

TOWN OF NANTUCKET 2014 Annual Town Meeting



**Saturday, April 5, 2014
9:00 AM
Nantucket High School
Mary P. Walker Auditorium**

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

**BOARD OF SELECTMEN
Rick Atherton, Chairman
Robert DeCosta, Vice Chairman
Bruce D. Miller
Matthew G. Fee
Tobias Glidden**

**FINANCE COMMITTEE
Matthew T. Mulcahy, Chairman
Timothy M. Soverino, Vice Chairman
Christopher J. Kickham
James R. Kelly
Stephen Maury
Craig Spery
John Tiffany
Clifford Williams
David Worth, Jr.**

**PLANNING BOARD
Barry G. Rector, Chairman
Sylvia Howard
Nathaniel Lowell
John McLaughlin
Linda Williams**

**MODERATOR
Sarah F. Alger**

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**TOWN OF NANTUCKET
2014 ANNUAL TOWN MEETING**

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NOTES:

1. ***PETITION ARTICLES HAVE BEEN PRINTED AS SUBMITTED BY THE PETITIONERS AND MAY CONTAIN TYPOGRAPHICAL AND OTHER ERRORS***

2. ***UNLESS OTHERWISE NOTED UNDER THE FINANCE COMMITTEE MOTION, ALL VOTES NEEDED FOR PASSAGE OF ARTICLES IS A SIMPLE MAJORITY.***

**ARTICLE 1
(Receipt of Reports)**

To receive the reports of various departments and committees as printed in the Fiscal Year 2013 Annual Town Report or as may come before this meeting; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the reports of various departments and committees as are printed in the Fiscal Year 2013 Annual Town Report or as may come before this meeting be accepted and filed with the permanent records of the Town.

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

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

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Four Thousand Four Hundred Thirty-two Dollars Thirty-four Cents (\$4,432.34) be appropriated from Free Cash to pay the General Fund unpaid bills from prior fiscal years; that Forty-eight Dollars Ninety Cents (\$48.90) be appropriated from Free Cash to pay the Community Preservation Committee unpaid bills from prior fiscal years; that Three Thousand Seventy-eight Dollars and Fifty-one Cents (\$3,078.51) be appropriated from Retained Earnings of the Nantucket Memorial Airport Enterprise Fund to pay the Airport enterprise fund unpaid bills from prior fiscal years; that Nineteen Dollars Ninety-nine Cents (\$19.99) be appropriated from Retained Earnings of the Our Island Home Enterprise Fund to pay the Our Island Home Enterprise Fund unpaid bills from prior fiscal years; that Two Thousand Eight Hundred Six Dollars (\$2,806.00) be appropriated from Retained Earnings of the Sewer Enterprise Fund to pay the sewer enterprise fund unpaid bills from prior fiscal years.

<i>DEPARTMENT</i>	<i>VENDOR</i>	<i>AMOUNT</i>
<i>Fire Department</i>	<i>Nantucket Cottage Hospital</i>	<i>\$978.58</i>
<i>Fire Department</i>	<i>Hertz Car Rental</i>	<i>\$85.28</i>
<i>Natural Resources</i>	<i>Ricoh USA, Inc.</i>	<i>\$60.59</i>
<i>Natural Resources</i>	<i>Cape Air</i>	<i>\$436.00</i>
<i>Planning and Land Use Services</i>	<i>Enterprise Rental</i>	<i>\$65.44</i>
<i>Planning and Land Use Services</i>	<i>Comfort Inn Cape Cod</i>	<i>\$352.71</i>
<i>Planning and Land Use Services</i>	<i>Neopost USA</i>	<i>\$135.00</i>
<i>Public Buildings</i>	<i>Butch Ramos Plumbing</i>	<i>\$371.10</i>
<i>Public Works</i>	<i>Marine Home Center</i>	<i>\$74.49</i>

<i>Public Works</i>	<i>Cape Air</i>	<i>\$76.00</i>
<i>Town Administration</i>	<i>Marine Home Center</i>	<i>\$309.21</i>
<i>Town Administration</i>	<i>Pitney Bowes</i>	<i>\$1,455.30</i>
<i>Town Clerk</i>	<i>Ricoh USA, Inc.</i>	<i>\$32.64</i>
<i>Subtotal General Fund Expense</i>		<i>\$4,432.34</i>
<i>Community Preservation Committee</i>	<i>Ricoh USA, Inc.</i>	<i>\$48.90</i>
<i>Subtotal Community Preservation Committee</i>		<i>\$ 48.90</i>
<i>Airport Enterprise Fund</i>	<i>Allied Account Services, Inc.</i>	<i>\$41.19</i>
<i>Airport Enterprise Fund</i>	<i>Pitney Bowes</i>	<i>\$267.55</i>
<i>Airport Enterprise Fund</i>	<i>Solomon and Solomon</i>	<i>\$2,604.03</i>
<i>Airport Enterprise Fund</i>	<i>Ricoh USA, Inc.</i>	<i>\$31.53</i>
<i>Airport Enterprise Fund</i>	<i>AT&T</i>	<i>\$134.21</i>
<i>Subtotal Airport Enterprise Fund</i>		<i>\$3,078.51</i>
<i>Our Island Home</i>	<i>Medawar Electronics, Inc.</i>	<i>\$19.99</i>
<i>Subtotal Our Island Home</i>		<i>\$19.99</i>
<i>Sewer Enterprise Fund</i>	<i>Polydyne, Inc</i>	<i>\$2,806.00</i>
<i>Subtotal Sewer Enterprise Fund</i>		<i>\$2,806.00</i>

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

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

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

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

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

To see what revolving accounts the Town may vote to authorize or reauthorize pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws for Fiscal Year 2015; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the revolving funds listed below be hereby authorized to continue during Fiscal Year 2015 as follows:

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>	<i>SPENDING LIMIT</i>
Beach Improvement	Beach Permit Sticker sales	Town Manager with approval of Board of Selectmen	In accordance with c. 56, § 7A of Town Code, and including endangered species monitor program; beach patrols/monitors; beach use education/information	\$657,161
Tennis Court	Tennis fees	Town Manager with approval of Park & Recreation Commission	Operation, maintenance of tennis court facility and housing for seasonal staff	\$36,850
Conservation Fund	Conservation Commission application fees	Town Manager with approval of Conservation Commission	Consulting services in connection with professional review of applications	\$23,700
Code Enforcement Inspections	20% of Plumbing/Gas and Wiring Fees	Town Manager with approval of Board of Selectmen	Increased hours for part-time plumbing/gas and wiring inspectors	\$53,978
Septic System Inspections	Septic system application fees	Town Manager with approval of Board of Health	Contractor services in connection with septic system inspections; costs associated septic system inspection related training and portion of salaries for staff in connection with septic system duties and responsibilities, together with the proportionate costs of fringe benefits associated with the salaries so paid	\$103,232
Seasonal Food Service Inspections	Food service permit fees	Town Manager with approval of Board of Health	Seasonal food service inspections; costs associated with seasonal food service inspection training and public awareness materials.	\$68,021
Lifeguard Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of lifeguard housing facilities	\$11,000
Public Works Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of public works housing facilities	\$10,650
Low Beach Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of Low Beach housing facilities	\$95,000

ARTICLE 5
(Appropriation: Reserve Fund)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of establishing a Reserve Fund pursuant to Chapter 40 section 6 of the Massachusetts General Laws, to provide for the extraordinary and unforeseen expenditures which may arise during Fiscal Year 2015; said sum not to exceed five (5) percent of the Fiscal Year 2014 tax levy; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Five Hundred Thousand Dollars (\$500,000) be raised and appropriated from the Fiscal Year 2015 tax levy and other general revenues of the Town to establish a reserve fund for Fiscal Year 2015 pursuant to Chapter 40, section 6 of the General Laws.

ARTICLE 6

(Fiscal Year 2014 General Fund Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2014 General Fund operating budget from other line items of said budget and from other available funds; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the amounts listed below be transferred between the various Fiscal Year 2014 accounts and expenditures as follows:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Police Department - Salaries	Reserve Fund	\$225,000
Visitor Services - Expenses	Visitor Services - Salaries	\$15,000

ARTICLE 7

(Personnel Compensation Plans for Fiscal Year 2015)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2015:

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	15.00
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to 50.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	19.00
Dietician/Our Island Home (hourly)	39.00
Election Warden (hourly)	20.00
Election Worker (hourly)	15.00
EMT, Call (hourly)	15.00
Fire Captain, Call (yearly)	150.00
Fire Fighter, Call (hourly)	15.00
Fire Lieutenant, Call (yearly)	125.00
Fire Chief, Second Deputy (yearly)	5,000.00
Fire Chief, Third Deputy (yearly)	5,000.00
Licensed Practical Nurse/Our Island Home (Per Diem - hourly)	25.00
Mooring Enforcement Officer (hourly)	30.00
Registered Nurse/Our Island Home (Per Diem - hourly)	35.00
Registrar of Voters (yearly)	600.00
Registrar, Temporary Assistant (hourly)	10.00
Senior Adult Day Care Aide (Per Diem - hourly)	18.76
Temporary Employee	various rates

of pay

Veterans' Agent (hourly) 15.00

Schedule B -- Seasonal Employee Compensation Schedule (Spring, Summer, Fall, Winter/Effective April 15, 2014- April 14, 2015)

Table with 5 columns: Compensation Level, Start, Second Season, Third Season, Fourth Season. Rows include A-Hourly* through E-Hourly* with corresponding rates.

*An employee assigned supervisory responsibilities shall be placed in the next higher category. A: Dock Attendant, Tennis Attendant, Information Aide, Matron B: Seasonal Health Assistant, Shellfish Warden, Endangered Species Monitor, Parking Control Officer C: Endangered Species Monitor Supervisor, Dock Worker, Marine Research Technician D: Seasonal Firefighter/EMT, Community Service Officer, Lifeguard, Seasonal Laborer, Pump-out Boat Operator E. Lifeguard Supervisor, Seasonal Assistant Harbormaster, Seasonal Maintenance Supervisor (Public Works), Tennis Instructor, Seasonal Recreation Coordinator, Reserve Police Officer

Schedule C -- Compensation Schedule for Elected Officials*

Moderator \$175 per year
Selectman, Chair \$5,000/per year
Selectmen \$3,500/per year
Town Clerk \$90,570

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

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the following schedules be adopted:

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member) \$600.00
Americans with Disabilities Act Facilitator (hourly) 15.00
Building, Plumbing, Wiring Inspector, Assistants (hourly) Up to 50.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly) 19.00

Dietician/Our Island Home (hourly)	39.00
Election Warden (hourly)	20.00
Election Worker (hourly)	15.00
EMT, Call (hourly)	15.00
Fire Captain, Call (yearly)	150.00
Fire Fighter, Call (hourly)	15.00
Fire Lieutenant, Call (yearly)	125.00
Fire Chief, Second Deputy (yearly)	5,000.00
Fire Chief, Third Deputy (yearly)	5,000.00
Licensed Practical Nurse/Our Island Home (Per Diem - hourly)	25.00
Mooring Enforcement Officer (hourly)	30.00
Registered Nurse/Our Island Home (Per Diem - hourly)	35.00
Registrar of Voters (yearly)	600.00
Registrar, Temporary Assistant (hourly)	10.00
Senior Adult Day Care Aide (Per Diem - hourly)	18.76
Temporary Employee	various rates of pay
Veterans' Agent (hourly)	15.00

**Schedule B -- Seasonal Employee Compensation Schedule
(Spring, Summer, Fall, Winter/Effective April 15, 2014- April 14, 2015)**

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$14.00	\$15.00	\$16.00	\$17.00
B-Hourly*	\$14.50	\$15.50	\$16.50	\$17.50
C-Hourly*	\$15.50	\$16.50	\$17.50	\$18.50
D-Hourly*	\$16.00	\$17.00	\$18.00	\$19.00
E-Hourly*	\$18.00	\$18.50	\$19.00	\$19.50

- *An employee assigned supervisory responsibilities shall be placed in the next higher category.
- A: Dock Attendant, Tennis Attendant, Information Aide, Matron
 - B: Seasonal Health Assistant, Shellfish Warden, Endangered Species Monitor, Parking Control Officer
 - C: Endangered Species Monitor Supervisor, Dock Worker, Marine Research Technician
 - D: Seasonal Firefighter/EMT, Community Service Officer, Lifeguard, Seasonal Laborer, Pump-out Boat Operator
 - E: Lifeguard Supervisor, Seasonal Assistant Harbormaster, Seasonal Maintenance Supervisor (Public Works), Tennis Instructor, Seasonal Recreation Coordinator, Reserve Police Officer

Schedule C -- Compensation Schedule for Elected Officials*

Moderator ----- \$175 per year -----

Selectman, Chair	\$5,000/per year
Selectmen	\$3,500/per year
Town Clerk	\$93,421

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

ARTICLE 8

(Appropriation: Fiscal Year 2015 General Fund Operating Budget)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of supporting the offices, departments, boards and commissions of the Town of Nantucket for Fiscal Year 2015; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2015 operating budget is established for the various offices, boards, and commissions of the Town as follows:

DEPARTMENT	Fiscal Year 2015			FY 2014
	PAYROLL	OPERATING	TOTAL BUDGET	ARTICLE 8 TOTAL
GENERAL GOVERNMENT				
Finance Committee	\$ 0	\$ 17,650	\$ 17,650	\$ 17,650
Finance & Operations	\$1,528,790	\$573,527	\$ 2,102,317	\$ 1,914,267
Human Resources	\$ 144,700	\$ 25,750	\$ 170,450	\$ 183,800
Information Systems/GIS	\$ 486,820	\$ 329,365	\$ 816,185	\$ 710,490
Legal	\$ 0	\$ 325,000	\$ 325,000	\$ 315,000
Moderator	\$ 175	\$ 1,500	\$ 1,675	\$ 1,675
Natural Resources	\$ 316,140	\$ 14,550	\$ 330,690	\$ 0
Planning and Land Use Service	\$1,456,780	\$ 226,870	\$ 1,683,650	\$ 1,650,839
Town Administration	\$ 536,690	\$ 206,057	\$ 742,747	\$ 1,037,340
Town Clerk	\$ 218,410	\$ 60,900	\$ 279,310	\$ 277,500
<i>Subtotal</i>	\$4,688,505	\$1,781,169	\$ 6,469,674	\$ 6,108,561
SAFETY & PROTECTION				
Emergency Management	\$ 0	\$ 7,000	\$ 7,000	\$ 7,000
Fire Department	\$ 2,292,248	\$ 204,425	\$ 2,496,673	\$ 2,443,685
Police Department	\$ 4,589,930	\$ 648,065	\$ 5,237,995	\$ 5,129,360

Street Lighting	\$ 0	\$ 105,900	\$ 105,900	\$ 105,900
<i>Subtotal</i>	\$ 6,882,178	\$ 965,390	\$ 7,847,568	\$ 7,685,945

MARINE & COASTAL RESOURCES

Marine Department	\$ 700,020	\$ 83,075	\$ 783,095	\$ 701,885
<i>Subtotal</i>	\$ 700,020	\$ 83,075	\$ 783,095	\$ 701,885

MAINTENANCE

Gas/Town Vehicles	\$ 0	\$ 377,000	\$ 377,000	\$ 325,000
Mosquito Control	\$ 44,600	\$ 57,900	\$ 102,500	\$ 102,500
Public Buildings	\$ 0	\$ 782,800	\$ 782,800	\$ 754,850
Public Works	\$1,900,586	\$ 380,425	\$ 2,281,011	\$ 2,267,854
Snow and Ice Removal	\$ 0	\$ 25,000	\$ 25,000	\$ 25,000
<i>Subtotal</i>	\$ 1,945,186	\$ 1,623,125	\$ 3,568,311	\$ 3,475,204

HUMAN SERVICES

Human Services	\$ 361,240	\$ 65,965	\$ 427,205	\$ 470,951
<i>Subtotal</i>	\$ 361,240	\$ 65,965	\$ 427,205	\$ 470,951

CULTURE & RECREATION

Atheneum	\$ 0	\$ 685,233	\$ 685,233	\$ 676,444
Town Clock	\$ 0	\$ 2,900	\$ 2,900	\$ 2,770
Visitor Services	\$ 282,810	\$ 62,950	\$ 345,760	\$ 299,820
<i>Subtotal</i>	\$ 282,810	\$ 751,083	\$ 1,033,893	\$ 979,034

CONTRACTUAL OBLIGATIONS

\$ 467,855	\$ 0	\$ 467,855	\$ 301,201
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TOTAL OF DEPT OPERATING BUDGETS

