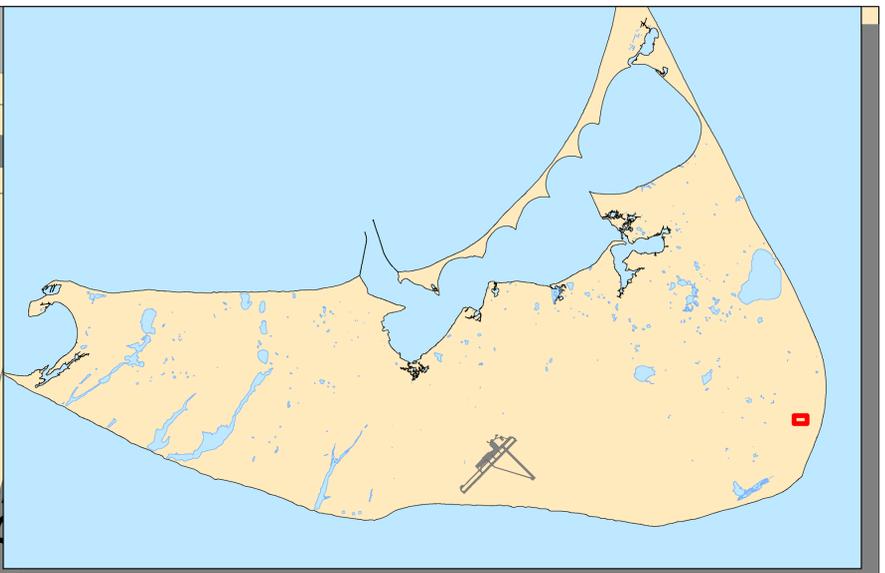
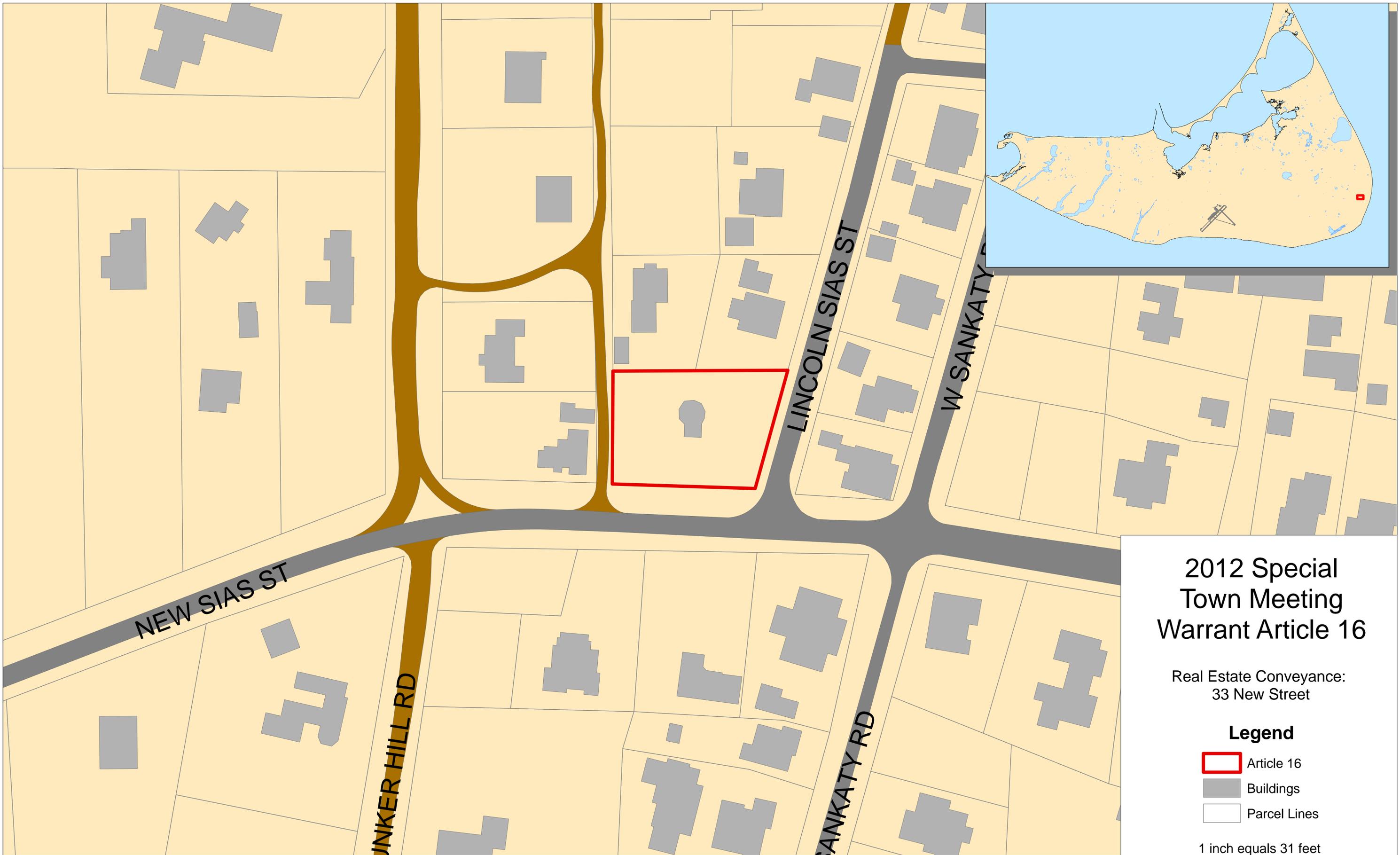
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2012 Special Town Meeting Warrant Article 16