\$15,327,794	\$5,269,807	\$20,597,601	\$19,722,781
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EDUCATION

Community School	\$ 350,000	\$ 0	\$ 350,000	\$ 350,000
School Department	\$19,227,619	\$ 4,838,839	\$ 24,066,458	\$ 23,046,275
<i>Subtotal</i>	\$19,577,619	\$ 4,838,839	\$ 24,416,458	\$ 23,396,275

GRAND TOTAL OF GEN GOVT OPERATING BUDGETS

\$34,905,413	\$10,108,646	\$45,014,059	\$43,119,056
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DEBT SERVICE

Principal & Interest	\$ 0	\$ 7,421,391	\$ 7,421,391	\$ 7,605,899
<i>Subtotal</i>	\$ 0	\$ 7,421,391	\$ 7,421,391	\$ 7,605,899
INSURANCES				
Auto Casualty	\$ 0	\$ 173,000	\$ 173,000	\$ 173,000
Blanket Liability	\$ 0	\$ 1,243,000	\$ 1,243,000	\$ 1,243,000
Claims Deductible	\$ 0	\$ 62,000	\$ 62,000	\$ 62,000
Insurance Consulting	\$ 0	\$ 26,000	\$ 26,000	\$ 26,000
Medical Insurance	\$ 9,390,000	\$ 0	\$ 9,390,000	\$ 8,369,402
Unemployment	\$ 341,000	\$ 0	\$ 341,000	\$ 300,000
Workers Compensation	\$ 197,000	\$ 0	\$ 197,000	\$ 190,000
Laborer's Union Pension	\$ 44,000	\$ 0	\$ 44,000	\$ 44,000
<i>Subtotal</i>	\$ 9,972,000	\$ 1,504,000	\$ 11,476,000	\$ 10,407,402
ASSESSMENTS				
Barnstable Retirement	\$ 3,420,000	\$ 0	\$ 3,420,000	\$ 3,228,051
<i>Subtotal</i>	\$ 3,420,000	\$ 0	\$ 3,420,000	\$ 3,228,051
GRAND TOTAL OF OPERATING BUDGET	\$ 48,297,413	\$ 19,034,037	\$ 67,331,450	\$ 64,360,408

And to meet these appropriations, the sum of Sixty-seven Million One Hundred Forty-three Thousand Three Hundred Ninety Dollars (\$67,143,390) be raised and appropriated from the Fiscal Year 2015 tax levy and other general revenues of the Town and that One Hundred Eighty-eight Thousand Sixty Dollars (\$188,060) be transferred from Free Cash in the Treasury of the Town, for one-time expenses that are included in various departmental budgets. The budget unanimously recommended by the Nantucket School Committee for the School Department, including the Nantucket Community School, for Fiscal Year 2015 is Twenty-Four Million Four Hundred Sixteen Thousand Four Hundred Fifty-Eight Dollars (\$24,416,458).

FINANCE COMMITTEE COMMENT: The Finance Committee would like to express its appreciation for the effort Town Administration, Town Departments and the Finance Department have endeavored in completing the General Fund operating budget for FY 2015. In addition, in light that the Finance Department is undergoing staff changes, a smooth budget process was achieved.

The Committee recognizes the effort involved in presenting a balanced budget and the Town living within its revenues.

ARTICLE 9

(Appropriation: Health and Human Services)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the Council for Human Services to be used by the Council to contract with various health and human services, not-for-profit corporations to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket; further, that all such sums be expended on the condition that grant agreements be executed by and between the Board of Selectmen and the respective private, not-for-profit agency for Fiscal Year 2015, which grant agreements shall stipulate mutually agreed upon terms and conditions; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Three Hundred Seventeen Thousand Eight Hundred Eighty Dollars (\$317,880) be raised and appropriated from the Fiscal Year 2015 tax levy and other general revenues of the Town for the Town Manager to expend to fund grants for the following health and human services, private not-for-profit agencies to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket, provided that the Town Manager with the approval of the Board of Selectmen, execute grant agreements with the respective agencies for Fiscal Year 2015, which contracts shall stipulate mutually agreed upon terms and conditions:

AGENCY	AMOUNT
A Safe Place	\$44,000
ASAP (Alliance for Substance Abuse Prevention)	\$4,000
Elder Services of Cape Cod	\$13,000
Family Planning	\$11,000
Family & Children's Services	\$100,000
Martha's Vineyard Community Services	\$12,000
Legal Services of Cape Cod & Islands	\$4,000
Rental Assistance Program	\$30,000
Emergency Food Pantry	\$35,000
Nantucket Cottage Hospital Social Services	\$35,000
Access Nantucket	\$19,880
Small Friends of Nantucket	\$10,000
TOTAL	\$317,880

ARTICLE 10

(Appropriation: General Fund Capital Expenditures)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, for the purposes of capital expenditures for Fiscal Year 2015 for the offices, departments, boards and commissions of the Town of Nantucket; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the following amounts be appropriated for the following capital outlay expenditures, with all such expenditures to be made by the Town Manager with the approval of the Board of Selectmen; except the School expenditures to be

made by the School Superintendent with the approval of the School Committee; and further that the Town Manager with the approval of the Board of Selectmen or School Superintendent with the approval of the School Committee as the case may be, is authorized to sell, convey, trade-in or otherwise dispose of equipment being replaced as follows:

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>FUNDING SOURCE(S)</i>	<i>AMOUNT</i>
Fire Department	Purchase replacement of a fire tanker	Transfer \$240,000 from Free Cash in the Treasury of the Town	\$ 240,000
Information Technology/ GIS Department	Costs associated with technology improvements, including: purchase and replacement of servers; replacement equipment to update Town network infrastructure; purchase and replacement of desktops and printers	Transfer \$125,000 from Free Cash in the Treasury of the Town; \$31,000 from FY 2015 Airport Enterprise Fund Anticipated Revenues; \$50,000 from FY 2015 Wannacomet Water Enterprise Fund Anticipated Revenues	\$ 206,000
Marine Department	Professional services costs, including engineering, permitting and other costs associated with the dredging of the waterfront at Children's Beach	Transfer \$100,000 from the Beach Improvement Revolving Fund; Transfer \$150,000 from the Waterways Improvement Fund	\$ 250,000
Marine Department	Professional services costs, including engineering, permitting and construction for improvements to Children's Beach Boat Ramp	Transfer \$200,000 from Waterways Improvement Fund	\$200,000
Marine Department	Costs associated with the purchase of a new patrol/rescue vessel	Transfer \$175,000 from Free Cash in the Treasury of the Town	\$ 175,000
Planning and Land Use Services Department	Professional services and other associated costs, including design and engineering for improvements to Surfside and Bartlett Road intersection	Transfer \$275,000 from Free Cash in the Treasury of the Town	\$ 275,000
Planning and Land Use Services Department	Professional services and associated costs, including design, engineering and construction for improvements and modifications of Francis/Union Street intersection	Transfer \$150,000 from Free Cash in the Treasury of the Town	\$ 150,000
Planning and Land Use Services Department	Supplemental funding for professional services and associated costs, including design and engineering for In-Town Bike Path project	Transfer \$50,000 from Free Cash in the Treasury of the Town	\$ 50,000
Police Department	Costs associated with the purchase and installment of an Emergency Warning System	Transfer \$45,000 from Free Cash in the Treasury of the Town (costs anticipated to be reimbursed from federal grant)	\$ 45,000
Public Works	Costs associated with various island-wide road maintenance and improvements	Transfer \$700,000 from Free Cash in the Treasury of the Town	\$ 700,000
Public Works	Costs associated with Madaket bike path paving and improvements	Transfer \$300,000 from Free Cash in the Treasury of the Town	\$ 300,000
Public Works	Purchase new bike path sweeper	Transfer \$60,000 from Free Cash in the Treasury of the Town	\$ 60,000
Public Works	Purchase of tractor with beach rake attachment for beach cleaning	Transfer \$130,000 from Beach Improvement Revolving Fund	\$130,000
Public Works	Costs associated with	Transfer \$100,000 from Free Cash in	\$ 100,000

	new/replacement beach playground equipment	the Treasury of the Town	
Town Administration/Natural Resources	Professional services and other associated costs, including design, engineering, permitting, construction for rehabilitation and restoration of the Brant Point Shellfish Propagation Facility	Transfer \$500,000 from Free Cash in the Treasury of the Town	\$ 500,000
Town Administration	Professional services and associated costs, including engineering, design, construction for improvements to municipal parking lot(s)	Transfer \$250,000 from Free Cash in the Treasury of the Town	\$ 250,000
Town Administration	Professional services and associated costs, including surveying, legal costs in connection with Surfside area road takings	Transfer \$100,000 from Proceeds from Real Estate Sales Account	\$ 100,000
School	Nantucket Elementary School bathroom repairs, renovations, upgrades	Transfer \$22,955.94 from Free Cash in the Treasury of the Town; transfer \$127,044.06 from the prior year articles listed below	\$150,000
School	Safety and security improvements at all Nantucket Public School buildings	Transfer \$700,000 from Free Cash in the Treasury of the Town	\$700,000
School	Facade repair and painting at Nantucket High School	Transfer \$150,000 from Free Cash in the Treasury of the Town	\$150,000
School	Window replacements (Phase I) at Nantucket High School	Transfer \$100,000 from Free Cash in the Treasury of the Town	\$100,000
School	Cyrus Pierce Middle School building repairs and improvements	Transfer \$150,000 from Free Cash in the Treasury of the Town	\$150,000
School	Nantucket Elementary School playground repairs, improvements and upgrades	Transfer \$50,000 from Free Cash in the Treasury of the Town	\$50,000
TOTAL			\$5,031,000

And, to meet this appropriation that Four Million One Hundred Forty-two Thousand Nine Hundred Fifty-five Dollars and Ninety-four Cents (\$4,142,955.94) be transferred from Free Cash in the Treasury of the Town; that Three Hundred Fifty Thousand Dollars (\$350,000) be transferred from the Waterways Improvement Fund for the items so specified; that Two Hundred Thirty Thousand Dollars (\$230,000) be transferred from the Beach Improvement Revolving Fund for the items so specified; that Fifty Thousand Dollars (\$50,000) be provided through FY 2015 Anticipated Revenues of the Wannacomet Water Enterprise Fund for the item so specified; that Thirty-one Thousand Dollars (\$31,000) be provided through FY 2015 Anticipated Revenues of the Airport Enterprise Fund; that One Hundred Thousand Dollars (\$100,000) be transferred from the Proceeds from Real Estate Sales Account and that One Hundred Twenty-Seven Thousand Forty-four Dollars and Six Cents (\$127,044.06) be transferred from prior year articles as follows for the Nantucket Elementary School bathroom item as listed above:

<i>PRIOR YEAR ARTICLE</i>	<i>AMOUNT</i>
Article 10/2013 Annual Town Meeting - Fire Admin Vehicle	\$2,060.00
Article 10/2013 Annual Town Meeting - Disability Access/Town Building Restroom	\$90,000.00
Article 10/2012 Annual Town Meeting - Millie's Bridge Repairs	\$693.34
Article 10/2011 Annual Town Meeting - Replace Vehicles	\$139.23

Article 12/2011 Annual Town Meeting - Nobadeer Farm Road Improvements	\$5,698.12
Article 10/2011 Annual Town Meeting - Jetties Beach Concession Repairs	\$8,903.57
Article 10/2011 Annual Town Meeting - GIS Digital Mapping	\$7,511.25
Article 10/2010 Annual Town Meeting - Replacement Fire Truck	\$75.64
Article 10/2009 Annual Town Meeting - Cliff Road Bike Path	\$8,183.27
Article 10/2007 Annual Town Meeting - NHS Improvements	\$2,362.16
Article 10/2005 Annual Town Meeting - NES Ventilation	\$6.86
Article 10/2003 Annual Town Meeting - Repairs to East Chestnut Street Town Building	\$1,358.03
Article 10/2003 Annual Town Meeting - Repairs to 16 Broad Street Town Building	\$52.59
TOTAL	\$127,044.06

All of these sources totaling Five Million Thirty-one Thousand Dollars (\$5,031,000).

ARTICLE 11

(Appropriation: Enterprise Funds Operations)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the operation of the Enterprise Funds of the Town of Nantucket for Fiscal Year 2015, out of anticipated revenues of the designated funds, for the purposes set forth above; or to take any other action related thereto.

(Board of Selectmen for the Various Departments Indicated)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2015 operating budgets be approved for the Enterprise Funds, with the Siasconset Water appropriation to be expended through the Siasconset Water Commission; the Wannacomet Water appropriation to be expended through the Nantucket Water Commission; the Airport appropriation to be expended through the Nantucket Airport Commission; the remaining appropriations to be spent through the Board of Selectmen:

<i>FUND</i>	<i>FY 2015 PAYROLL</i>	<i>FY 2015 EXPENSES</i>	<i>FY 2015 TOTAL BUDGET</i>		<i>FY 2014 TOTAL BUDGET</i>
Airport	\$4,137,674	\$4,104,876	\$8,242,550		\$ 8,568,592
Our Island Home	\$5,841,640	\$1,304,185	\$7,145,825		\$7,173,960
Sewer (includes Wastewater Treatment; Collection & Disposal; and Siasconset plant)	\$1,271,310	\$5,215,438	\$6,486,748		\$6,507,305
Siasconset Water	\$ 30,000	\$1,049,750	\$1,079,750		\$1,149,933
Solid Waste	\$ 40,775	\$7,797,939	\$7,838,714		\$7,782,377
Wannacomet Water	\$1,499,432	\$3,104,868	\$4,604,300		\$4,476,721
TOTAL	\$12,820,831	\$22,577,056	\$35,397,887		\$35,658,888

Further, that the above appropriations be funded as follows:

<i>FUND</i>	<i>FUNDING SOURCES</i>	<i>AMOUNTS</i>
Airport	FY 15 Anticipated Revenues	\$6,652,930
Airport	Retained Earnings	\$1,370,603
Airport	Transfer from FY 14 Fuel Revolver	\$ 219,017
Our Island Home	FY 15 Anticipated Revenues	\$4,343,990

Our Island Home	FY 15 Tax Levy and Other General Revenues	\$2,267,598
Our Island Home	Retained Earnings	\$ 534,237
Sewer	FY 15 Anticipated Revenues	\$6,276,165
Sewer	Retained Earnings	\$ 210,583
Solid Waste	FY 15 Anticipated Revenues	\$2,667,500
Solid Waste	FY 15 Tax Levy and Other General Revenues	\$4,699,787
Solid Waste	Retained Earnings	\$ 471,427
Siasconset Water	FY 15 Anticipated Revenues	\$1,079,750
Wannacomet Water	FY 15 Anticipated Revenues	\$4,604,300
TOTAL FUNDING SOURCES		\$35,397,887

And, further, that the following amounts be appropriated in the General Fund and funded by each Enterprise Fund Department as follows:

Two Hundred Thousand Dollars (\$200,000) - Airport Enterprise
 Ninety-two Thousand Three Hundred Dollars (\$92,300) - Our Island Home Enterprise
 Seventy-six Thousand Dollars (\$76,000) - Sewer Enterprise
 Fifteen Thousand Dollars (\$15,000) - Siasconset Water Enterprise
 One Hundred Fifteen Thousand Dollars (\$115,000) - Solid Waste Enterprise
 Ninety-three Thousand Dollars (\$93,000) - Wannacomet Water

FINANCE COMMITTEE COMMENT: Enterprise Fund revenues associated with indirect costs as shown in the general fund are reported during the tax recapulation process as opposed to voted in the enterprise fund appropriations listed above.

ARTICLE 12

(Appropriation: Enterprise Funds Capital Expenditures)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of capital expenditures in Fiscal Year 2015 for the Enterprise Funds established under the jurisdiction of the Town of Nantucket; or to take any other action related thereto.

(Board of Selectmen for the Various Departments Indicated)

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

DEPARTMENT	ITEM	FUNDING SOURCE(S)	AMOUNT
Airport	Airport Ramp Rehabilitation	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$1,125,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended	\$ 1,125,000

		that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	
Airport	Airport Security System Upgrades	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$400,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$ 400,000
Airport	Purchase New and Replacement Airfield Vehicles	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$164,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$ 164,000
Airport	Costs associated with Environmental Stewardship	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$570,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$570,000
Airport	Replacement and Purchase of Airport Rescue and Firefighting Vehicle	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$900,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$900,000
<i>Subtotal Airport Enterprise</i>			<i>\$ 3,159,000</i>
Our Island	Acquisition/Upgrade of Medical	Our Island Home Certified Retained	\$75,000

Home	Records Software	Earnings	
<i>Subtotal Our Island Home</i>			\$ 75,000
Sewer	Costs Associated with Upgrading Sea Street Pump Station	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$3,000,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from the Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund	\$ 3,000,000
Sewer	Purchase of Utility Truck with Crane	Sewer Enterprise Fund Certified Retained Earnings	\$90,000
<i>Subtotal Sewer Enterprise</i>			\$ 3,090,000
Solid Waste	Professional Services for Design, Permitting, and Other Costs Associated with Landfill Mining	Transfer \$700,000 from the Fiscal Year 2015 Tax Levy and Other General Revenues of the Town	\$ 700,000
<i>Subtotal Solid Waste Enterprise</i>			\$ 700,000
Wannacomet Water	Costs Associated with Information Technology Upgrades	FY2015 Anticipated Revenues of Wannacomet Water	
<i>Subtotal Wannacomet Water</i>			\$50,000
TOTAL			\$7,074,000

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

ARTICLE 13

(Enterprise Funds: Fiscal Year 2014 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2014 Enterprise Fund operating budgets from other line items of said budgets and/or from Enterprise Surplus Reserve Funds; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the amounts listed below be transferred from the various accounts listed to the various enterprise fund accounts listed for Fiscal Year 2014 as follows:

FROM	TO	AMOUNT
Wannacomet Water, Retained Earnings	General Fund, Indirect Costs Incurred in FY 2013	\$212.00
Sewer, Retained Earnings	General Fund, Indirect Costs Incurred in FY 2013	\$80,000
Our Island Home, Salaries	Our Island Home, Expenses	\$50,000

ARTICLE 14

(Appropriation: Waterways Improvement Fund)

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

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that One Hundred Eighteen Thousand Three Hundred Dollars (\$118,300) be appropriated from the Waterways Improvement Fund for the purpose of (1) maintenance, dredging, cleaning and improvement of harbors, inland waters and great ponds, (2) the public access thereto, (3) the breakwaters, retaining walls, piers, wharves and moorings thereof, and (4) law enforcement and fire prevention in the Town and County of Nantucket, and any other purpose allowed by applicable law.

ARTICLE 15

(Authorization: Airport Aviation Fuel Revolving Fund for Fiscal Year 2015)

To see if the Town will vote to authorize a revolving fund for the Airport, to be known as the Airport Aviation Fuel Revolving Fund, to which shall be credited fees and other receipts received in connection with the sale of aviation fuel, which fund may be expended for the purchase of aviation fuel, to be expended by the Airport Commission, and further to establish a spending limit from the fund for Fiscal Year 2015, pursuant to the provisions of Chapter 28 of the Acts of 2004 and Massachusetts General Law Chapter 44, section 53E½, or to take any other action related thereto.

(Board of Selectmen for Airport Commission)

FINANCE COMMITTEE MOTION: Moved that an Airport Aviation Fuel Revolving Fund is established to which fees and other receipts received shall be credited up to Five Million Three Hundred Eighty-two Thousand Six Hundred Fifty Dollars (\$5,382,650) in connection with the sale of aviation fuel, which fund may be expended for the purchase of aviation fuel, to be expended by the Airport Commission, and further to establish a spending limit from the fund for Fiscal Year 2015 in the amount of to Five Million Three Hundred Eighty-two Thousand Six Hundred Fifty Dollars (\$5,382,650) pursuant to the provisions of Chapter 28 of the Acts of 2004 and Massachusetts General Law Chapter 44, section 53E½ . Aviation fuel receipts in excess of the spending limit will be credited to the Airport Enterprise Fund.

ARTICLE 16

(Appropriation: Ambulance Reserve Fund)

To see what sum the Town will vote to appropriate from the Ambulance Reserve Fund for the purchase of ambulance-related equipment, including but not limited to extrication

collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for three (3) ambulances, and other such related costs to operate the Town's ambulance services, including up to four (4) full-time firefighter/EMT positions. All expenditures to be made by the Fire Department, subject to the approval of the Town Manager; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Three Hundred Seventy-five Thousand Dollars (\$375,000) be appropriated from the Ambulance Reserve Fund for the purpose of purchasing ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for three (3) ambulances, and other such related costs to operate the Town's ambulance services, including up to four (4) full-time firefighter/EMT positions. All expenditures to be made by the Fire Department, subject to the approval of the Town Manager.

ARTICLE 17

(Appropriation: County Assessment)

To see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to pay the County of Nantucket such assessment as is required for Fiscal Year 2015, and to authorize the expenditure of these funds for County purposes, all in accordance with the Massachusetts General Laws and in accordance with the County Charter (Chapter 290 of the Acts of 1996), the sum of One Hundred Seventy Thousand Dollars (\$170,000); or to take any other action related thereto.

(Board of Selectmen/County Commissioners)

FINANCE COMMITTEE MOTION: Moved that One Hundred Seventy Thousand Two Hundred One Dollars (\$170,201) be raised and appropriated from the Fiscal Year 2015 tax levy and other general revenues of the Town to fund the Fiscal Year 2015 county assessment.

ARTICLE 18

(Appropriation: Finalizing Fiscal Year 2015 County Budget)

To see if the Town will vote to overturn any denial of approval by the Nantucket County Review Committee, of any item of the County budget for Fiscal Year 2015 by appropriating a sum of money for such County budget and authorizing the expenditure of estimated County revenues, County reserve funds, County deed excise fees or other available County funds including the Town assessment for County purposes; further, to see if the Town will vote to overturn any denial by the Nantucket County Review Committee of the establishment of a County Reserve Fund, from which transfers may be made to meet extraordinary or unforeseen expenditures with the approval of the County Commissioners acting as the County Advisory Board Executive Committee within the meaning of Chapter 35 section 32 of the Massachusetts General Laws; or to take any other action related thereto.

(Board of Selectmen/County Commissioners)

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

FINANCE COMMITTEE COMMENT: The Finance Committee, at its meeting on January 28, 2014, acting as the Nantucket County Review Committee in accordance with section 2.7 of the Nantucket County Charter, endorsed the Fiscal Year 2015 Nantucket County budget, which was subsequently adopted by the Nantucket County Commissioners on February 19, 2014. Thus no action is required.

ARTICLE 19

(Rescind Unused Borrowing Authority)

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

Or to take any other action related thereto.

(Board of Selectmen)

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

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>ARTICLE/TOWN MEETING</i>	<i>AMOUNT TO BE RESCINDED</i>
Airport	Runway 15/33 Design	Article 13/Annual Town Meeting 2008	\$1,542,748.00
Airport	Runway 33	Article 13/Annual Town Meeting 2009	\$1,883,700.00
Airport	Airport Ramp Extension	Article 13/Annual Town Meeting 2010	\$371,164.04
Airport	Parking Lot Landscaping	Article 13/Annual Town Meeting 2010	\$26,409.00

ARTICLE 20

(Appropriation: Ferry Embarkation Fee)

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

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that One Hundred Ninety-one Thousand Four Hundred Seven Dollars (\$191,407) be appropriated from the Ferry Embarkation Fee Fund for the purpose of public safety protection, emergency services, and any other purpose allowed by applicable law.

ARTICLE 21

(Appropriation: Other Post-Employment Benefits Trust Fund)

To see what sum the Town will vote to appropriate and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to deposit into the Other Post-

Employment Benefits Liability Trust Fund established pursuant to Mass. General Law chapter 32B, section 20, for Fiscal Year 2015.

Or, to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Five Hundred Thousand Dollars (\$500,000) be appropriated from the FY 2015 tax levy and other general revenues of the Town to be deposited by the Treasurer into the Other Post-employment Benefits Trust Fund.

ARTICLE 22

(Appropriation: Collective Bargaining Agreement/Fire)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2015 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Fire Department union employees (represented by the Nantucket Professional Firefighters Local 2509) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

(Board of Selectmen)

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

FINANCE COMMITTEE COMMENT: Negotiations with the Fire Union were not completed in time for an appropriation to be put forward before the 2014 Annual Town Meeting.

ARTICLE 23

(Appropriation: Collective Bargaining Agreement/Airport Union)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2015 in a collective bargaining contract between the Town of Nantucket (represented by the Airport Commission) and Airport union employees (represented by the Massachusetts Laborer's District Council of the Nantucket Memorial Airport Employees of the Laborer's International Union of North America, Local 1060) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

(Board of Selectmen for Airport Commission)

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

FINANCE COMMITTEE COMMENT: Negotiations with the Airport Union were not completed in time for an appropriation to be put forward before the 2014 Annual Town Meeting.

ARTICLE 24

(Appropriation: Collective Bargaining Agreement/Our Island Home)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Years 2014 and 2015 in collective bargaining contracts between the Town of Nantucket (represented by the Board of Selectmen) and Our Island Home union employees (represented by the Service Employees Union International, Local 1199) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Fifty-four Thousand Dollars (\$54,000) be hereby appropriated to fund the cost items for Fiscal Year 2014 as described in a collective bargaining agreement between the Town of Nantucket (represented by the Board of Selectmen) and Our Island Home union employees (represented by the Service Employees Union International, Local 1199) in accordance with Chapter 150E of the Massachusetts General Laws, and to meet these appropriations that Fifty-four Thousand Dollars (\$54,000) be transferred from Our Island Home's Fiscal Year 2014 operating budget as voted pursuant to Article 11 of the 2014 Annual Town Meeting; and, further, to amend the Town's classification and compensation plan accordingly to reflect such contract.

ARTICLE 25

(Appropriation: Collective Bargaining Agreement/Public Works)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2015 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and Public Works union employees (represented by the American Federation of State, County and Municipal Employees (AFSCME) Council 93, Local 2346) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

(Board of Selectmen)

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

FINANCE COMMITTEE COMMENT: Negotiations with the Public Works Union were not completed in time for an appropriation to be put forward before the 2014 Annual Town Meeting.

ARTICLE 26

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

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2015 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and Laborer's union employees (represented by the Massachusetts

Laborer's District Council Nantucket Public Employees' Local Union, the Laborer's International Union of North America, Local 1060) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

(Board of Selectmen)

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

FINANCE COMMITTEE COMMENT: Negotiations with the Laborer's Union were not completed in time for an appropriation to be put forward before the 2014 Annual Town Meeting.

ARTICLE 27

(Appropriation: Collective Bargaining Agreement/Police)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2015 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and Police Department union employees (represented by the Massachusetts Coalition of Police, Locals 330 and 330a, International Association of Police Associations (IAPA), and American Federation of Labor - Congress of Industrial Organizations (AFL-CIO)) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

(Board of Selectmen)

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

FINANCE COMMITTEE COMMENT: Negotiations with the Police Union were not completed in time for an appropriation to be put forward before the 2014 Annual Town Meeting.

ARTICLE 28

(Appropriation: Collective Bargaining Agreement/Wannacomet Water)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2015 in a collective bargaining contract between the Town of Nantucket (represented by the Nantucket Water Commission) and Wannacomet Water union employees (represented by the Utility Workers of America, American Federation of Labor - Congress of Industrial Organizations (AFL-CIO), Local Union 359) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

(Board of Selectmen for Nantucket Water Commission)

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

FINANCE COMMITTEE COMMENT: Negotiations with the Wannacomet Water Union were not completed in time for an appropriation to be put forward before the 2014 Annual Town Meeting.

ARTICLE 29

(Community Preservation Committee: Fiscal Year 2015 Budget Transfers)

To see what sums the Town will vote to transfer into the Community Preservation Committee reserved and unreserved fund balances to turn back the unspent remainder of projects approved in prior fiscal years so that it is available for future appropriations.

FROM	TO	AMOUNT
Article 26 ATM 2013 Nantucket Islands Land Bank	Fiscal Year 2015 Community Preservation Committee Historic Preservation reserved fund balance	\$205,000.00
Total Transfers to Historic Preservation Reserved fund balance		\$205,000.00
Article 21 ATM 2004 Town of Nantucket, Parks and Recreation Commission, Coffin Park	Fiscal Year 2015 Community Preservation Committee Open Space reserved fund balance	\$7,096.51
Article 27 ATM 2005 Prospect Hill Cemetery Association	Fiscal Year 2015 Community Preservation Commission Open space reserve fund balance	\$299.97
Total Transfers to Open Space Reserved fund balance		\$7,396.48
Article 27 ATM 2005 Town of Nantucket, Family & Children’s Services, Tryworks	Fiscal Year 2015 Community Preservation Committee Affordable Housing reserved fund balance	\$50,000.00
Article 30 ATM 2012 Town of Nantucket, Affordable Housing Trust Fund , Units at 7 Surfside	Fiscal year 2015 Community Preservation Committee Affordable Housing reserved fund balance	\$160,000.00
Total Transfers to Affordable Housing Reserved fund balance		\$210,000.00
Total Transfers to all three reserved fund balances		\$422,396.48

(Kenneth Beaugrand, et al)

FINANCE COMMITTEE MOTION: Moved that the unspent remainder of projects in prior years as listed below be transferred between the various accounts as follows:

FROM	TO	AMOUNT
Article 26 ATM 2013 Nantucket Islands Land Bank	Fiscal Year 2015 Community Preservation Committee Historic Preservation reserved fund balance	\$205,000.00
Total Transfers to Historic Preservation Reserved fund balance		\$205,000.00

Article 21 ATM 2004 Town of Nantucket, Parks and Recreation Commission, Coffin Park	Fiscal Year 2015 Community Preservation Committee Open Space reserved fund balance	\$7,096.51
Article 27 ATM 2005 Prospect Hill Cemetery Association	Fiscal Year 2015 Community Preservation Commission Open space reserve fund balance	\$299.97
Total Transfers to Open Space Reserved fund balance		\$7,396.48
Article 27 ATM 2005 Town of Nantucket, Family & Children's Services, Tryworks	Fiscal Year 2015 Community Preservation Committee Affordable Housing reserved fund balance	\$50,000.00
Article 30 ATM 2012 Town of Nantucket, Affordable Housing Trust Fund , Units at 7 Surfside	Fiscal year 2015 Community Preservation Committee Affordable Housing reserved fund balance	\$160,000.00
Total Transfers to Affordable Housing Reserved fund balance		\$210,000.00
Total Transfers to all three reserved fund balances		\$422,396.48

ARTICLE 30

(Appropriation: FY 2015 Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2015 Community Preservation Budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year.

Purpose	Amount
<u>Historic Preservation</u>	
Town of Nantucket, Planning and Land Use Department (PLUS) Funds for a preservation consulting team to <i>update</i> <i>"Building with Nantucket in Mind"</i>	\$30,000
Nantucket Firemen's Association Repair and restore the roof, gutters, trim and windows of the Siasconset Fire station	\$135,000
The Coffin School Trustees Preserving the rear and the Historic Brick Facade of the Sir Isaac Coffin School	\$210,000
St. Paul's Church in Nantucket Completion of the restoration of the exterior vestibule and creation of the handicap accessible walkway, lift and stairway	\$295,000
First Congregational Church in Nantucket	

Restoration of the roof of the Summer Church and the engineering Study	\$80,000
Nantucket Historical Association Restoration of the historic fence at 96 Main Street in front of Hadwen House	\$48,000
Nantucket Islands Land Bank Restoration of Historic clubhouse on Sconset Golf course	\$270,000
Museum of African American History Restoring foundations, rebuilding retaining wall, completing archeological research to replicate original historical foundations	\$144,000
Hostelling International USA, American Youth Hostels Repair and restore the roof and cupola of the Star of Sea Hostel in Surfside	\$95,000
The Homestead Inc. of Nantucket Repair and restore the front façade and the front fence	\$38,800
Town of Nantucket, Natural Resources Department Restoration of the historic Brant Point shellfish propagation Facility	\$350,000
Sub-total	\$1,695,800
\$10,500 of the funds utilized for this category are from the Designated Reserve for Historic preservation with the balance of the funds to be used in this category from the Community Preservation surcharge and the State matching funds.	
Community Housing	
Nantucket Interfaith Council Housing and rental assistance program	\$130,000
Habitat for Humanity Nantucket Inc. Construct new or relocate and renovate a Habitat for Humanity house on current available or to be available land	\$200,000
Housing Assistance Corporation with the Nantucket Housing Authority Sachem's Path, infrastructure implementation including modeling. Work To commence no later than 7-1-2014	\$100,000
Housing Nantucket Capital maintenance for community rental housing	\$150,000
Sub-total	\$580,000
All of the funds to be used in this category from the Community Preservation surcharge and the State matching funds.	