Real Estate Conveyance:
33 New Street

Legend

- Article 16
- Buildings
- Parcel Lines

1 inch equals 31 feet

Data Sources:
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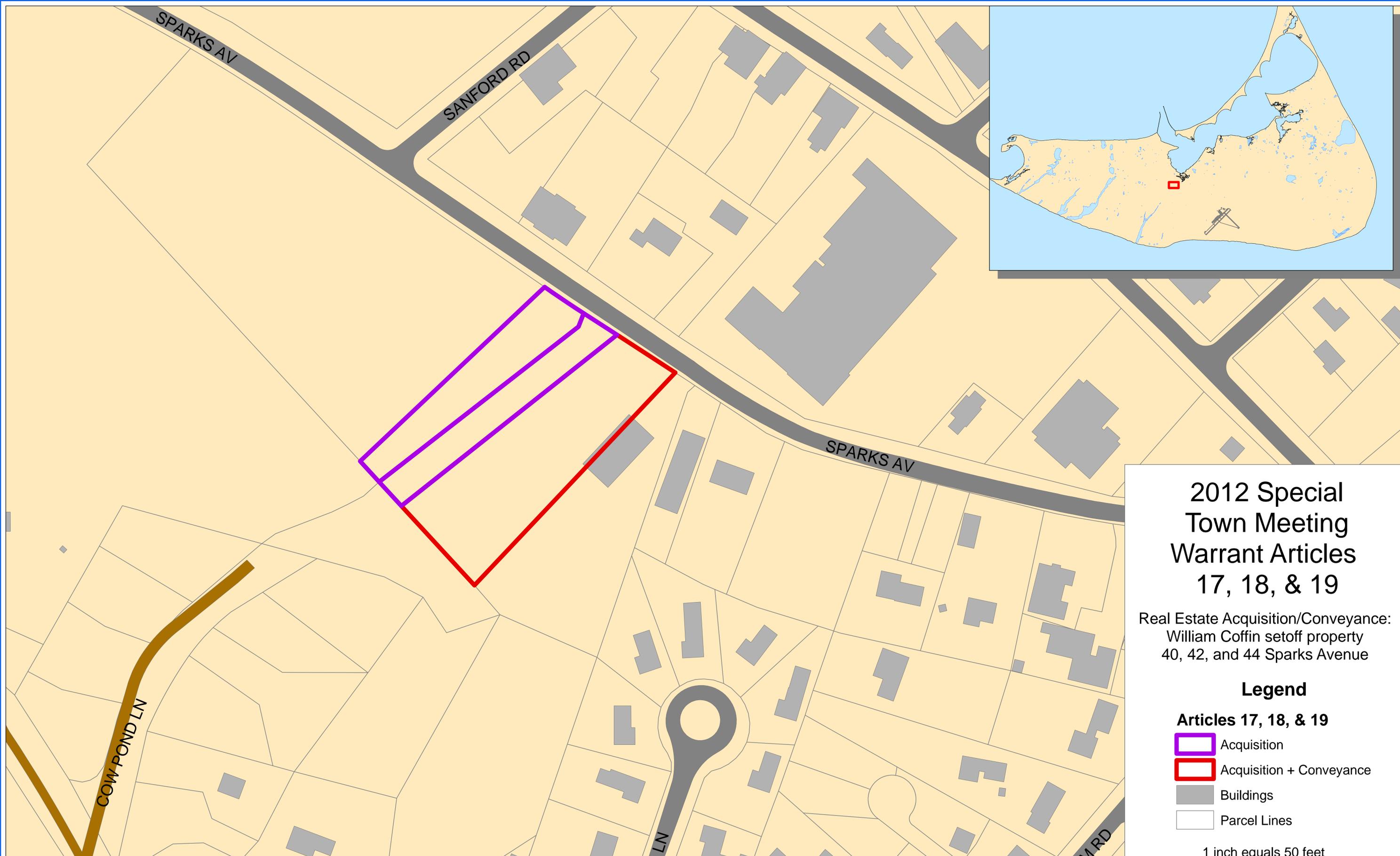
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2012 Special Town Meeting Warrant Articles 17, 18, & 19

Real Estate Acquisition/Conveyance:
William Coffin setoff property
40, 42, and 44 Sparks Avenue

Legend

- Articles 17, 18, & 19**
- Acquisition
 - Acquisition + Conveyance
 - Buildings
 - Parcel Lines

1 inch equals 50 feet

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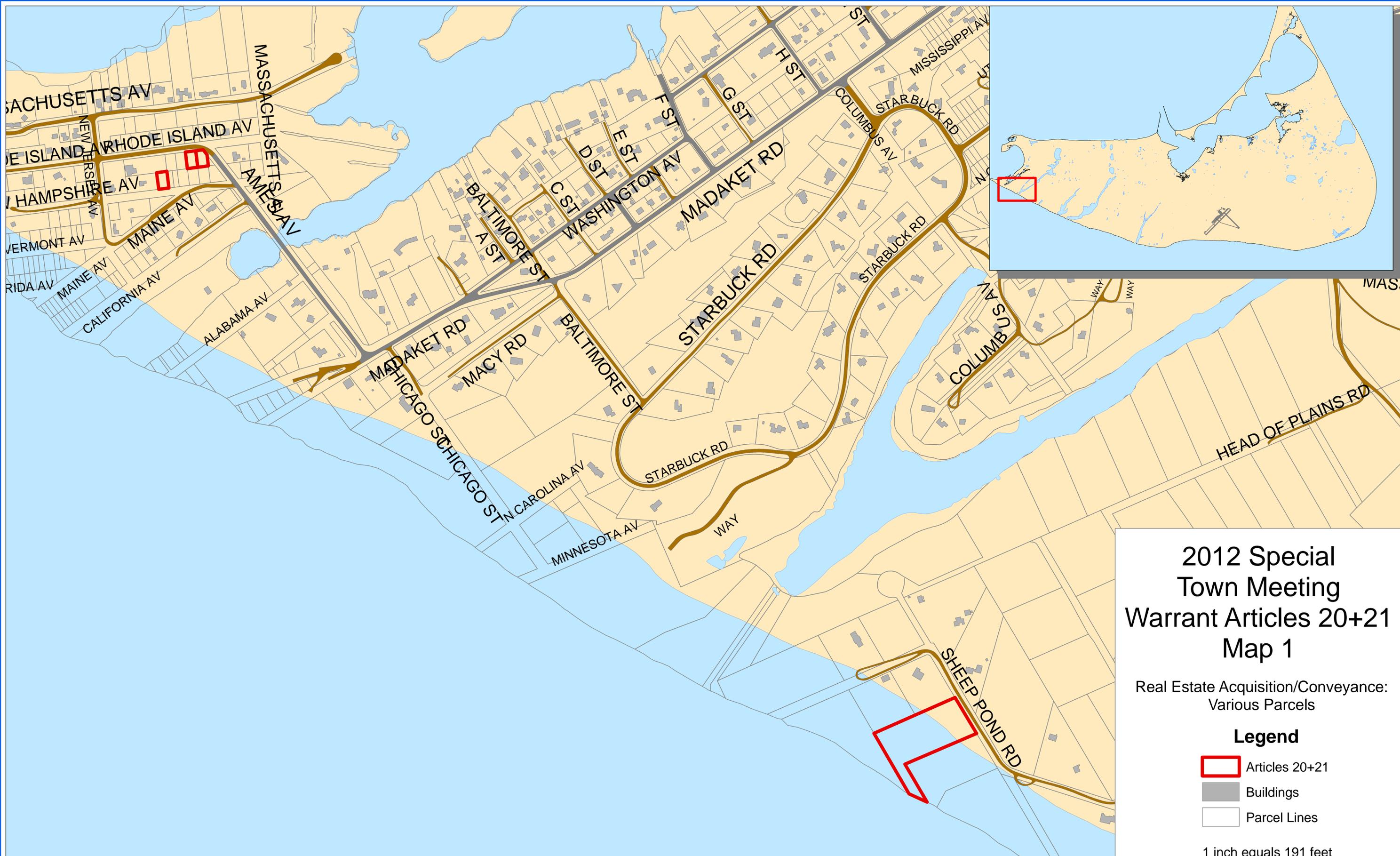
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2012 Special Town Meeting Warrant Articles 20+21 Map 1