<u>Open Space Conservation/Recreation</u>	
Town of Nantucket Funds to pay the interest and principal in the second year of the Bond authorized at the 2012 Nantucket Town Meeting for the creation of an artificial turf playing field at Nobadeer Farm Road.	\$125,000
Nantucket Land Council, Inc. Funds for the acquisition from the United States General Services Administration (GSA) in cooperation with the Town of Nantucket for a 92 acre site in Madaket	\$650,000
Town of Nantucket, Planning and Land Use Department (PLUS) Funds for the acquisition of the property at 50 Union Street in cooperation with The Nantucket Islands Land Bank to create open space and widen the street corner	\$200,000
<u>Sub-total</u>	\$975,000
\$533,328 of the funds utilized for this category are from the Designated Reserve for Open space with the balance of the funds to be used in this category from the Community Preservation surcharge and the State matching funds.	
<u>Administrative</u>	
Community Preservation Committee Administrative and operating expenses	\$110,000
<u>Sub-total</u>	\$110,000
\$8,430 of the funds utilized for this category are from interest income with the balance of the funds to be used in this category from the Community Preservation surcharge and the State matching funds.	
<u>TOTAL</u>	\$3,360,800
And amounts to be appropriated from the following sources:	
<u>SOURCES</u>	<u>AMOUNT</u>
Raised and appropriated from FY 2014 Community Preservation Surcharge	\$1,841,925
From State matching funds for FY 2013, to be received in 2014	\$966,617
From interest	\$8,430

From Designated Reserves for Historic preservation	\$10,500
From Designated Reserves for Open Space	\$503,328
From Undesignated Reserves	\$30,000
Total Revenues	\$3,360,800

For fiscal year 2015 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.

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

(Kenneth Beaugrand, et al)

FINANCE COMMITTEE MOTION: Moved that the following sums be appropriated or reserved for later appropriation from the Community Preservation Fund Fiscal Year 2015 revenues or other available funds as indicated herein, for the administrative and operating expenses of the Community Preservation Committee, the undertaking of community preservation projects and all other necessary and proper expenses, for Fiscal Year 2015 community preservation purposes as set forth herein, with each item considered a separate appropriation to be spent by the Community Preservation Committee, as shown below with strikeouts indicating deletions from the Community Preservation Committee article and highlighted text indicating additions/modifications:

Purpose	Amount
<u>Historic Preservation</u>	
Town of Nantucket, Planning and Land Use Department (PLUS) Funds for a preservation consulting team to <i>update</i> <i>"Building with Nantucket in Mind"</i>	\$30,000
Nantucket Firemen's Association Repair and restore the roof, gutters, trim and windows of the Siasconset Fire station	\$135,000
The Coffin School Trustees Preserving the rear and the Historic Brick Facade of the Sir Isaac Coffin School	\$210,000
St. Paul's Church in Nantucket Completion of the restoration of the exterior vestibule and creation of the handicap accessible walkway, lift and stairway	\$295,000

First Congregational Church in Nantucket Restoration of the roof of the Summer Church and the engineering Study	\$80,000
Nantucket Historical Association Restoration of the historic fence at 96 Main Street in front of Hadwen House	\$48,000
Nantucket Islands Land Bank Restoration of Historic clubhouse on Sconset Golf course	\$270,000
Museum of African American History Restoring foundations, rebuilding retaining wall, completing archeological research to replicate original historical foundations	\$144,000
Hostelling International USA, American Youth Hostels Repair and restore the roof and cupola of the Star of Sea Hostel in Surfside	\$95,000
The Homestead Inc. of Nantucket Repair and restore the front façade and the front fence	\$38,800
Town of Nantucket, Natural Resources Department Restoration of the historic Brant Point shellfish propagation Facility	\$350,000
Sub-total	\$1,695,800
\$10,500 of the funds utilized for this category are from the Designated Reserve for Historic preservation with the balance of the funds to be used in this category from the Community Preservation surcharge and the State matching funds.	
Community Housing	
Nantucket Interfaith Council Housing and rental assistance program	\$130,000
Habitat for Humanity Nantucket Inc. Construct new or relocate and renovate a Habitat for Humanity house on current available or to be available land	\$200,000
Housing Assistance Corporation with the Nantucket Housing Authority Sachem's Path, infrastructure implementation including modeling. Work To commence no later than 7-1-2014	\$100,000
Housing Nantucket Capital maintenance for community rental housing	\$150,000
Sub-total	\$580,000
All of the funds to be used in this category from the Community Preservation surcharge and the State matching funds.	

Open Space Conservation/Recreation	
Town of Nantucket Funds to pay the interest and principal in the second year of the Bond authorized at the 2012 Nantucket Town Meeting for the creation of an artificial turf playing field at Nobadeer Farm Road.	\$125,000
Nantucket Land Council, Inc. Funds for the acquisition from the United States General Services Administration (GSA) in cooperation with the Town of Nantucket for a 92 acre site in Madaket	\$650,000
Town of Nantucket, Planning and Land Use Department (PLUS) Funds for the acquisition of the property at 50 Union Street in cooperation with The Nantucket Islands Land Bank to create open space and widen the street corner	\$200,000
Sub-total	\$975,000
\$533,328 of the funds utilized for this category are from the Designated Reserve for Open space with the balance of the funds to be used in this category from the Community Preservation surcharge and the State matching funds.	
Administrative	
Community Preservation Committee Administrative and operating expenses	\$110,000
Sub-total	\$110,000
\$8,430 of the funds utilized for this category are from interest income with the balance of the funds to be used in this category from the Community Preservation surcharge and the State matching funds.	
TOTAL	\$3,360,800
And amounts to be appropriated from the following sources:	
SOURCES	AMOUNT
Raised and appropriated from FY 2014 Community Preservation Surcharge	\$1,841,925
From State matching funds for FY 2013 2014 , to be received in 2014 2015	\$966,617

From interest	\$8,430
From Designated Reserves for Historic preservation	\$10,500
From Designated Reserves for Open Space	\$503,328
From Undesignated Reserves	\$30,000
Total Revenues	\$3,360,800

For fiscal year 2015 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.

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

ARTICLE 31

(Appropriation: Siasconset Fire Station)

To see if the Town will vote to appropriate the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) for repairs to the Siasconset Fire Station, including re-shingle the roof, replace all rotted trim and repaint all exterior trim.

(Nelson K. Eldridge, et al)

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

FINANCE COMMITTEE COMMENT: It is the understanding of the Committee that the sponsor of this article withdrew his sponsorship because the Community Preservation Committee (in Article 30 of this Warrant) has recommended funds for FY 2015 for the purposes so stated.

ARTICLE 32

(Sewer User Fee Schedule)

To see if the Town of Nantucket will vote to request the Board of Selectmen, and Town Administration, To amend the current sewer use fee schedule to provide that, for properties on Town water service, one-half (50%) of sewer fees be included as a function of water usage; and that one-half (50%) be included in the general tax levy of the Town. This provision would apply only to those taxpayers whose sewer bills are calculated as a function of their water bill. All other sewer fees for properties on septic systems, or with on-site wells would remain as at present.

(Curtis L. Barnes, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: The Committee supports referral of this Article to the Board of Selectmen's Sewer Work Group for discussion and subsequent recommendations.

**ARTICLE 33
(Local Room Tax Dedication Request)**

To see if the town will vote to affirm and restate the town's commitment pursuant to Article 51 of the 1991 Annual Town Meeting to the effect "... that thirty percent (30%) of the town's receipts from the Local Room Tax be dedicated ... ", so that thirty percent (30%) of the town's proceeds from the local room occupancy tax received by the town pursuant to section 3 A of chapter 64G of the General Laws of the Commonwealth at the rate set by the vote of the town pursuant to Article 8 of the September 21, 2009 Special Town Meeting, is to be dedicated to fund Visitor Services and Information Advisory Committee as defined in Article IV, sections 11.13 through 11.15 of the Nantucket Code, to be used for the Visitor Services and Information Advisory Committee functions described in section 11.15 of the Nantucket Code, or to take any other action related thereto

(Ann Balas, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: The initial article from the 1991 Annual Town Meeting was advisory and not legally binding. The Town remains committed to providing appropriate services for visitors. From all funding sources, the Town overall spends more than the 30% amount of the room occupancy tax on town-wide visitor services and programs.

BOARD OF SELECTMEN COMMENT: The Board of Selectmen does not support the Article.

**ARTICLE 34
(Appropriation: Egan Properties Acquisition)**

To see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, a sum of money for the acquisition of the following properties, as authorized by the vote of Article 82 by the 2012 Annual Town Meeting, and the costs related thereto, the properties being described as follows:

- Assessor Map 55, Parcels 314, 315, 316, 317 and 318, all known as 11 Mill Hill Lane;
- Assessor Map 55.4.4, Parcels 26 and 99, known as 11 Chicken Hill;
- Assessor Map 55.4.4, Parcel 83, known as 15 Mill Hill Lane;
- Assessor Map 55.4.4, parcel 60, known as 17 Mill Hill Lane;
- Assessor Map 55.4.4, Parcel 58, known as 19 Mill Hill Lane;

Unnamed ways as follows:

Between the eastern sideline of Cato Lane to the western property line of Assessor Map 55, Parcel 319, south of Mill Hill Lane;

Between the eastern sideline of Hummock Pond Road to the southwestern sideline of Mill Hill Lane;

Between the southern sideline of an unnamed way to the eastern sideline of Cato Lane;

Between the western sideline of Cato Lane to the northern sideline of an unnamed way.

All as shown on a map entitled "2012 Annual Town Meeting Warrant Article 82" 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 not to adopt the Article.

BOARD OF SELECTMEN COMMENT: The Board of Selectmen does not support the Article.

ARTICLE 35

(Zoning Bylaw Amendment: Flood Hazard Overlay District)

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

1. To amend section 4B as follows:

The Flood Hazard ~~Overlay~~ District (~~FHOD~~) is ~~located and bounded on maps entitled, "Flood Insurance Rate Map, Town of Nantucket, Massachusetts, Nantucket County" prepared by the Federal Emergency Management Agency dated November 6, 1996, consisting of 20 sheets numbered as Panels 1 through 20, inclusive, as may be duly amended, hereby incorporated and made a part of this chapter by reference. All areas shown on the Flood Insurance Rate Map with the following designations shall be considered part of the Flood Hazard District: V1 – 30 Zones, A1 – 30 Zones, unnumbered A Zones, A-H Zones, AO Zones and A99 Zones. The Flood Hazard District shall be considered an overlay district to be superimposed on the Zoning Map of Nantucket. The maps referred to above shall be kept on file in the office of the Town Clerk. includes all special flood hazard areas within the Town of Nantucket designated as Zone A, AE, or VE on the Nantucket County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Nantucket County FIRM that are wholly or partially within the Town of Nantucket are panel numbers 25019C0018G, 25019C0019G, 25019C0033G, 25019C0034G, 25019C0042G, 25019C0061G, 25019C0062G, 25019C0063G, 25019C0064G, 25019C0066G, 25019C0067G, 25019C0068G, 25019C0069G, 25019C0082G, 25019C0083G, 25019C0084G, 25019C0086G, 25019C0087G, 25019C0088G, 25019C0089G, 25019C0091G, 25019C0092G, 25019C0093G, 25019C0094G, 25019C0103G, 25019C0111G, 25019C0112G, 25019C0113G, 25019C0114G, 25019C0132G, 25019C0151G, 25019C0152G, 25019C0156G, 25019C0157G, 25019C0176G, and 25019C0177G, dated June 9, 2014. The exact boundaries of the FHOD may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Nantucket County Flood Insurance Study (FIS) booklet dated June 9, 2014. The FIRM and FIS~~

booklet are incorporated herein by reference and are on file with the offices of Planning and Land Use Services and Conservation Commission.

2. To delete section 12A in its entirety.
3. To insert a new section 12A as follows:

A. Flood Hazard District Overlay (FHOD).

- (1) Statement of purpose. The purposes of the Flood Hazard Overlay District (FHOD) are to ensure public safety through reducing the threats to life and personal injury; prevent the occurrence of public emergencies resulting from water quality contamination and pollution due to flooding; avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact the community beyond the site of flooding; reduce costs associated with the response and cleanup of flooding conditions; reduce damage to public and private property resulting from flooding waters.
- (2) Use regulations. The FHOD is herein established as an overlay district to all other districts. The FHOD includes all special flood hazard areas within the Town of Nantucket designated as Zone A, AE, or VE on the Nantucket County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Nantucket County FIRM that are wholly or partially within the Town of Nantucket are panel numbers 25019C0018G, 25019C0019G, 25019C0033G, 25019C0034G, 25019C0042G, 25019C0061G, 25019C0062G, 25019C0063G, 25019C0064G, 25019C0066G, 25019C0067G, 25019C0068G, 25019C0069G, 25019C0082G, 25019C0083G, 25019C0084G, 25019C0086G, 25019C0087G, 25019C0088G, 25019C0089G, 25019C0091G, 25019C0092G, 25019C0093G, 25019C0094G, 25019C0103G, 25019C0111G, 25019C0112G, 25019C0113G, 25019C0114G, 25019C0132G, 25019C0151G, 25019C0152G, 25019C0156G, 25019C0157G, 25019C0176G, and 25019C0177G, dated June 9, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Nantucket County Flood Insurance Study (FIS) booklet dated June 9, 2014. The FIRM and FIS booklet are incorporated herein by reference and are on file with the offices of Planning and Land Use Services and Conservation Commission. In addition to meeting the requirements of districts in which a particular piece of land may lie, all development which lies within a boundary of the FHOD, including structural and nonstructural activities, alterations, additions, relocations and demolitions, must be in compliance with MGL c. 131, § 40, and the requirements of the Massachusetts State Building Code pertaining to construction in floodplains and the following additional requirements:
 - (a) VE Zones: All new construction, except water-related structures such as piers, groins, and similar structures, shall be located landward of the reach of mean high tide. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.

(b) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(c) Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

(d) In a riverine situation, the Natural Resources Coordinator shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

(e) All subdivision proposals must be designed to assure that:

a) such proposals minimize flood damage;

b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

c) adequate drainage is provided to reduce exposure to flood hazards.

(3) Existing regulations. All development in the district, including structural and nonstructural activities whether permitted by right, by site plan review, or by special permit, must be in compliance with the following:

(a) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR);

(b) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);

(c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);

(d) Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);

(e) Minimum Requirements for Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

(f) Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations;

(g) All other applicable Nantucket regulations and bylaws.

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

1. section 4B:

~~The Flood Hazard Overlay District (FHOD) is located and bounded on maps entitled, "Flood Insurance Rate Map, Town of Nantucket, Massachusetts, Nantucket County" prepared by the Federal Emergency Management Agency dated November 6, 1996, consisting of 20 sheets numbered as Panels 1 through 20, inclusive, as may be duly amended, hereby incorporated and made a part of this chapter by reference. All areas shown on the Flood Insurance Rate Map with the following designations shall be considered part of the Flood Hazard District: V1-30 Zones, A1-30 Zones, unnumbered A Zones, A-H Zones, AO Zones and A99 Zones. The Flood Hazard District shall be considered an overlay district to be superimposed on the Zoning Map of Nantucket. The maps referred to above shall be kept on file in the office of the Town Clerk.~~ includes all special flood hazard areas within the Town of Nantucket designated as Zone A, AE, or VE on the Nantucket County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Nantucket County FIRM that are wholly or partially within the Town of Nantucket are panel numbers 25019C0018G, 25019C0019G, 25019C0033G, 25019C0034G, 25019C0042G, 25019C0061G, 25019C0062G, 25019C0063G, 25019C0064G, 25019C0066G, 25019C0067G, 25019C0068G, 25019C0069G, 25019C0082G, 25019C0083G, 25019C0084G, 25019C0086G, 25019C0087G, 25019C0088G, 25019C0089G, 25019C0091G, 25019C0092G, 25019C0093G, 25019C0094G, 25019C0103G, 25019C0111G, 25019C0112G, 25019C0113G, 25019C0114G, 25019C0132G, 25019C0151G, 25019C0152G, 25019C0156G, 25019C0157G, 25019C0176G, and 25019C0177G, dated June 9, 2014. The exact boundaries of the FHOD may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Nantucket County Flood Insurance Study (FIS) booklet dated June 9, 2014. The FIRM

and FIS booklet are incorporated herein by reference and are on file with the offices of Planning and Land Use Services and Conservation Commission.