Real Estate Acquisition/Conveyance:
Various Parcels

Legend

- Articles 20+21
- Buildings
- Parcel Lines

1 inch equals 191 feet

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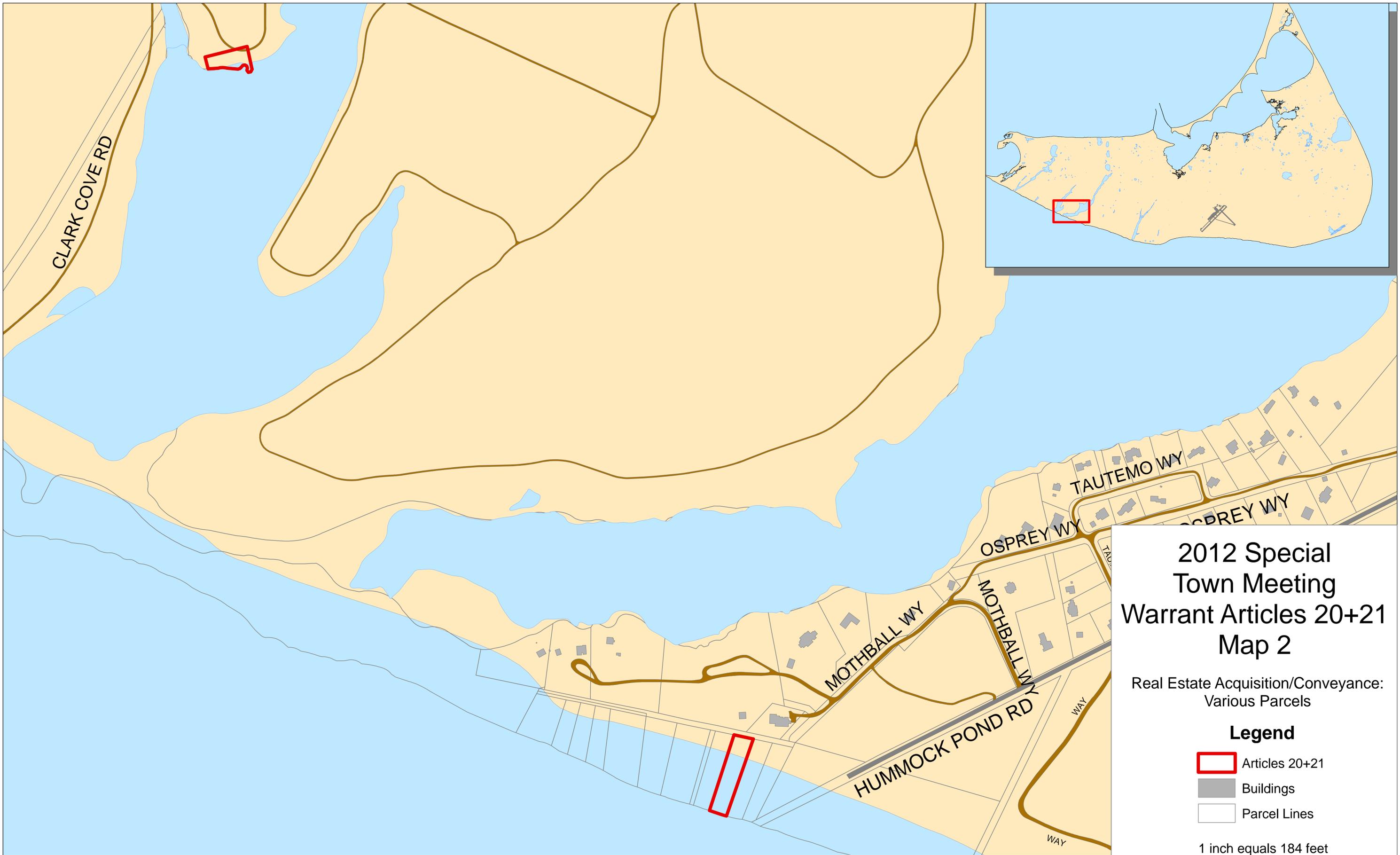


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2012 Special Town Meeting Warrant Articles 20+21 Map 2

Real Estate Acquisition/Conveyance:
Various Parcels

Legend

- Articles 20+21
- Buildings
- Parcel Lines

1 inch equals 184 feet

Data Sources:
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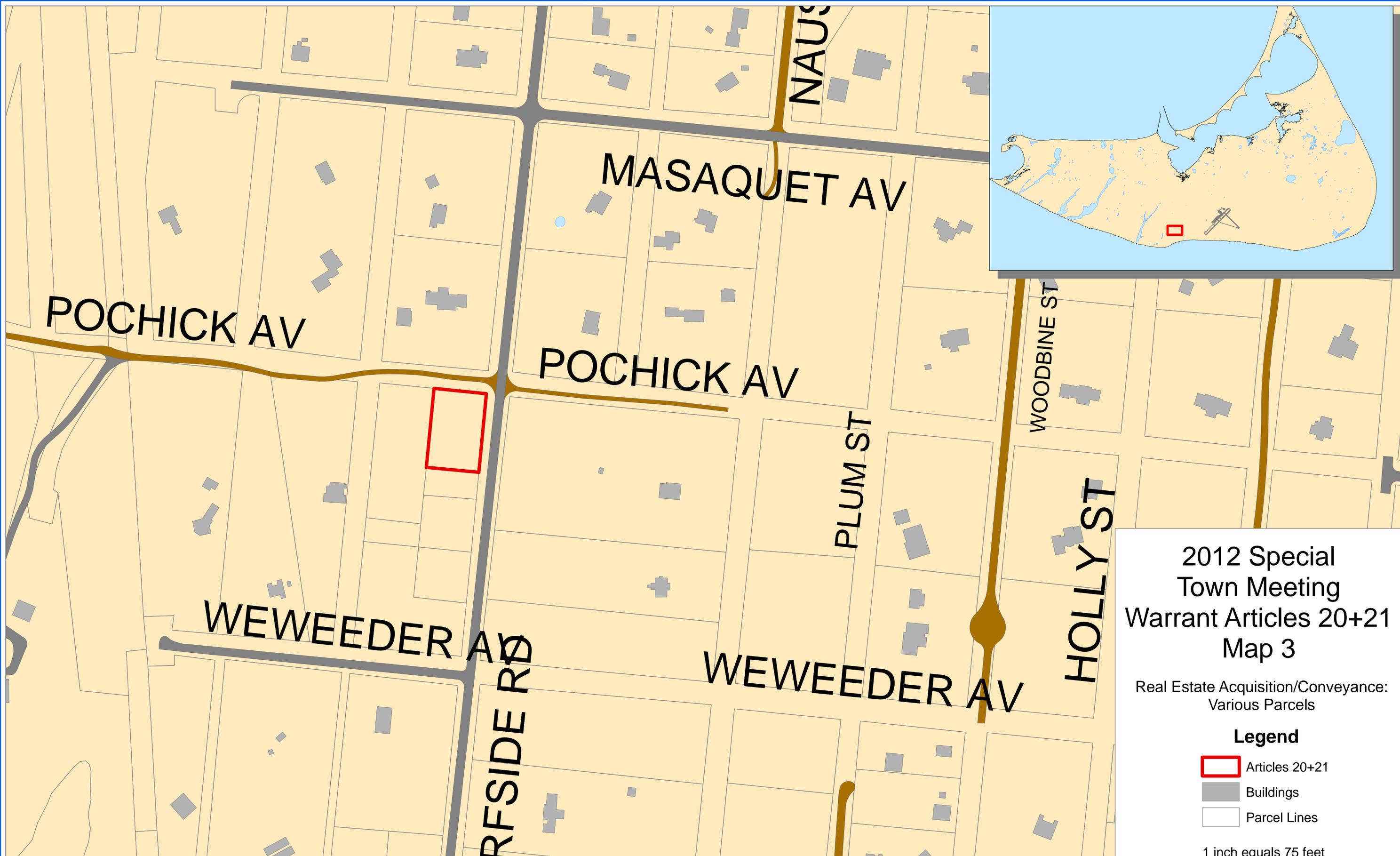
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2012 Special
Town Meeting
Warrant Articles 20+21
Map 3

Real Estate Acquisition/Conveyance:
Various Parcels

Legend

- Articles 20+21
- Buildings
- Parcel Lines

1 inch equals 75 feet

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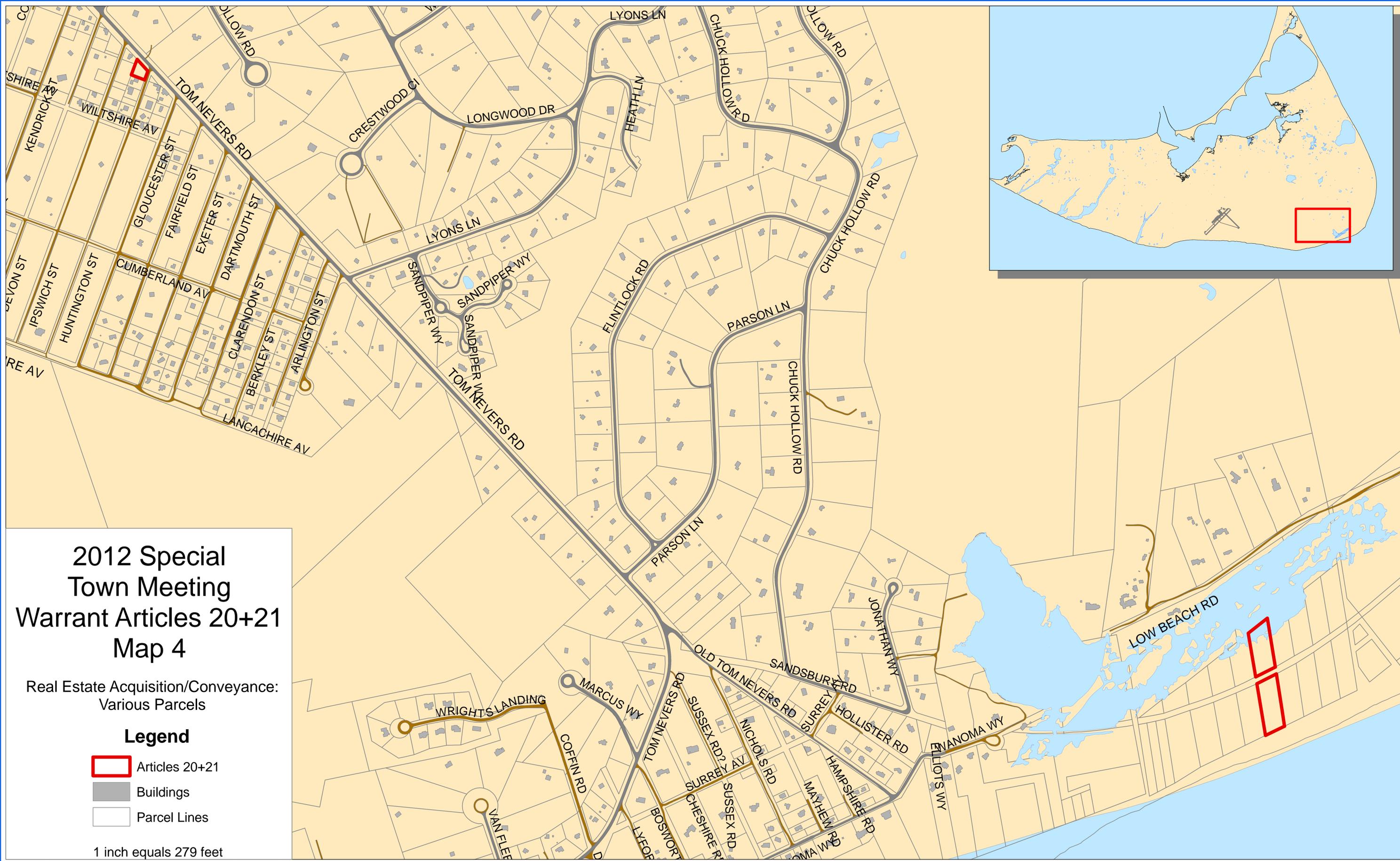


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**2012 Special
Town Meeting
Warrant Articles 20+21
Map 4**