2. Delete section 12A in its entirety.
3. Insert a new section 12A as follows:

B. Flood Hazard District Overlay (FHOD).

- (3) **Statement of purpose.** The purposes of the Flood Hazard Overlay District (FHOD) are to ensure public safety through reducing the threats to life and personal injury; prevent the occurrence of public emergencies resulting from water quality contamination and pollution due to flooding; avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact the community beyond the site of flooding; reduce costs associated with the response and cleanup of flooding conditions; reduce damage to public and private property resulting from flooding waters.
- (4) **Use regulations.** The FHOD is herein established as an overlay district to all other districts. The FHOD includes all special flood hazard areas within the Town of Nantucket designated as Zone A, AE, or VE on the Nantucket County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Nantucket County FIRM that are wholly or partially within the Town of Nantucket are panel numbers 25019C0018G, 25019C0019G, 25019C0033G, 25019C0034G, 25019C0042G, 25019C0061G, 25019C0062G, 25019C0063G, 25019C0064G, 25019C0066G, 25019C0067G, 25019C0068G, 25019C0069G, 25019C0082G, 25019C0083G, 25019C0084G, 25019C0086G, 25019C0087G, 25019C0088G, 25019C0089G, 25019C0091G, 25019C0092G, 25019C0093G, 25019C0094G, 25019C0103G, 25019C0111G, 25019C0112G, 25019C0113G, 25019C0114G, 25019C0132G, 25019C0151G, 25019C0152G, 25019C0156G, 25019C0157G, 25019C0176G, and 25019C0177G, dated June 9, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Nantucket County Flood Insurance Study (FIS) booklet dated June 9, 2014. The FIRM and FIS booklet are incorporated herein by reference and are on file with the offices of Planning and Land Use Services and Conservation Commission. In addition to meeting the requirements of districts in which a particular piece of land may lie, all development which lies within a boundary of the FHOD, including structural and nonstructural activities, alterations, additions, relocations and demolitions, must be in compliance with MGL c. 131, § 40, and the requirements of the Massachusetts State Building Code pertaining to construction in floodplains and the following additional requirements:
 - (a) **VE Zones:** All new construction, except water-related structures such as piers, groins, and similar structures, shall be located landward of the reach of mean high tide. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.

(b) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(c) Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

(d) In a riverine situation, the Natural Resources Coordinator shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

(e) All subdivision proposals must be designed to assure that:

a) such proposals minimize flood damage;

b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

c) adequate drainage is provided to reduce exposure to flood hazards.

(3) Existing regulations. All development in the district, including structural and nonstructural activities whether permitted by right, by site plan review, or by special permit, must be in compliance with the following:

(a) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR);

(b) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);

(c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);

(d) Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);

(e) Minimum Requirements for Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

(f) Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations;

(g) All other applicable Nantucket regulations and bylaws.

PLANNING BOARD COMMENT: Adoption of this Article is a federal requirement to implement updated Federal Emergency Management Agency (FEMA) floodplain maps and associated information. Availability of insurance for property owners will be negatively impacted if this Article is not adopted.

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

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

ARTICLE 36

(Zoning Map Change: LC to R-5 - Brant Point Area)

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

Map	Lot	Number	Street
29	914	4	Stone Barn Way
29	901.1	5A	Stone Barn Way
29	901.2	5B	Stone Barn Way
29	901.3	5C	Stone Barn Way
29	901.4	5D	Stone Barn Way
29	901.5	5E	Stone Barn Way
29	912.2	6A	Stone Barn Way
29	912.1	6B	Stone Barn Way
29	911	8	Stone Barn Way
29	906	9	Stone Barn Way
29	910	10	Stone Barn Way
29	907	11	Stone Barn Way
29	909	12	Stone Barn Way
29	908	14	Stone Barn Way
29	901	5	Stone Barn Way
29	86	60	N. Beach Street
29	86.1	58	N. Beach Street
29	86.2	56	N. Beach Street
29	40 (a portion of)	41B	Cliff Road
29	158	1	Arbour Way
29	159	5	Arbour Way

29	160	7	Arbour Way
29	137 (136)	44	N. Beach Street
42.4.1	26	14	Harbor View Way
42.4.1	27	12	Harbor View Way
42.4.1	28 (29)	8 (6)	Harbor View Way
42.4.1	30	4	Harbor View Way
42.4.2	4	84	Easton Street
42.4.2	5	82	Easton Street
42.4.2	6	80	Easton Street
42.4.1	34	78	Easton Street
42.4.1	33	76	Easton Street
42.4.1	108	75	Easton Street
42.4.1	109	73	Easton Street
42.4.1	110	71	Easton Street
42.4.1	111	69	Easton Street
42.4.1	65.1 (a portion of)	8	N. Beach Street

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 36 LC to R-5: Brant Point Area” dated December 2013 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 is hereby amended by placing the following properties currently located in the Limited Commercial (LC) district in the Residential 5 (R-5) district:

Map	Lot	Number	Street
29	914	4	Stone Barn Way
29	901.1	5A	Stone Barn Way
29	901.2	5B	Stone Barn Way
29	901.3	5C	Stone Barn Way
29	901.4	5D	Stone Barn Way
29	901.5	5E	Stone Barn Way
29	912.2	6A	Stone Barn Way
29	912.1	6B	Stone Barn Way
29	911	8	Stone Barn Way
29	906	9	Stone Barn Way
29	910	10	Stone Barn Way
29	907	11	Stone Barn Way
29	909	12	Stone Barn Way
29	908	14	Stone Barn Way
29	901	5	Stone Barn Way
29	86	60	N. Beach Street
29	86.1	58	N. Beach Street
29	86.2	56	N. Beach Street

29	40 (a portion of)	41B	Cliff Road
29	158	1	Arbour Way
29	159	5	Arbour Way
29	160	7	Arbour Way
29	137 (136)	44	N. Beach Street
42.4.1	26	14	Harbor View Way
42.4.1	27	12	Harbor View Way
42.4.1	28 (29)	8 (6)	Harbor View Way
42.4.1	30	4	Harbor View Way
42.4.2	4	84	Easton Street
42.4.2	5	82	Easton Street
42.4.2	6	80	Easton Street
42.4.1	34	78	Easton Street
42.4.1	33	76	Easton Street
42.4.1	108	75	Easton Street
42.4.1	109	73	Easton Street
42.4.1	110	71	Easton Street
42.4.1	111	69	Easton Street
42.4.1	65.1 (a portion of)	8	N. Beach Street

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 36 LC to R-5: Brant Point Area” dated December 2013 and filed herewith at the Office of the Town Clerk.

PLANNING BOARD COMMENT: Implementation of phasing out the LC zoning district is being pursued in accordance with the timeframe prescribed in the 2009 Nantucket Master Plan. Certain properties were removed from this proposed rezoning based on concerns raised by neighborhood residents and property owners at the Planning Board public hearing. Further review of those properties will be referred to the Brant Point Area Plan Work Group for a future town meeting proposal.

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

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

ARTICLE 37

(Zoning Map Change: RC and LC to CN -- Brant Point Area)

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 (RC) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
42.4.1	23	50	Easton Street

2. By placing the following properties currently located in the Limited Commercial (LC) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
42.4.1	60	60	Easton Street
42.4.1	61	64	Easton Street
42.4.1	63	66	Easton Street
42.4.1	115	67	Easton Street
42.4.1	111	69	Easton Street
42.4.1	110	71	Easton Street
42.4.1	32	72	Easton Street
42.4.1	109	73	Easton Street
42.4.1	108	75	Easton Street
42.4.1	33	76	Easton Street
42.4.1	35	77	Easton Street
42.4.1	34	78	Easton Street
42.4.2	6	80	Easton Street
42.4.2	5	82	Easton Street
42.4.2	4	84	Easton Street
42.4.1	31	2	Harbor View Way
42.4.1	30	4	Harbor View Way
42.4.1	28 (29)	8 (6)	Harbor View Way
42.4.1	27	12	Harbor View Way
42.4.1	26	14	Harbor View Way
42.4.1	62.1	1	Mackay Way
42.4.1	89	1	N. Beach Street
42.4.1	64	2	N. Beach Street
42.4.1	90	3	N. Beach Street
42.4.1	114	4	N. Beach Street
42.4.1	92	5	N. Beach Street
42.4.1	65	6	N. Beach Street
42.4.1	93	7	N. Beach Street
42.4.1	65.1	8	N. Beach Street
42.4.1	94	9	N. Beach Street
42.4.1	66	15 (17, 19, 21)	N. Beach Street
42.4.1	70	23	N. Beach Street
29	130	30	N. Beach Street
42.4.2	50	15	N. Water Street
42.4.2	49	17	N. Water Street
42.4.2	3	19	N. Water Street
42.4.2	100 (98)	23	N. Water Street
42.4.2	2.1	25	N. Water Street
42.4.2	1	29	N. Water Street
42.4.1	62 (62.2)	8	S. Beach Street
42.4.2	51	8	Sea Street

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 37 RC and LC to CN: Brant Point Area” dated December 2013 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 is hereby amended as follows:

1. Placing the following properties currently located in the Residential Commercial (RC) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
42.4.1	23	50	Easton Street

2. Placing the following properties currently located in the Limited Commercial (LC) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
42.4.1	60	60	Easton Street
42.4.1	61	64	Easton Street
42.4.1	63	66	Easton Street
42.4.1	115	67	Easton Street
42.4.1	111	69	Easton Street
42.4.1	110	71	Easton Street
42.4.1	32	72	Easton Street
42.4.1	109	73	Easton Street
42.4.1	108	75	Easton Street
42.4.1	33	76	Easton Street
42.4.1	35	77	Easton Street
42.4.1	34	78	Easton Street
42.4.2	6	80	Easton Street
42.4.2	5	82	Easton Street
42.4.2	4	84	Easton Street
42.4.1	31	2	Harbor View Way
42.4.1	30	4	Harbor View Way
42.4.1	28 (29)	8 (6)	Harbor View Way
42.4.1	27	12	Harbor View Way
42.4.1	26	14	Harbor View Way
42.4.1	62.1	1	Mackay Way
42.4.1	89	1	N. Beach Street
42.4.1	64	2	N. Beach Street
42.4.1	90	3	N. Beach Street
42.4.1	114	4	N. Beach Street
42.4.1	92	5	N. Beach Street
42.4.1	65	6	N. Beach Street

42.4.1	93	7	N. Beach Street
42.4.1	65.1	8	N. Beach Street
42.4.1	94	9	N. Beach Street
42.4.1	66	15 (17, 19, 21)	N. Beach Street
42.4.1	70	23	N. Beach Street
29	130	30	N. Beach Street
42.4.2	50	15	N. Water Street
42.4.2	49	17	N. Water Street
42.4.2	3	19	N. Water Street
42.4.2	100 (98)	23	N. Water Street
42.4.2	2.1	25	N. Water Street
42.4.2	1	29	N. Water Street
42.4.1	62 (62.2)	8	S. Beach Street
42.4.2	51	8	Sea Street

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 37 RC and LC to CN: Brant Point Area” dated December 2013 and filed herewith at the Office of the Town Clerk.

PLANNING BOARD COMMENT: Implementation of phasing out the LC and RC zoning districts is being pursued in accordance with the timeframe prescribed in the 2009 Nantucket Master Plan. Certain properties were removed from this proposed rezoning based on concerns raised by neighborhood residents and property owners at the Planning Board public hearing. Further review of those properties will be referred to the Brant Point Area Plan Work Group for a future town meeting proposal.

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

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

ARTICLE 38

(Zoning Map Change: RC and LC to CDT - Commercial, N. Water, S. Beach, Sea and Washington Streets, Harbor View Way and Steamboat Wharf)

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 Limited Commercial (LC) district in the Commercial Downtown (CDT) district:

Map	Lot	Number	Street
42.4.2	87	7	N. Water Street
42.4.2	103	9	N. Water Street
42.4.2	54.1	11	N. Water Street
42.4.2	52.1	13	N. Water Street
42.4.2	55	1	Sea Street
42.4.2	54.2	3	Sea Street
42.4.2	52.3	5	Sea Street

42.4.2	52.2	7	Sea Street
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2. By placing the following properties currently located in the Residential Commercial (RC) district in the Commercial Downtown (CDT) district:

Map	Lot	Number	Street
42.4.2	8	3	Harbor View Way
42.4.2	10	1	S. Beach Street
42.4.2	13	27	Steamboat Wharf
42.4.2	14	1	Steamboat Wharf
42.4.2	15	3	Steamboat Wharf
42.4.2	101	1	Steamboat Wharf
42.4.2	11 (12)	1	S. Beach Street
42.3.1	38	3	Commercial Street
42.3.2	22	24	Washington Street

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 38 RC and LC to CDT: Commercial, N. Water, S. Beach, Sea and Washington Streets, Harbor View Way and Steamboat Wharf” dated December 2013 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 is hereby amended by placing the following properties currently located in the Residential Commercial (RC) district in the Commercial Downtown (CDT) district:

Map	Lot	Number	Street
42.4.2	8	3	Harbor View Way
42.4.2	10	1	S. Beach Street
42.4.2	13	27	Steamboat Wharf
42.4.2	14	1	Steamboat Wharf
42.4.2	15	3	Steamboat Wharf
42.4.2	101	1	Steamboat Wharf
42.4.2	11 (12)	1	S. Beach Street
42.3.1	38	3	Commercial Street
42.3.2	22	24	Washington Street

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 38 RC to CDT: S. Beach, Harbor View Way and Steamboat Wharf” dated December 2013 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 39

(Zoning Map Change: LC and RC to R-1 -- Brant Point Area)

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 Limited Commercial (LC) district in the Residential 1 (R-1) district:

Map	Lot	Number	Street
29	143	41A	Cliff Road
42.4.4	75	41A	Cliff Road
42.4.1	116	8	Cornish Street

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

Map	Lot	Number	Street
42.1.4	21	42	Easton Street
42.1.4	22	46	Easton Street
29	4	75	Hulbert Avenue
30	49 (a portion of)	23	Jefferson Avenue
30	121 (a portion of)	39	Jefferson Avenue
30	50 (a portion of)	94	Hulbert Avenue

All as shown on a map entitled "2014 Annual Town Meeting Warrant Article 39 LC and RC to R-1: Brant Point Area" dated December 2013 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 is hereby amended as follows:

1. Placing the following properties currently located in the Limited Commercial (LC) district in the Residential 1 (R-1) district:

Map	Lot	Number	Street
29	143	41A	Cliff Road
42.4.4	75	41A	Cliff Road
42.4.1	116	8	Cornish Street

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

Map	Lot	Number	Street
42.1.4	21	42	Easton Street

42.1.4	22	46	Easton Street
29	4	75	Hulbert Avenue
30	49 (a portion of)	23	Jefferson Avenue
30	121 (a portion of)	39	Jefferson Avenue
30	50 (a portion of)	94	Hulbert Avenue

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 39 LC and RC to R-1: Brant Point Area” dated December 2013 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 40

(Zoning Map Change: RC to ROH - Fayette, Meader, Union and Washington Streets)

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

Map	Lot	Number	Street
42.2.3	33	1	Fayette Street
42.2.3	33.1	3	Fayette Street
42.2.3	32	5	Fayette Street
42.2.3	39	3	Meader Street
42.2.3	40	5	Meader Street
42.3.2	89	40B	Union Street
42.3.2	28	42	Union Street
42.3.2	26		Washington Street
42.3.2	80	25R	Washington Street
42.3.2	141	33B	Washington Street
42.3.2	83	33B	Washington Street
42.3.2	25	35R	Washington Street
42.3.2	84	37	Washington Street
42.2.3	34	39	Washington Street
42.2.3	36	55	Washington Street
42.2.3	37	57	Washington Street
42.2.3	41	71	Washington Street
42.2.3	42	77	Washington Street
42.2.3	24	81	Washington Street
42.2.3	25	81	Washington Street
42.2.3	23	83	Washington Street

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 40 RC to ROH: Fayette, Meader, Union and Washington Streets” dated December 2013 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 is hereby amended by placing the following properties currently located in the Residential Commercial (RC) district in the Residential Old Historic (ROH) district:

Map	Lot	Number	Street
42.2.3	33	1	Fayette Street
42.2.3	33.1	3	Fayette Street
42.2.3	32	5	Fayette Street
42.2.3	39	3	Meader Street
42.2.3	40	5	Meader Street
42.3.2	89	40B	Union Street
42.3.2	28	42	Union Street
42.3.2	26		Washington Street
42.3.2	80	25R	Washington Street
42.3.2	141	33B	Washington Street
42.3.2	83	33B	Washington Street
42.3.2	25	35R	Washington Street
42.3.2	84	37	Washington Street
42.2.3	34	39	Washington Street
42.2.3	35	53	Washington Street
42.2.3	36	55	Washington Street
42.2.3	37	57	Washington Street
42.2.3	41	71	Washington Street
42.2.3	42	77	Washington Street
42.2.3	24	81	Washington Street
42.2.3	25	81	Washington Street
42.2.3	23	83	Washington Street