Real Estate Acquisition/Conveyance:
Various Parcels

Legend

- Articles 20+21
- Buildings
- Parcel Lines

1 inch equals 279 feet

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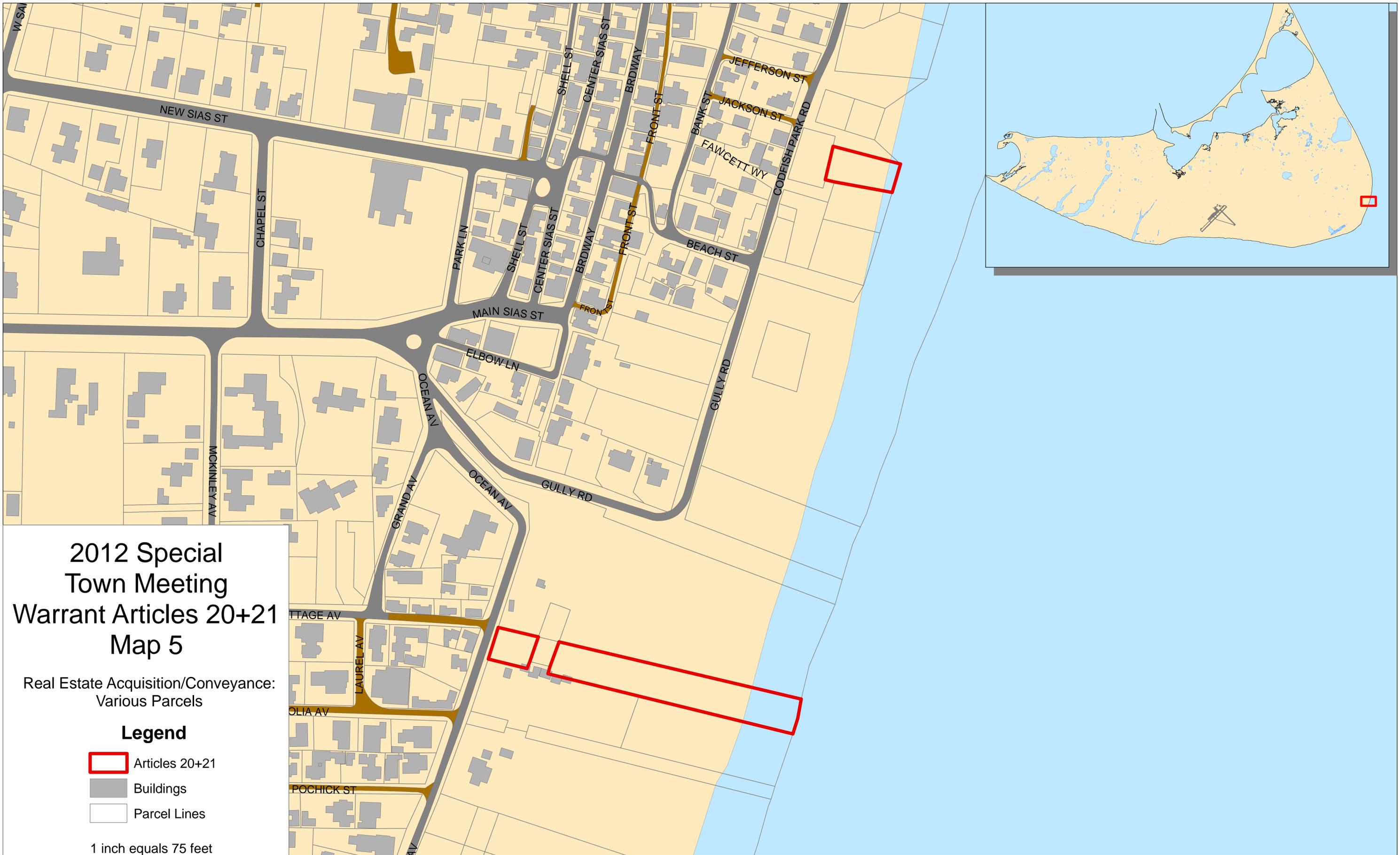


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**2012 Special
Town Meeting
Warrant Articles 20+21
Map 5**

Real Estate Acquisition/Conveyance:
Various Parcels

Legend

- Articles 20+21
- Buildings
- Parcel Lines

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Town of Nantucket Guide to October 22, 2012 Special Town Meeting Warrant Articles

Introduction

This Special Town Meeting was called by the Board of Selectmen to address current fiscal year (Fiscal Year 2013: July 1, 2012 – June 30, 2013) budgetary issues, which must be addressed before the Massachusetts Department of Revenue will certify the Town's tax rate for this fiscal year. Typically, when a special town meeting is to be called, the Board takes into consideration any other articles that could or should be addressed before the annual town meeting; and, citizens are provided the opportunity to submit articles. Citizen warrant articles for special town meetings require the signatures of 200 registered voters (vs the 10 required for annual town meetings). For this special town meeting, there are 21 articles: 4 budgetary articles, 4 citizen-submitted articles, 3 zoning articles, and 10 real estate-related articles. This guide is meant to explain the purpose of the articles in "layman's terms". The Town of Nantucket has a local requirement that appropriations and transfers of funds at special town meetings require quorums. Appropriations require a quorum of 5% of registered voters; transfers require 3%. For this special town meeting, those quorums are approximately 420 and 252, respectively.

Article 1 (Appropriation: Fiscal Year 2013 Enterprise Fund Operating Budget Amendments)

Municipalities in Massachusetts typically adopt their operating budgets for the upcoming fiscal year at a spring town meeting. The Town of Nantucket's Fiscal Year (FY) 2013 budgets were adopted at the 2012 Annual Town Meeting held in March, 2012. In the fall, municipalities generally set their tax rates for the current FY, once end-of-year revenues for the prior fiscal year, are known. Setting of the tax rate requires the Mass. Department of Revenue's (DOR) approval. We are currently in the process of preparing and submitting the required documentation for the DOR. Towns are not permitted by the DOR to increase revenue estimates for the current FY by any more than what was received in the prior FY. Back in the spring, it became evident that a special town meeting was likely to be needed in the fall to address the Airport budget due mostly to a rise in debt service costs, and not enough projected revenue to cover those expenses, plus regular operating expenses for FY 13. As end-of-year revenues for FY 12 became fully known, there were issues with other budgets, which also require town meeting action. The necessary actions are contained in Article 1 and can be summarized as follows:

Airport – The Airport's FY 13 budget is currently projected to be short by \$1,060,728. As noted above, this is mostly due to a rise in debt service costs, and not enough projected

revenue to cover those expenses, plus regular operating expenses for FY 13. The recommended action is for the General Fund to cover that shortfall until the Airport's retained earnings are certified for FY 12 and can be used to "reimburse" the General Fund at the 2013 Annual Town Meeting. With the controls and oversight that have been put into place for the Airport budget in the last year, additional use of the General Fund for Airport expenses is not expected. A plan will be developed in advance of the 2013 Annual Town Meeting for reimbursement to the General Fund by the Airport for all General Fund transfers from the 2012 Annual Town Meeting and the October 22, 2012 Special Town Meeting.

Sewer – The Sewer Enterprise Fund took in less revenue than projected in FY 12 by just over \$500,000. This means, per the DOR requirements, that we must decrease expenses for FY 13 since we cannot increase our FY 13 revenue projection by more than what was taken in for FY 12. Sewer retained earnings, however, are expected to be in excess of \$500,000 and this budget will need to be adjusted again after retained earnings are certified, at the 2013 Annual Town Meeting. The action is here is essentially a temporary decrease in expenses until the Annual Town Meeting.

Sconset Water – Sconset Water's revenues came in higher than what was projected for FY 12. The action for this budget is to adjust it so that the additional revenue is added to the budget; however, that does not necessarily mean it must be spent.

Solid Waste – Solid Waste revenues came in higher than what was projected for FY 12. The action for this budget is to adjust it so that the additional revenue is added to the budget; however, that does not necessarily mean it must be spent. It will be put into a reserve account.

Wannacomet Water – Wannacomet Water took in less revenue than projected in FY 12 by approximately \$269,000. This means, per the DOR requirements, that we must decrease expenses for FY 13 since we cannot increase our FY 13 revenue projection by more than what was taken in for FY 12. Wannacomet retained earnings, however, are expected to be well in excess of \$269,000 and this budget will need to be adjusted again after retained earnings are certified, at the 2013 Annual Town Meeting. The action is here is essentially a temporary decrease in expenses until the Annual Town Meeting.

Our Island Home – Our Island Home's revenues came in higher than what was projected for FY 12 (in large part due to a federal payment for the years 2009 and 2010; which may or may not continue annually) accordingly, the budget needs to be adjusted.

Article 2 (Appropriation: Fiscal Year 2013 Enterprise Fund Capital Expenditure Amendments)

There are several current capital projects that require Town Meeting action to address.

Airport – the General Aviation (GA) Building project requires additional funds to complete. The funds are available to be transferred from other Airport capital projects which have either been completed, or are not proceeding at this time. The only other Airport project that requires town meeting action at this time is Airport parking lot improvements and again, those funds are available for transfer from a different project.

Sewer – Upon further review once the warrant article motions had been published, this item does not require Town Meeting approval and is to be removed through Technical Amendments at the beginning of the Meeting.

Sconset Water – The Low Beach Water Main capital project has been completed and unused funding is available for transfer to the project shown in the Motion.

Wannacomet Water – This item relates to the Town’s Phase IIB Downtown Sewer Rehabilitation project and water line and distribution system improvements that will be completed simultaneously. The water system related work was larger in scope than originally anticipated and Wannacomet requires additional funding in order to complete the work. This item is seeking Town Meeting approval for additional borrowing.

Article 3 (Appropriation: Fiscal Year 2013 General Fund Operating Budget Amendments)

At the 2012 Annual Town Meeting and subsequent Annual Town Election, \$3.2 million was approved and appropriated for construction of the Hummock Pond Road bicycle path. The debt service amount for FY 2013 was not known at the time of the Town Meeting and election action. It is known now and this action will amend the General Fund budget accordingly.

Article 4 (Appropriation: Prior Year Articles)

The project that funding is being transferred from, is complete with a small amount left over. This action will transfer those funds to the Phase IIB Downtown Sewer Rehabilitation project that will be starting this fall/winter.

Article 5 (Appropriation: Madaket Landfill Wind Turbine/Gookin)

This is a citizen submittal. It is not being recommended by the Finance Committee or the Board of Selectmen and it does not have an amount included. An appropriation would likely require voter approval of a debt exclusion override at a special election.

Article 6 (Zoning Map Change: Meadow Lane R-20 to R-1)

This zoning article was submitted by the Planning Board at the request of the affected property owners. It affects two undersized lots and a detailed explanation is provided in the Planning Board Comment.

Article 7 (Zoning Map Change Industrial Land: Arrowhead Drive, Sun Island and Hinsdale Roads)

This zoning article was submitted by the Planning Board at the request of the property owner but is not being recommended and will be resubmitted at later date after further study.

Article 8 (Zoning Bylaw Amendment: Zoning Enforcement Officer)

This article was prepared and submitted by the Planning Board at the request of Town Administration. The Planning Board Comment provides the explanation for the Article.

Article 9 (Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes - Sconset/Manning)

This is a citizen submittal. It was initially not recommended by the Finance Committee due to the failure of the parcels to be included in an expansion of the Sconset Sewer

District to meet with criteria established for such inclusion. Following the issuance of the Finance Committee motions, the Board of Selectmen held the required public hearing for Sewer District amendments and voted to support the Article. A positive motion is expected to be presented to Town Meeting.

Article 10 (Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes – Town/Barada)

This is a citizen submittal. It was initially not recommended by the Finance Committee due to the failure of the parcels to be included in an expansion of the Town Sewer District to meet with criteria established for such inclusion. Following the issuance of the Finance Committee motions, the Board of Selectmen held the required public hearing for Sewer District amendments and voted to support the Article. A positive motion is expected to be presented to Town Meeting.

Article 11 (Home Rule Petition: Amend Historic District Commission Act/Barham)

This is a citizen submittal. It is a rewrite of several sections of the HDC Act to allow for an expansion of HDC oversight.

Article 12 (Real Estate Acquisition: Various “Paper” Streets)

This article was prepared for the Board of Selectmen by Planning consistent with past articles examining unnecessary and unconstructed streets and roads throughout the Island. Nine such “paper roads” are identified in Polpis, Madaket, Surfside, Tom Nevers and Quidnet/Squam. This article permits the Board of Selectmen to acquire the land comprising these roads.

Article 13 (Real Estate Conveyance: Various “Paper” Streets)

This article was prepared for the Board of Selectmen by Planning consistent with past articles examining unnecessary and unconstructed streets and roads throughout the Island. This article permits the Board of Selectmen to convey most of the land of these former roads to abutters through the successful “yard sale” program and to retain all or key portions of others for open space, coastal access and recreational purposes, subject to any easements or restrictions the Board may impose.