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 40 RC to ROH: Fayette, Meader, Union and Washington Streets” dated December 2013 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 41
(Zoning Map Change: R-1 to ROH - Coffin, Fayette,
Francis, Meader, Union and Washington Streets)

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

Map	Lot	Number	Street
42.3.1	98	5	Coffin Street
42.3.2	19	7	Coffin Street
42.3.2	21	8	Coffin Street
42.3.2	18	9	Coffin Street
42.3.2	79	10	Coffin Street
42.3.2	77	12	Coffin Street
42.3.2	76	18	Coffin Street
42.2.3	31	4	Fayette Street
42.2.3	30	6	Fayette Street
42.2.3	26	5	Francis Street
42.2.3	43	1	Francis Street
42.2.3	45	15	Meader Street
42.2.3	44	21	Meader Street
42.3.1	43	10	Union Street
42.3.2	17	14	Union Street
42.3.2	73	16	Union Street
42.3.2	74	18	Union Street
42.3.2	230	20	Union Street
42.3.2	75	20 ½	Union Street
42.3.2	138	22	Union Street
42.3.2	177	24	Union Street
42.3.2	202.1	24 ½	Union Street
42.3.2	202	26	Union Street
42.3.2	179	28	Union Street
42.3.2	143	30	Union Street
42.2.3	29	44	Union Street
42.2.3	28	46	Union Street
42.2.3	27	48	Union Street
42.3.2	85	32	Union Street
42.3.2	178	33C	Washington Street
42.3.2	86	34	Union Street
42.3.2	142	35	Washington Street
42.3.2	144	36	Union Street
42.3.2	87	36 ½	Union Street
42.3.2	88	38	Union Street

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 41 R-1 to ROH: Coffin, Fayette, Francis, Meader, Union and Washington Streets” dated December 2013 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 is hereby amended by placing the following properties currently located in the Residential 1 (R-1) district in the Historic (ROH) district:

Map	Lot	Number	Street
42.3.1	98	5	Coffin Street
42.3.2	19	7	Coffin Street
42.3.2	21	8	Coffin Street
42.3.2	18	9	Coffin Street
42.3.2	79	10	Coffin Street
42.3.2	77	12	Coffin Street
42.3.2	76	18	Coffin Street
42.2.3	31	4	Fayette Street
42.2.3	30	6	Fayette Street
42.2.3	26	5	Francis Street
42.2.3	43	1	Francis Street
42.2.3	45	15	Meader Street
42.2.3	44	21	Meader Street
42.3.1	43	10	Union Street
42.3.2	17	14	Union Street
42.3.2	73	16	Union Street
42.3.2	74	18	Union Street
42.3.2	230	20	Union Street
42.3.2	75	20 ½	Union Street
42.3.2	138	22	Union Street
42.3.2	177	24	Union Street
42.3.2	202.1	24 ½	Union Street
42.3.2	202	26	Union Street
42.3.2	179	28	Union Street
42.3.2	143	30	Union Street
42.2.3	29	44	Union Street
42.2.3	28	46	Union Street
42.2.3	27	48	Union Street
42.3.2	85	32	Union Street
42.3.2	178	33C	Washington Street
42.3.2	86	34	Union Street
42.3.2	142	35	Washington Street
42.3.2	144	36	Union Street
42.3.2	87	36 ½	Union Street

42.3.2	88	38	Union Street
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All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 41 R-1 to ROH: Coffin, Fayette, Francis, Meader, Union and Washington Streets” dated December 2013 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 42

(Zoning Map Change: RC to CN - Milestone and Old South Roads)

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

Map	Lot	Number	Street
55	181		Milestone Road
55	182	1	Old South Road
55	183	3	Old South Road
55	185	6	Old South Road
55	184	5	Old South Road
55	186	11	Old South Road
55	70.1	13	Old South Road

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 42 RC to CN: Old South Road” dated December 2013 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 is hereby amended by placing the following properties currently located in the Residential Commercial (RC) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
55	181		Milestone Road
55	182	1	Old South Road
55	183	3	Old South Road
55	185	6	Old South Road
55	184	5	Old South Road
55	186	11	Old South Road
55	70.1	13	Old South Road

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 42 RC to CN: Old South Road” dated December 2013 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 43

(Zoning Map Change: R-10 to CN - Hooper Farm and Fairgrounds Roads and Sparks Avenue)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential-10 (R-10) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
55	70	1	Fairgrounds Road
55	204	4	Hooper Farm Road
55	191	4	Sparks Avenue
55	192	6	Sparks Avenue
55	201	8	Sparks Avenue
55	202	10	Sparks Avenue
55	205	12	Sparks Avenue

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 43 R-10 to CN: Hooper Farm and Fairgrounds Road and Sparks Avenue” dated December 2013 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 is hereby amended by placing the following properties currently located in the Residential-10 (R-10) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
55	70	1	Fairgrounds Road

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 43 R-10 to CN: Fairgrounds Road” dated December 2013 and filed herewith at the Office of the Town Clerk.

PLANNING BOARD COMMENT: The single property recommended for rezoning is better grouped with the lots contained in Article 42, which are all located along Old South Road. The Sparks Avenue and Hooper Farm Road properties have not been recommended at this time due to concern expressed by residential abutters.

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

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

ARTICLE 44
(Zoning Map Change: Town R-10 to CTEC)

To see if the Town will vote to: Amend the Zoning Map of the Town of Nantucket by placing properties currently located in the R-10 district into the CTEC district, as identified below. *(Note: this citizen article was submitted with a map identifying the intended properties. For voter convenience and clarity, the properties have been identified below in a format consistent with general practice regarding zoning map change proposals)*

Map	Lot	Number	Street
67	237	78	Surfside Road
67	238	13	Surfside Drive
67	247	11	Surfside Drive
67	248	9	Surfside Drive
67	249	7	Surfside Drive
67	251	5	Surfside Drive
67	252.1	3	Surfside Drive
67	335	2	Surfside Drive
67	479	4	Surfside Drive
67	304	6	Surfside Drive
67	333	8	Surfside Drive
67	332	10	Surfside Drive
67	862	12	Surfside Drive
67	331	12.5	Surfside Drive
67	194.1	14	Surfside Drive
67	342	71	Hooper Farm Road
67	252	65	Hooper Farm Road
67	253	63	Hooper Farm Road
67	254	61	Hooper Farm Road
67	255	59	Hooper Farm Road
67	255.1	2	Quail Lane
67	317	56	Hooper Farm Road
67	769	58	Hooper Farm Road
67	318	60	Hooper Farm Road
67	321	62	Hooper Farm Road
67	322	66	Hooper Farm Road
67	678	68	Hooper Farm Road
67	906	72	Hooper Farm Road
67	905	74	Hooper Farm Road
67	683	76	Hooper Farm Road
67	326	78	Hooper Farm Road
67	312	6	Parker Lane
67	311	10	Parker Lane
67	770	1	Parker Lane
67	771	1A	Parker Lane
67	319.1	3	Parker Lane
67	319	5	Parker Lane

67	319.2	7	Parker Lane
67	670	9	Parker Lane
67	671	11	Parker Lane
67	284	15	Trotters Lane
67	285	17	Trotters Lane
67	289	23 (19)	Trotters Lane
67	290	19 (25)	Trotters Lane
67	174	4	Gray Avenue
67	320	5	Gray Avenue
67	175	6	Gray Avenue
67	882	7	Gray Avenue
67	772	8	Gray Avenue
67	323	9	Gray Avenue
67	178	10	Gray Avenue
67	324	11	Gray Avenue
67	179	12	Gray Avenue
67	325 (904, 905, 906)	13 (13A Gray Avenue and 72 and 74 Hooper Farm Road)	Gray Avenue
67	904	13A	Gray Avenue
67	182	16 (14)	Gray Avenue
67	326.1	15	Gray Avenue
67	877	16	Gray Avenue
67	327	17	Gray Avenue
67	183	18	Gray Avenue
67	489	19	Gray Avenue
67	186	20	Gray Avenue
67	291	41	Fairgrounds Road
67	288	43	Fairgrounds Road
67	287	45	Fairgrounds Road
67	304.1	47	Fairgrounds Road
67	304	47A	Fairgrounds Road
67	304.2	47B	Fairgrounds Road
67	306	49	Fairgrounds Road
67	307	51	Fairgrounds Road
67	895	53	Fairgrounds Road
67	308	55	Fairgrounds Road
67	173	61	Fairgrounds Road
67	176	63	Fairgrounds Road
67	692.1	65A	Fairgrounds Road
67	692.2	65B	Fairgrounds Road
67	177	67	Fairgrounds Road
67	766	69	Fairgrounds Road
67	693	71	Fairgrounds Road
67	180	73	Fairgrounds Road

(Venessa K. Moore, et al)

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

PLANNING BOARD COMMENT: The Board received significant written opposition to this Article. As a result, the proponent requested that the Board take no action.

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

ARTICLE 45

(Zoning Map Change: RC-2 and R-20 to CN - Goldfinch Drive, Greglen Avenue, Lovers Lane, Davkim Lane, Nancy Ann Lane, and Old South Road)

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-Neighborhood (CN) district:

Map	Lot	Number	Street
68	994	97	Goldfinch Drive
68	583	99	Goldfinch Drive
68	131	2	Greglen Avenue
68	177	4	Greglen Avenue
68	203	2	Lovers Lane
68	202	4	Lovers Lane
68	201	6	Lovers Lane
68	200	8	Lovers Lane
68	132	3	Nancy Ann Lane
68	204	4	Nancy Ann Lane
68	205	6	Nancy Ann Lane
68	206	8	Nancy Ann Lane
68	207	10	Nancy Ann Lane
68	176	12	Nancy Ann Lane
68	130	14	Nancy Ann Lane
68	59	16	Davkim Lane
68	58	18	Davkim Lane
68	57	20	Davkim Lane
68	18.2	54	Old South Road
68	18.3	54R	Old South Road
68	83	56	Old South Road
68	156	57	Old South Road
68	84	58	Old South Road
68	85.3	60	Old South Road
68	85.2	62	Old South Road
68	157	63	Old South Road
68	85	64	Old South Road
68	85.4	66	Old South Road

68	158	67	Old South Road
68	85.5	68	Old South Road
68	999.2 (a portion of)	71	Old South Road
68	999.1 (a portion of)	75	Old South Road

2. By placing the following properties currently located in the Residential-20 (R-20) district in the Commercial-Neighborhood (CN) district:

Map	Lot	Number	Street
68	129 (a portion of)	73	Old South Road
68	198	1	Greglen Avenue
68	197	3	Greglen Avenue
68	194	5	Greglen Avenue
68	199	10	Lovers Lane

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 45 RC-2 and R-20 to CN: Goldfinch Drive, Greglen Avenue, Lovers Lane, Nancy Ann Lane, Davkim Lane, and Old South Road” dated December 2013 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 is hereby amended as follows:

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

Map	Lot	Number	Street
68	994	97	Goldfinch Drive
68	583	99	Goldfinch Drive
68	131	2	Greglen Avenue
68	177	4	Greglen Avenue
68	203	2	Lovers Lane
68	202	4	Lovers Lane
68	201	6	Lovers Lane
68	200	8	Lovers Lane
68	132	3	Nancy Ann Lane
68	204	4	Nancy Ann Lane
68	205	6	Nancy Ann Lane
68	206	8	Nancy Ann Lane
68	207	10	Nancy Ann Lane
68	176	12	Nancy Ann Lane
68	130	14	Nancy Ann Lane
68	59	16	Davkim Lane
68	58	18	Davkim Lane

68	57	20	Davkim Lane
68	18.2	54	Old South Road
68	18.3	54R	Old South Road
68	83	56	Old South Road
68	156	57	Old South Road
68	84	58	Old South Road
68	85.3	60	Old South Road
68	85.2	62	Old South Road
68	157	63	Old South Road
68	85	64	Old South Road
68	85.4	66	Old South Road
68	158	67	Old South Road
68	85.5	68	Old South Road
68	999.2 (a portion of)	71	Old South Road
68	999.1 (a portion of)	75	Old South Road

2. Placing the following properties currently located in the Residential-20 (R-20) district in the Commercial-Neighborhood (CN) district:

Map	Lot	Number	Street
68	129 (a portion of)	73	Old South Road
68	198	1	Greglen Avenue
68	197	3	Greglen Avenue
68	194	5	Greglen Avenue
68	199	10	Lovers Lane

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 45 RC-2 and R-20 to CN: Goldfinch Drive, Greglen Avenue, Lovers Lane, Nancy Ann Lane, Davkim Lane, and Old South Road” dated December 2013 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 46

(Zoning Bylaw Amendment: Old South Commercial Overlay District)

To see if the Town will vote to establish a new Overlay District, to be called the Old South Commercial Overlay District (OSCOD), to be added to the list of Overlay Districts in Nantucket Zoning By-law §139-3.F, consisting of the following parcels of land:

Map	Parcel	Number	Street
68	156	57	Old South Road
68	203	2	Lovers Lane
68	202	4	Lovers Lane
68	201	6	Lovers Lane
68	200	8	Lovers Lane

68	204	4	Nancy Ann Lane
68	205	6	Nancy Ann Lane
68	206	8	Nancy Ann Lane
68	207	10	Nancy Ann Lane
68	176	12	Nancy Ann Lane
68	130	14	Nancy Ann Lane
68	129	73	Old South Road
68	158	67	Old South Road
68	157	63	Old South Road
68	85.5	68	Old South Road
68	85.4	66	Old South Road
68	85.2	62	Old South Road
68	85.3	60	Old South Road
68	84	58	Old South Road
68	83	56	Old South Road
68	18.2	54	Old South Road
68	18.3	54R	Old South Road
68	85	64	Old South Road

; or to take any other action relative thereto.

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

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

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

ARTICLE 47

(Zoning Bylaw Amendment: Old South Commercial Overlay District)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by 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. By establishing a new Overlay District, to be called the Old South Commercial Overlay District (OSCOD), to be added to the list of Overlay Districts in Nantucket Zoning By-law §139-3.F, consisting of the following parcels of land:

Map	Parcel	Number	Street
68	156	57	Old South Road
68	203	2	Lovers Lane
68	202	4	Lovers Lane
68	201	6	Lovers Lane
68	200	8	Lovers Lane

68	204	4	Nancy Ann Lane
68	205	6	Nancy Ann Lane
68	206	8	Nancy Ann Lane
68	207	10	Nancy Ann Lane
68	176	12	Nancy Ann Lane
68	130	14	Nancy Ann Lane
68	129	73	Old South Road
68	158	67	Old South Road
68	157	63	Old South Road
68	85.5	68	Old South Road
68	85.4	66	Old South Road
68	85.2	62	Old South Road
68	85.3	60	Old South Road
68	84	58	Old South Road
68	83	56	Old South Road
68	18.2	54	Old South Road
68	18.3	54R	Old South Road
68	85	64	Old South Road

2. By inserting a new section 12L as follows:

139-12(L) Old South Commercial Overlay District. The purpose of the Old South Commercial Overlay District (OSCOD) is to advance the following objectives in the area located on either side of Old South Road, in the vicinity of its intersections with Lover’s Lane and Goldfinch Drive: 1. to promote consistency and quality in the planning and siting of commercial (particularly retail) uses and buildings, streetscape improvements, and infrastructure improvements related thereto; 2. to enhance safety to pedestrians, bicyclists, and motorists in the area; 3. to mitigate traffic congestion, particularly by diverting and dispersing traffic that would otherwise concentrate in the downtown and mid-island areas; and, 4. to promote economic vitality; all in accordance with the general guidance of the Naushop Crossing Area Plan (NCAP), adopted by the Planning & Economic Development Commission on March 3, 2014, on file in the office of the Nantucket Planning & Economic Development Commission. The OSCOD is located and bounded as shown on the following maps adopted by reference herein: “Old South Commercial Overlay District,” January, 2014. The overlay district, as shown on said map shall be considered an overlay district to be superimposed on the Zoning Map of Nantucket, Massachusetts.

(1) Allowed uses:

- (a) All uses allowed by right on the lot within the underlying district in which the land is located.

(2) Uses by special permit:

- (a) All uses permitted on the lot requiring a special permit within the underlying district in which the lot is located.

- (b) Any building(s) devoted primarily to retail use, in excess of 20,000 square feet of ground cover, as defined in the provisions of 139-2, up to a maximum of 45,000 square feet of ground cover, as defined in the provisions of 139-2, and as permitted in accordance with the provisions of 139-11.K(2).