Article 14 (Real Estate Conveyance: Conveyance of Moorland Management District Property from County to Town)

This article implements the longstanding policy of conveying land held by the County to the Town. This policy was implemented to ensure local control of resources in the event that the County is abolished through state action, which would result in the transfer of this land to the state. The 43 acre property was acquired by the County in 1959 and because of an oversight, was not included with other parcels transferred in the mid and late 1990s.

Article 15 (Real Estate Conveyance: 17 Dave’s Street)

The parcel in this article was a portion of the former railroad bed acquired for construction of a sewer line in 1928. The article allows the transfer of this small parcel to the Board of Selectmen so that it may be disposed of, subject to the retention of sewer and pedestrian easements; and become part of an overall redevelopment of an adjacent sit. The immediate area will benefit from new landscaping, better management and integrated connections among businesses as envisioned by the Mid-Island Area Plan.

Article 16 (Real Estate Conveyance: 33 New Street, Sconset)

Sconset Water requested this Article. The explanation is contained in a Finance Committee Comment to the Motion.

Article 17 (Real Estate Acquisition: William Coffin Setoff Property/44 Sparks Avenue)

This article authorizes the Board of Selectmen to acquire a portion of land adjacent to the Newtown Cemetery for expansion purposes. The Cemetery Commission is studying this cemetery now and the proposed parcel was identified for such purposes over fifteen years ago.

Article 18 and 19 (Real Estate Acquisition: 40 and 42 Sparks Avenue)

This article authorizes the Board of Selectmen to acquire a portion of land for municipal or cemetery expansion purposes (Article 18) and for open space purposes (Article 19). The subject land has long been discussed for a variety of purposes and has been the subject of significant debate at past Town Meetings. Unlike the consensus around Article 17, both articles have negative Motions by the Finance Committee, to allow for debate about the long-term use of the land at an Annual Town Meeting.

Article 20 (Real Estate Acquisition: Various Parcels)

This article was prepared for the Board of Selectmen by Planning in consultation with the Finance Department. The ten parcels are remnants of land with unknown owners and significant tax arrearage and/or land subject to erosion which has lost value. The Board of Selectmen would be authorized to acquire this land to end compounding financial liability and to resolve ownership.

Article 21 (Real Estate Conveyance: Various Parcels)

This article was prepared for the Board of Selectmen by Planning, authorizing the Board of Selectmen to preserve the majority of the land identified in Article 20 for open space, coastal access and recreational purposes and convey the other land to recoup a portion of lost revenue otherwise owed to the Town.

TERMS

Free Cash

Free Cash is a combination of unexpended funds and the receipt of more revenue than budgeted in a FY, less any other funding obligations. Free cash is certified annually by the Mass. Department of Revenue and cannot be spent without a vote of Town Meeting.

Retained Earnings

Retained earnings are to Enterprise Funds what Free Cash is to the General Fund. It is a combination of unexpended funds and the receipt of more revenue than budgeted, less any other funding obligations. Retained earnings are certified annually by the Mass. Department of Revenue and cannot be spent without a vote of Town Meeting.

Prepared by: Town Administration

**Technical Amendments to Finance Committee Motions
for October 22, 2012 STM
*As of 10/18/12 - 12:30 pm***

**ARTICLE 2 (FY 2013 Enterprise Fund Capital Expenditure Amendments)
*AMEND the FINANCE COMMITTEE MOTION so as to remove the Sewer item***

**ARTICLE 9 (Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map
Changes)
*POSITIVE MOTION FROM FINANCE COMMITTEE***

**ARTICLE 10 (Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map
Changes)
*POSITIVE MOTION FROM FINANCE COMMITTEE***

ARTICLE 9

(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 41-3B (Siasconset Sewer District) of the Code of the Town of Nantucket by adding the following parcels to the Siasconset Sewer District:

Map	Lot	Number	Street
49	83	79	Sankaty Rd
49	112	76	Sankaty Rd
49	114	80	Sankaty Rd

(Joseph Manning, et al)

FINANCE COMMITTEE MOTION: Moved that Chapter 41 (Board of Sewer Commissioners), Section 41-3B (Siasconset Sewer District) of the Code of the Town of Nantucket be amended by adding the following parcels to the Siasconset Sewer District:

Map	Lot	Number	Street
49	83	79	Sankaty Rd
49	112	76	Sankaty Rd
49	114	80	Sankaty Rd

MAJORITY VOTE

ARTICLE 10

(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 parcel to the Town Sewer District:

Map	Parcel	Street Number	Street
30	71	78	CLIFF RD
41	105	1	DERRY LANE
41	103	28	DERRYMORE RD
41	17	34	DERRYMORE RD
41	18	36	DERRYMORE RD
30	72	38	DERRYMORE RD
30	72	38	DERRYMORE RD

All as shown on a map entitled “2012 Special Town Meeting Warrant Article #__” dated August 2012 and filed herewith at the Office of the Town Clerk. Or to take any other action related thereto.

(Thomas Barada, et al)

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

Map	Parcel	Street Number	Street
30	71	78	CLIFF RD
41	105	1	DERRY LANE
41	103	28	DERRYMORE RD
41	17	34	DERRYMORE RD
41	18	36	DERRYMORE RD
30	72	38	DERRYMORE RD
30	72	38	DERRYMORE RD

MAJORITY VOTE

ARTICLE 5 Special Town Meeting Oct 2012

POSITIVE MOTION: Moved that Six Hundred Twenty Thousand Dollars (\$620,000) be appropriated for professional services for design, permitting, construction supervision, engineering services and other related professional services, and for construction of a community scale wind turbine similar in size and specifications to the Nantucket High School wind turbine, to be located at the Madaket Landfill, with all such expenditures to be made by the Town Manager with the approval of the Board of Selectmen; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow Six Hundred Twenty Thousand Dollars (\$620,000) under G.L. chapter 44 or any other enabling authority; provided, however, that the amount authorized to be borrowed shall be reduced by the amount of any gifts or grants received by the Town for this project, and provided, further, that this vote shall not take effect until the Town votes by ballot on a referendum question to exempt from the limitations on total taxes imposed by Proposition 2½, so-called, amounts required to pay the principal of and interest on the borrowing authorized by this vote pursuant to G.L. chapter 59, s. 21C(k).

Motion:

Moved that the General Court of the Commonwealth be hereby petitioned on behalf of the inhabitants of the town of Nantucket for enactment of a Home Rule special act as set forth below to amend the Nantucket Historic District Act; and that the Town's representatives to the General Court be hereby requested to introduce a Special Act set forth below; and further that the General Court, with approval by the Nantucket Historic District Commission, be authorized to make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage, as follows:

AN ACT TO AMEND THE NANTUCKET HISTORIC DISTRICT ACT

SECTION 1. The purpose of this Act is to establish the authority of the Nantucket Historic District Commission to preserve places of historic interest, including without limitation, historic brick paved streets and ways in the town, to address contemporary concerns of the public learned from recent court decisions, and otherwise to further modernize a forty two year old statute used currently to define the role of the Nantucket Historic District Commission.

SECTION 2. Chapter 395 of the Acts of 1970 entitled "An Act establishing an Historic District Commission for the Town of Nantucket and Establishing Nantucket Island as the Historic District," as amended by chapter 708 of the acts of 1972, chapter 300 of the acts of 1984, chapter 291 of the acts of 1985, chapter 735 of the acts of 1987, chapter 333 of the acts of 1989, chapter 314 of the acts of 1990, chapter 193 of the acts of 1998, chapter 57 of the acts of 2000, chapter 90 of the acts of 2002 and chapter 8 of the acts of 2010 (collectively hereinafter referred to as the "Act"), is hereby amended as set forth in this act.

SECTION 3. Section 2A of the Act is hereby amended to add the definition of "Historic place" after the definition of "Exterior architectural features" and before the definition of "Razed", as follows: "Historic place" is a location or property, with or without the presence of buildings or structures or other improvements thereon, meeting the following standards: any site or portion thereof having historical significance, including but not limited to, historic streetscapes and unique Nantucket historical settings such as cobblestone roadways, or brick paved historic ways, places where historic events occurred such as historical settlements, ruins, or location of historic cultural or governmental organized ceremonies, or any place determined by the voters of the town in town meeting assembled by adoption of a bylaw, to be significant in the history, archaeology, architecture or culture of Nantucket; and provided further that a location or property shall be deemed to constitute a "historic place" pursuant to this section only after: (1) an article is presented for inclusion on the warrant for an annual or special town meeting of the town of Nantucket to consider the adoption of a proposed bylaw designating a particular location or property an historic place under this Act, and (2) approval by town meeting by a simple majority vote of said bylaw with the designation of such location or property as an historic place. No bylaw designating a property or location, or any portions thereof, so designated and voted an historic place shall cease to be designated an historic place without a two-thirds majority vote by Town Meeting, to repeal such bylaw, in which case such bylaw shall operate to eliminate the designation of any property or location, or any portions thereof, from being an historic place pursuant to this section.

SECTION 4. Section 2A of the Act is hereby further amended by adding a new sentence to the definition of "Structure" after the existing sentence, as follows: "Only within the Old Historic District and the Siasconset Old Historic District, as defined by reference to maps delineating those districts entitled Town of Nantucket - GIS Mapsheet entitled "Historic Districts" and maintained for public inspection in the offices of the Commission and the town clerk of the town of Nantucket, the words walk and driveway in the foregoing sentence shall be liberally construed and shall include but not be limited to the curbing, the curb cut at the intersection or crossing of any walk or driveway and the nearest access way, the sidewalk, if any, to be crossed by a walk or driveway, fencing openings, gates, aprons, berms and configuration, grading and improvement of any ways to accommodate same, whether or not located on any property owned or maintained privately or owned or maintained by the town of Nantucket, the county of Nantucket, any political subdivision of the commonwealth of Massachusetts or public agency."

SECTION 5. The Act is further amended by adding new Section 3A to read as follows:

SECTION 3A. Notwithstanding any other law to the contrary, the Commission is authorized to establish rules for the imposition of reasonable fees for the

employment of outside consultants and to deposit such fees in a special account, which account shall be maintained and used in accordance with the provisions of chapter 44, section 53G of the general laws, provided however that this sentence shall apply only to applications related to (a) all buildings, structures and historic places located within the Old Historic District and the Siasconset Old Historic District, as defined by reference to maps delineating those districts entitled Town of Nantucket - GIS Map sheet entitled "Historic Districts" and maintained for public inspection in the offices of the Commission and the town clerk, and (b) all buildings, structures and historic places located anywhere in the town of Nantucket outside such districts, provided all such buildings, structures and historic places so located outside such districts are not exclusively residences.

SECTION 6. The Act is further amended by adding new Section 9 1/2 to read as follows:

SECTION 9 1/2. Notwithstanding any other law to the contrary:

(a) No historic place shall be altered, wholly or partially, in any way that alters its physical appearance without either (1) a certificate of appropriateness issued by the Commission expressly authorizing such alteration, or (2) the Commission has first issued a certificate of nonapplicability with respect to such alteration. The standards and procedures of the Commission for the issuance of certificates of appropriateness and certificates of nonapplicability as set forth in section 9 of this Act and the rules and regulations of the Commission shall also apply to the issuance of certificates of appropriateness and certificates of nonapplicability for historic places pursuant to this section 9 1/2; in particular the requirement of section 9 of this act stating "The Historic District Commission shall not consider interior arrangement or building features not subject to public view" shall apply to historical places.

(b) Nothing in this Act shall be construed to prevent the ordinary care, maintenance, and/or repair of an historic place, provided such care, maintenance or repair does not involve a change in design, material, color or outward appearance, and provided that, where possible, historic materials are repaired, not replaced.

(c) It shall be the responsibility of any applicant seeking a certificate of appropriateness to alter an historic place or a certificate of non-applicability, to provide all necessary plans, elevations and other information deemed necessary by the Commission or reasonably requested by the Commission to evaluate a proposed alteration.

(d) The provisions of this Act applicable to the processing of applications for certificates of appropriateness applicable to buildings and structures shall also apply to applications for alteration of an historic place.

(e) It shall be a violation of this Act for any person to alter an historic place without obtaining either a certificate of appropriateness or a certificate of nonapplicability from the Commission, or otherwise to destroy, deface, burn, topple, mar with graffiti, damage, spoil, encroach upon, or injure an historic place.

SECTION 7. Section 11 of the Act is hereby amended by adding after the last sentence the following new sentence: "Notwithstanding any other law to the contrary, the Commission is authorized to appoint special legal counsel of its choosing, separate from town counsel, to assist the Commission in connection with any such appeal before the Board of Selectmen. The services of such special legal counsel shall be paid for in the same manner and from the same source as town counsel"

SECTION 8. Section 12 of the Act is hereby amended by adding after the last sentence the following new sentence: "Notwithstanding any other law to the contrary, the Commission is authorized to appoint special legal counsel of its choosing, separate from town counsel, to assist the Commission in connection with any such appeal it may so file in Superior Court as an aggrieved party from a decision by the Board of Selectmen or in any appeal filed by any other party, including appeals from decisions of Superior Court to higher courts of the commonwealth of

Massachusetts. The services of such special legal counsel shall be paid for in the same manner and from the same source as town counsel,"

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