(3) Prohibited uses:

- (a) All uses prohibited on the lot within the underlying district in which the land is located.

(4) Additional development requirements within the OSCOD:

- (a) The Planning Board shall be the special permit granting authority for all commercial uses requiring a special permit within the OSCOD.
- (b) No buildings devoted primarily to retail use or portions of buildings devoted primarily to retail use within the OSCOD in excess of 10,000 square feet of ground cover shall be located within one hundred (100) feet of the Old South Road right of way.
- (c) No buildings devoted primarily to retail use within the OSCOD shall be permitted on a lot which is comprised of less than 10,000 square feet of land area.
- (d) The intensity of any buildings devoted primarily to retail use in excess of 10,000 square feet of ground cover within the OSCOD shall be limited to a ratio of not more than 10,000 square feet of ground cover, or fraction thereof, for every 40,000 square feet of land area, or fraction thereof.
- (e) Buildings devoted primarily to retail use in excess of 20,000 square feet of ground cover shall be permitted within the OSCOD, but only to the extent permitted and as set forth in Section 139-11K(2).
- (f) In considering the approval of any use or expansion within the OSCOD which is subject to the issuance of a special permit and / or major site plan review, the Planning Board may require an applicant to install improvements within the public right-of-way along the frontage of the property controlled by the applicant in accordance with the Naushop Crossing Area Plan (NCAP). Off-site improvements (i.e., beyond the frontage of the property) may be required for special permit uses to the extent that the demand for the improvements is justified by the nature and intensity of the use. For major traffic generators, these improvements may include bike path, road, and intersection improvements.
- (g) The Planning Board, as special permit granting authority, shall have the power to grant a special permit reducing the open area requirements under either § 139-11G or § 139-16E, whichever is applicable, and notwithstanding the provisions of § 139-16E(3), provided that it makes the finding that the applicant has provided sufficient and appropriate landscaping, and further provided that it makes the finding that the benefits to the community and the neighborhood from the reduction of open area

requirements, as conditioned by the decision granting the special permit, will outweigh the benefits that would be derived from the provision of the open area requirements as would otherwise be required. The Planning Board may impose reasonable conditions for the granting of such a special permit, including but not limited to the substitution of off-site landscaping elements, and requirements for the permanent maintenance of landscaping features within the site by the applicant and its successors.

(5) Additional design standards within the OSCOD:

- (a) The following design standards, which were included as recommendations in the Naushop Crossing Area Plan (NCAP), shall apply to future commercial development in applicable areas of the OSCOD, where such development directly abuts a residential property:
- i. No single commercial building (or portion of any single commercial building) located within one hundred (100) feet of any directly abutting residential property shall exceed 10,000 square feet of ground cover.
 - ii. Commercial buildings located within one hundred (100) feet of any directly abutting residential property shall be screened with fencing and/or densely planted landscaping, in order to minimize their impact on such property.
 - iii. A twenty (20) foot wide densely planted “no build” setback area from a property line shall be maintained between commercial properties and any directly abutting residential property. Allowed within this “no build” setback area shall include utilities and fencing, vegetative or man-made screening, plantings, or landscape features. The Planning Board may waive or modify these requirements provided a finding is made that the proposed use is a small scale commercial businesses, such as offices, personal services or other commercial uses compatible with residential uses.
 - iv. Dense vegetative screening shall be maintained between large scale commercial uses and residential property, and additionally may include solid board fencing, subject to approval by the Nantucket Historic District Commission (HDC).
 - v. Commercial parking areas located within one hundred (100) feet of any directly abutting residential property shall be screened with densely planted landscaping and/or fencing, in order to minimize the impact upon such property. Commercial parking areas should also be paved, to reduce noise and dust impacts.
 - vi. Loading and service related functions of large commercial businesses shall be oriented away from and not opposite of the directly abutting residential property, in order to minimize impacts. Commercial loading and service

related functions for smaller businesses should be shared, to the extent possible, in order to minimize disturbance to residential property.

- vii. Loading and service related functions of all commercial buildings shall be located in the rear and or side(s) of the respective buildings, and should also, to the extent possible, be located the furthest distance away from the directly abutting residential property to minimize disturbances.
- viii. Lighting fixtures for commercial uses shall be shielded and directed to avoid the “spillage” of light or glare to adjoining properties. The design and height of such lighting should be in keeping with “Building with Nantucket in Mind” specifically the section entitled “New Commercial Design: Exterior Details”. Appropriate street lighting should be installed along Old South Road to increase visibility and safety at entrances and access points;
- ix. Exterior lighting should also comply with Chapter 102 (Outdoor Lighting) of the Code of the Town of Nantucket. Further, small scale lighting, designed to focus light where it is needed on targeted areas, rather than the utilization of more standard “security” lighting that frequently provides excess lighting beyond what is needed for safety and security, is encouraged.
- x. Bike paths, walking paths, and sidewalks to connect commercial developments with residential neighborhoods and public and private rights of way are encouraged. Bicycle and pedestrian access should be encouraged as a means of reducing vehicular traffic impacts; and
- xi. Efforts shall be made to retrofit existing multi-use paths and construct new multi-use paths incorporating design elements and other means of minimizing potential conflicts between vehicles and bicyclists. These elements may include the use of reflectors, lighting, textured paving, and tactile warning strips leading up intersections with roadways. Implementation of grade separations at major crossings or intersections, where subsurface conditions allow, and where the intensity of use by bicyclists warrant these types of improvements, should be explored, where feasible.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

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

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

ARTICLE 48

(Zoning Bylaw Amendment: Cap on Retail Major Commercial Developments (MCD))

To see if the Town will vote to amend Nantucket Zoning By-law §139-11.K, “Cap on retail MCDs”, by deleting Paragraph (1), which reads:

(1) Except in the following approved area plan location, Mid-Island Planned Overlay District (MIPOD), a special permit shall not be granted for:

(a) A new major commercial development which is devoted primarily to retail use and which has 20,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.

(b) Expansion of an existing major commercial development whenever the expanded portion of the development, added together from the effective date of this §139-11K, is devoted primarily to retail use and has 10,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.

and by replacing it with the following new Paragraphs (1) and (2):

(1) Except in the Mid-Island Planned Overlay District (MIPOD) and the Old South Commercial Overlay District (OSCOD), a special permit shall not be granted for:

(a) A new major commercial development which is devoted primarily to retail use and which has 20,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.

(b) Expansion of an existing major commercial development whenever the expanded portion of the development, added together from the effective date of this §139-11K, is devoted primarily to retail use and has 10,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.

(2) In the Old South Commercial Overlay District (OSCOD), no special permit shall be granted for a building devoted primarily to retail use which exceeds 45,000 square feet of gross floor area of commercial use, including roofed-over storage areas.

or to take any other action relative thereto.

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

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 11K, is hereby amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

(1) Except in the following approved area plan location: Mid-Island Planned Overlay District (MIPOD) and the Old South Commercial Overlay District (OSCOD), a special permit shall not be granted for:

(a) A new major commercial development which is devoted primarily to retail use and which has 20,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.

(b) Any expansion or combination of expansions beginning on April 13, 1998, resulting in an aggregate increase of Expansion of an existing major commercial development whenever the expanded portion of the development, added together from the effective date of this §139-11K, is devoted primarily to retail use and has 10,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.

(2) In the Old South Commercial Overlay District (OSCOD), no special permit shall be granted for a building devoted primarily to retail use which exceeds 45,000 square feet of gross floor area of commercial use, including roofed-over storage areas.

PLANNING BOARD COMMENT: The Board determined that the changes proposed in this Article were policy-level issues that impact the entire town, thereby warranting discussion by the full legislative body - Town Meeting.

FINANCE COMMITTEE COMMENT: The Finance Committee recognizes that the developer has requested that the Town Meeting take no action; however, the zoning change of the magnitude proposed has the potential to create infrastructure and other impacts that have financial repercussions to taxpayers. Consequently, the Committee urges the Planning Board and staff to arrive at a written agreement with the developer that both identifies and commits the developer to mitigate impacts that might arise from the rezoning, prior to this rezoning article coming before Town Meeting. The Committee appreciates the recognition of more thorough public review and looks forward to a more public discussion.

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

**ARTICLE 49
(Zoning Map Change: RC-2 and R-20 to CTEC -
Nancy Ann Lane, Greglen Avenue, and Davkim Lane)**

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 Trade, Entrepreneurship and Craft (CTEC) district:

Map	Lot	Number	Street
68	133	5	Nancy Ann Lane
68	134	7	Nancy Ann Lane
68	135	9	Nancy Ann Lane
68	136	11	Nancy Ann Lane
68	137	13	Nancy Ann Lane
68	138	15	Nancy Ann Lane
68	139	17	Nancy Ann Lane
68	140	19	Nancy Ann Lane
68	178	6	Greglen Avenue
68	179	8	Greglen Avenue
68	180	10	Greglen Avenue
68	181	12	Greglen Avenue

68	182	14	Greglen Avenue
68	183	16	Greglen Avenue
68	184	18	Greglen Avenue
68	141	20	Greglen Avenue
68	63	8	Davkim Lane
68	62	10	Davkim Lane
68	61	12	Davkim Lane
68	60	14	Davkim Lane

2. By placing the following properties currently located in the Residential-20 (R-20) district in the Commercial Trade, Entrepreneurship and Craft (CTEC) district:

Map	Lot	Number	Street
68	64	6	Davkim Lane

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 49 RC-2 and R-20 to CTEC: Nancy Ann Lane, Greglen Avenue, and Davkim Lane” dated December 2013 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 is hereby amended as follows:

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

Map	Lot	Number	Street
68	133	5	Nancy Ann Lane
68	134	7	Nancy Ann Lane
68	135	9	Nancy Ann Lane
68	136	11	Nancy Ann Lane
68	137	13	Nancy Ann Lane
68	138	15	Nancy Ann Lane
68	139	17	Nancy Ann Lane
68	140	19	Nancy Ann Lane
68	178	6	Greglen Avenue
68	179	8	Greglen Avenue
68	180	10	Greglen Avenue
68	181	12	Greglen Avenue
68	182	14	Greglen Avenue
68	183	16	Greglen Avenue
68	184	18	Greglen Avenue
68	141	20	Greglen Avenue
68	63	8	Davkim Lane

68	62	10	Davkim Lane
68	61	12	Davkim Lane
68	60	14	Davkim Lane
68	59	16	Davkim Lane

2. Placing the following properties currently located in the Residential-20 (R-20) district in the Commercial Trade, Entrepreneurship and Craft (CTEC) district:

Map	Lot	Number	Street
68	64	6	Davkim Lane

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 49 RC-2 and R-20 to CTEC: Nancy Ann Lane, Greglen Avenue, and Davkim Lane” dated December 2013 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 50

(Zoning Map Change: R-20 to R-10 - Greglen Avenue)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential-20 (R-20) district in the Residential-10 (R-10) district:

Map	Lot	Number	Street
68	193	7	Greglen Avenue
68	190	9	Greglen Avenue
68	189	11	Greglen Avenue
68	188	13	Greglen Avenue
68	187	15	Greglen Avenue
68	186	17	Greglen Avenue
68	185	19	Greglen Avenue
68	142	21	Greglen Avenue

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 50 R-20 to R-10: Greglen Avenue” dated December 2013 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 is hereby amended by placing the following properties currently located in the Residential-20 (R-20) district in the Residential-10 (R-10) district:

Map	Lot	Number	Street
68	193	7	Greglen Avenue

68	190	9	Greglen Avenue
68	189	11	Greglen Avenue
68	188	13	Greglen Avenue
68	187	15	Greglen Avenue
68	186	17	Greglen Avenue
68	185	19	Greglen Avenue
68	142	21	Greglen Avenue

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 50 R-20 to R-10: Greglen Avenue” dated December 2013 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 51

(Zoning Map Change: R-20 and RC-2 to R-5 - Old South Road)

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-20 (R-20) district in the Residential-5 (R5) district:

Map	Lot	Number	Street
68	129 (a portion of)	73	Old South Road
68	Unnamed Way between the southwestern sideline of the former Miller Lane to its southern terminus (along eastern property line of Assessor Map 68 parcel 129)(Surfside)		

2. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential-5 (R5) district:

Map	Lot	Number	Street
68	999.2 (a portion of)	71	Old South Road
68	999.1 (a portion of)	75	Old South Road

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 51 R-20 and RC-2 to R-5: Portion of Old South Road” dated December 2013 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 is hereby amended by taking the following actions:

1. By placing the following properties currently located in the Residential-20 (R-20) district in the Residential-5 (R5) district:

Map	Lot	Number	Street
68	129 (a portion of)	73	Old South Road
68	Unnamed Way between the southwestern sideline of the former Miller Lane to its southern terminus (along eastern property line of Assessor Map 68 parcel 129)(Surfside)		

2. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential-5 (R5) district:

Map	Lot	Number	Street
68	999.2 (a portion of)	71	Old South Road
68	999.1 (a portion of)	75	Old South Road

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 51 R-20 and RC-2 to R-5: Portion of Old South Road” dated December 2013 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 52

(Zoning Map Change: LUG-2 to R-40 -- Vicinity of South Shore Road)

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

Map	Lot	Number	Street
67	336 (a portion of)	3	S. Shore Road
67	336.9	5	S. Shore Road
67	336.8	7	S. Shore Road
67	336.7	9	S. Shore Road
67	468	11	S. Shore Road

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 52 LUG-2 to R-40: Vicinity of South Shore Road” dated December 2013 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 is hereby amended by placing the following properties currently located in the Limited Use General-2 (LUG-2) district in the Residential 40 (R-40) district:

Map	Lot	Number	Street
67	468	11	S. Shore Road

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 52 LUG-2 to R-40: Vicinity of South Shore Road” dated December 2013 and filed herewith at the Office of the Town Clerk.

PLANNING BOARD COMMENT: Implementation of coordinating the zoning districts with their location in either the “town” or the “country” is being pursued in accordance with the timeframe prescribed in the 2009 Nantucket Master Plan. Four of the five properties, which are vacant land in single ownership, were removed from this proposed rezoning based on concerns raised by neighborhood residents and property owners at the Planning Board public hearing. Further review will be referred to the Surfside Area Plan Work Group for a future town meeting proposal.

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

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

ARTICLE 53

(Zoning Map Change: LUG-2 to LUG-1 -- Vicinity of Miacomet Road and South Shore Road)

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

Map	Lot	Number	Street
67	49.1	17	Miacomet Road
67	336.2	20	Miacomet Road
67	336.3	22	Miacomet Road
67	336.4	24	Miacomet Road
67	336.5	26	Miacomet Road
67	336.6	28	Miacomet Road
80	1.3	44	Miacomet Road
80	1.2	48	Miacomet Road
81	167	58	Miacomet Road
81	168	54	Miacomet Road
67	336 (a portion of)	3	South Shore Road
67	469	5	Wherowhero Lane
67	470	3	Wherowhero Lane
67	471	1	Wherowhero Lane

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 53 LUG-2 to LUG-1: Vicinity of Miacomet Road and South Shore Road” dated December 2013 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: This matter was referred to the Surfside Area Plan Work Group for a future town meeting proposal, which may include these and other neighboring properties.

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

ARTICLE 54

(Zoning Map and Town and Country Overlay District Changes: LUG-2, R-10 and CTEC to LUG-3 and Town to Country - Miacomet Green Belt)

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

1. To amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Limited Use General-2 (LUG-2) district in the Limited Use General-3 (LUG-3) district:

Map	Lot	Number	Street
67	346	9	Miacomet Road
67	345 (a portion of)	1	Miacomet Road
80	1.4		Miacomet Road
67	507		Miacomet Village
67	509		Miacomet Village
67	503		Miacomet Village
67	229 (a portion of)	69R	Surfside Road

2. To amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential 10 (R-10) district in the Limited Use General-3 (LUG-3) district:

Map	Lot	Number	Street
67	345 (a portion of)	1	Miacomet Road
67	681	3	Miacomet Road
67	680	5	Miacomet Road
67	892	7	Miacomet Road
67	679	9	Miacomet Road
67	891	11	Miacomet Road
67	890	13	Miacomet Road

- By placing the following properties currently located in the Commercial, Trade, Entrepreneurship and Craft (CTEC) district in the Limited Use General-3 (LUG-3) district:

Map	Lot	Number	Street
67	229 (a portion of)	69R	Surfside Road

- To amend the map entitled “Town and Country Designations” by removing the properties listed in paragraphs 1 and 2 above from the Town Overlay District and by placing those properties in the Country Overlay District (except for Map 80 Parcel 1.4, which is already in the Country Overlay District).

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 54 Zoning Map and Town and Country Overlay District Changes: LUG-2, R-10 and CTEC to LUG-3 and Town to Country - Miacomet Green Belt” dated December 2013 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 is hereby amended as follows:

- Placing the following properties currently located in the Limited Use General-2 (LUG-2) district in the Limited Use General-3 (LUG-3) district:

Map	Lot	Number	Street
67	346	9	Miacomet Road
67	345 (a portion of)	1	Miacomet Road
80	1.4		Miacomet Road
67	507		Miacomet Village
67	509		Miacomet Village
67	503		Miacomet Village
67	229 (a portion of)	69R	Surfside Road

- Placing the following properties currently located in the Residential 10 (R-10) district in the Limited Use General-3 (LUG-3) district:

Map	Lot	Number	Street
67	345 (a portion of)	1	Miacomet Road
67	681	3	Miacomet Road
67	680	5	Miacomet Road
67	892	7	Miacomet Road
67	679	9	Miacomet Road
67	891	11	Miacomet Road
67	890	13	Miacomet Road

- Placing the following properties currently located in the Commercial, Trade, Entrepreneurship and Craft (CTEC) district in the Limited Use General-3 (LUG-3) district:

Map	Lot	Number	Street
67	229 (a portion of)	69R	Surfside Road

- To amend the map entitled “Town and Country Designations” by removing the properties listed in paragraphs 1 and 2 above from the Town Overlay District and by placing those properties in the Country Overlay District (except for Map 80 Parcel 1.4, which is already in the Country Overlay District).

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 54 Zoning Map and Town and Country Overlay District Changes: LUG-2, R-10 and CTEC to LUG-3 and Town to Country - Miacomet Green Belt” dated December 2013 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 55
**(Zoning Map Change: RC, ROH, R-1, R-10 and R-20 to R-40 -
 Town Overlay District Open Space)**

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

- By placing the following properties currently located in the Residential Commercial (RC) district in the Residential 40 (R-40) district:

Map	Lot	Number	Street
42.2.4	7	17	Commercial Wharf
42.2.4	8		New Whale Street
42.3.2	23.1	28	Washington Street
42.3.2	23.2	30A	Washington Street
42.3.2	23.3	30B	Washington Street
42.2.3	4	38	Washington Street
42.2.3	5	40	Washington Street
42.2.3	6	42	Washington Street
42.2.3	38	60	Washington Street
42.2.3	14	66	Washington Street
42.2.3	18	74	Washington Street
42.2.3	19	76	Washington Street
42.4.2	9	15	Harbor View Way
55	58	16	East Creek Road

2. By placing the following properties currently located in the Residential Old Historic (ROH) district in the Residential 40 (R-40) district:

Map	Lot	Number	Street
55.4.4	15	10	Mill Street
42.3.4	1	17	North Liberty Street

3. By placing the following properties currently located in the Residential 1 (R-1) district in the Residential 40 (R-40) district:

Map	Lot	Number	Street
29	119	11	Galen Avenue
29	120	9	Galen Avenue

4. By placing the following properties currently located in the Residential 10 (R-10) district in the Residential 40 (R-40) district:

Map	Lot	Number	Street
55	112	46	Cato Lane
55	419	40	Cato Lane

5. By placing the following properties currently located in the Residential 20 (R-20) district in the Residential 40 (R-40) district:

Map	Lot	Number	Street
41	393	17	Grove Lane
56	41	41	Cato Lane
56	42	45	Cato Lane
56	56	107	Hummock Pond Road
56	57	109	Hummock Pond Road
66	522	64	Somerset Road

All as shown on a map entitled "2014 Annual Town Meeting Warrant Zoning Map Change: R-40 - Town Overlay District, Map dated January 2011 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 is hereby amended as follows:

1. Placing the following properties currently located in the Residential Commercial (RC) district in the Residential 40 (R-40) district:

Map	Lot	Number	Street
42.2.4	7	17	Commercial Wharf
42.2.4	8		New Whale Street
42.3.2	23.1	28	Washington Street
42.3.2	23.2	30A	Washington Street
42.3.2	23.3	30B	Washington Street
42.2.3	4	38	Washington Street
42.2.3	5	40	Washington Street
42.2.3	6	42	Washington Street
42.2.3	38	60	Washington Street
42.2.3	14	66	Washington Street
42.2.3	18	74	Washington Street
42.2.3	19	76	Washington Street
42.4.2	9	15	Harbor View Way
55	58	16	East Creek Road

2. Placing the following properties currently located in the Residential Old Historic (ROH) district in the Residential 40 (R-40) district:

Map	Lot	Number	Street
55.4.4	15	10	Mill Street
42.3.4	1	17	North Liberty Street

3. Placing the following properties currently located in the Residential 1 (R-1) district in the Residential 40 (R-40) district:

Map	Lot	Number	Street
29	119	11	Galen Avenue
29	120	9	Galen Avenue

4. Placing the following properties currently located in the Residential 10 (R-10) district in the Residential 40 (R-40) district:

Map	Lot	Number	Street
55	112 (a portion of)	46	Cato Lane
55	419	40	Cato Lane

5. Placing the following properties currently located in the Residential 20 (R-20) district in the Residential 40 (R-40) district:

Map	Lot	Number	Street
41	393	17	Grove Lane
56	41	41	Cato Lane
56	42	45	Cato Lane

56	56	107	Hummock Pond Road
56	57	109	Hummock Pond Road
66	522	64	Somerset Road

All as shown on a map entitled “2014 Annual Town Meeting Warrant Zoning Map Change: R-40 - Town Overlay District, Map dated January 2011 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 56

(Zoning Map Change: VR to VN -- 1 Polpis Road)

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

Map	Lot	Number	Street
54	121 (a portion of)	1	Polpis Road

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 56 VR to VN: 1 Polpis Road” dated December 2013 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 is hereby amended by placing the following properties currently located in the Village Residential (VR) district in the Village Neighborhood (VN) district:

Map	Lot	Number	Street
54	121 (a portion of)	1	Polpis Road

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 56 VR to VN: 1 Polpis Road” dated December 2013 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 57

(Zoning Map Change: R-20 to LUG-1 and LUG-2 to LUG-3 Dukes Road, Crooked, Hawthorne, and Burnt Swamp Lanes, and Millbrook Road)

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 20 (R-20) district in the Limited Use General 1 (LUG-1) district:

Map	Lot	Number	Street
56	185.4	53	Dukes Road
56	185.1	55	Dukes Road
56	183	61	Dukes Road
56	182	23	Hawthorne Lane
56	181	25	Hawthorne Lane
56	180	27	Hawthorne Lane
56	242	24	Hawthorne Lane
56	241	49	Millbrook Road
56	240	53R	Millbrook Road
56	239	53	Millbrook Road
56	237	55	Millbrook Road
56	238	61	Millbrook Road
56	437 (a portion of)		Millbrook Road

2. By placing the following properties currently located in the Limited Use General 2 (LUG-2) district in the Limited Use General 3 (LUG-3) district:

Map	Lot	Number	Street
56	228	15	Burnt Swamp Lane
56	234	25	Burnt Swamp Lane
56	236	25	Burnt Swamp Lane
56	394	63	Millbrook Road
56	437 (a portion of)		Millbrook Road
40	79	78	Millbrook Road

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 57 R-20 to LUG-1 and LUG-2 to LUG-3 Dukes Road, Crooked, Hawthorne, and Burnt Swamp Lanes, and Millbrook Road” dated December 2013 and filed herewith at the Office of the Town Clerk.

Or 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 is hereby amended as follows:

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

Map	Lot	Number	Street
56	185.4	53	Dukes Road
56	185.1	55	Dukes Road

56	183	61	Dukes Road
56	182	23	Hawthorne Lane
56	181	25	Hawthorne Lane
56	180	27	Hawthorne Lane
56	242	24	Hawthorne Lane
56	241	49	Millbrook Road
56	240	53R	Millbrook Road
56	239	53	Millbrook Road
56	237	55	Millbrook Road
56	238	61	Millbrook Road
56	437 (a portion of)		Millbrook Road

2. Placing the following properties currently located in the Limited Use General 2 (LUG-2) district in the Limited Use General 3 (LUG-3) district:

Map	Lot	Number	Street
56	228	15	Burnt Swamp Lane
56	234	25	Burnt Swamp Lane
56	236	25	Burnt Swamp Lane
56	394	63	Millbrook Road
56	437 (a portion of)		Millbrook Road
40	79	78	Millbrook Road

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 57 R-20 to LUG-1 and LUG-2 to LUG-3 Dukes Road, Crooked, Hawthorne, and Burnt Swamp Lanes, and Millbrook Road” dated December 2013 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 58

(Zoning Map Change: LUG-3 to SR-20 and/or LUG-1-- Sankaty Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Limited Use General-3 (LUG-3) district in the Sconset Residential-20 (SR-20) and/or Limited Use General 1 (LUG-1) district:

Map	Lot	Number	Street
49	4	103	Sankaty Road
49	94	97	Sankaty Road
49	95	101	Sankaty Road
48	23 (a portion of)	92	Baxter Road
48	46	107	Sankaty Road
48	47.1	111	Sankaty Road
48	26	115	Sankaty Road
48	27	117	Sankaty Road

48	38.1 (a portion of)	108	Baxter Road
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All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 58 LUG-3 to SR-20 and/or LUG-1: Sankaty Road” dated December 2013 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: Motion to be provided at Town Meeting.

ARTICLE 59

(Zoning Map Change: SR-20 to LUG-3 -- Baxter Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Sconset Residential-20 (SR-20) district to the Limited Use General-3 (LUG-3) district:

Map	Lot	Number	Street
49	35	85	Baxter Road
49	8	87	Baxter Road
48	22	91	Baxter Road
48	21	93	Baxter Road
48	19	97	Baxter Road
48	18	99	Baxter Road
48	17	101	Baxter Road
48	15	105	Baxter Road
48	14.1	107	Baxter Road
48	14	107A	Baxter Road
48	9	117	Baxter Road
48	7	119	Baxter Road

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 59 SR-20 to LUG-3: Baxter Road” dated December 2013 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: Due to sensitivity regarding the impacts erosion has had to these properties, the Board chose to defer action.

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

ARTICLE 60
(Zoning Map Change: SR-20, R-20, LUG-1 and LUG-2 to
LUG-3 - Country Overlay District Open Space)

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 Sconset Residential-20 (SR-20) district in the Limited Use General-3 (LUG-3) district:

Map	Lot	Number	Street
73	60	2	Bass Lane
73	65	3	Bass Lane
73	61	4	Bass Lane
73	66	5	Bass Lane
73	62	6	Bass Lane
73	67	7	Bass Lane
73	63	8	Bass Lane
73	68	9	Bass Lane
73	64	10	Bass Lane
73.3.1	129	12	Bass Lane
73.3.1	128	13	Bass Lane
73.3.1	124	14	Bass Lane
73.3.1	125	16	Bass Lane
73.3.1	126	18	Bass Lane
73	53	2	Bluefish Lane
73	56	4	Bluefish Lane
73	57	6	Bluefish Lane
73	58	8	Bluefish Lane
73	59	10	Bluefish Lane
73	69	18	Bluefish Lane
73	70	20	Bluefish Lane
73	71	22	Bluefish Lane
73	2.2	20	Burnell Street
49	165.1		Burnell Street
73	99		Hydrangea Lane
73	100		Hydrangea Lane
73	101		Hydrangea Lane
73	102		Hydrangea Lane
73	103		Hydrangea Lane
74	52	24	Low Beach Road
74	71.2 (a portion of)		Low Beach Road
74	59-66		Low Beach Road
73	81	45	Main Street - Sias.
73	7	49	Main Street - Sias.
73	16	50	Main Street - Sias.
73	15	50	Main Street - Sias.

73	17 (18, 19, 20)	50	Main Street - Sias.
72	49	270	Milestone Road
73	21.1	315R	Milestone Road
73	84	316	Milestone Road
73	73	2	Quahog Court
73	72	3	Quahog Court
73	75	4	Quahog Court
73	74	5	Quahog Court
73	77	6	Quahog Court
73	76	7	Quahog Court
73	78	8	Quahog Court
49	83	79	Sankaty Road
49	90	81	Sankaty Road
73.3.2	75	3	Scallop Court
73.3.2	76	4	Scallop Court
73.3.2	77	5	Scallop Court
73.3.2	78	6	Scallop Court
73.3.2	79	7	Scallop Court
73.3.2	80	8	Scallop Court
73.3.2	81	9	Scallop Court
73.3.2	82	10	Scallop Court

2. By placing the following properties currently located in the R-20 district in the Limited Use General 3 (LUG-3) district:

Map	Lot	Number	Street
88	79	64	Nobadeer Avenue

3. By placing the following properties currently located in the Limited Use General 1 (LUG-1) district in the Limited Use General 3 (LUG-3) district:

Map	Lot	Number	Street
43	68	22	Cathcart Road
43	155		Shimmo Pond Road
43	301	5	Juniper Hill

4. By placing the following properties currently located in the Limited Use General 2 (LUG-2) district in the Limited Use General 3 (LUG-3) district:

Map	Lot	Number	Street
33	22		Eel Point Road

All as shown on a map entitled "2014 Annual Town Meeting Warrant Article 60 CTEC, SR-20, R-20, LUG-1 and LUG-2 to LUG-3 - Country Overlay District Open Space" dated December 2013 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 is hereby amended as follows:

1. Placing the following properties currently located in the Sconset Residential-20 (SR-20) district in the Limited Use General-3 (LUG-3) district:

Map	Lot	Number	Street
73	60	2	Bass Lane
73	65	3	Bass Lane
73	61	4	Bass Lane
73	66	5	Bass Lane
73	62	6	Bass Lane
73	67	7	Bass Lane
73	63	8	Bass Lane
73	68	9	Bass Lane
73	64	10	Bass Lane
73.3.1	129	12	Bass Lane
73.3.1	128	13	Bass Lane
73.3.1	124	14	Bass Lane
73.3.1	125	16	Bass Lane
73.3.1	126	18	Bass Lane
73	53	2	Bluefish Lane
73	56	4	Bluefish Lane
73	57	6	Bluefish Lane
73	58	8	Bluefish Lane
73	59	10	Bluefish Lane
73	69	18	Bluefish Lane
73	70	20	Bluefish Lane
73	71	22	Bluefish Lane
73	2.2	20	Burnell Street
49	165.1		Burnell Street
73	99		Hydrangea Lane
73	100		Hydrangea Lane
73	101		Hydrangea Lane
73	102		Hydrangea Lane
73	103		Hydrangea Lane
74	52	24	Low Beach Road
74	71.2 (a portion of)		Low Beach Road
74	59-66		Low Beach Road
73	81	45	Main Street - Sias.
73	7	49	Main Street - Sias.
73	16	50	Main Street - Sias.
73	15	50	Main Street - Sias.

73	17 (18, 19, 20)	50	Main Street - Sias.
72	49	270	Milestone Road
73	21.1	315R	Milestone Road
73	84	316	Milestone Road
73	73	2	Quahog Court
73	72	3	Quahog Court
73	75	4	Quahog Court
73	74	5	Quahog Court
73	77	6	Quahog Court
73	76	7	Quahog Court
73	78	8	Quahog Court
73	80		Way
49	83	79	Sankaty Road
49	90	81	Sankaty Road
73.3.2	75	3	Scallop Court
73.3.2	76	4	Scallop Court
73.3.2	77	5	Scallop Court
73.3.2	78	6	Scallop Court
73.3.2	79	7	Scallop Court
73.3.2	80	8	Scallop Court
73.3.2	81	9	Scallop Court
73.3.2	82	10	Scallop Court

2. Placing the following properties currently located in the R-20 district in the Limited Use General 3 (LUG-3) district:

Map	Lot	Number	Street
88	79	64	Nobadeer Avenue

3. Placing the following properties currently located in the Limited Use General 1 (LUG-1) district in the Limited Use General 3 (LUG-3) district:

Map	Lot	Number	Street
43	68	22	Cathcart Road
43	155		Shimmo Pond Road
43	301	5	Juniper Hill

4. Placing the following properties currently located in the Limited Use General 2 (LUG-2) district in the Limited Use General 3 (LUG-3) district:

Map	Lot	Number	Street
33	22		Eel Point Road

All as shown on a map entitled "2014 Annual Town Meeting Warrant Article 60: SR-20, R-20, LUG-1 and LUG-2 to LUG-3 - Country Overlay District Open Space" dated December 2013 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 61

(Zoning Bylaw Amendment: Public Wellhead Recharge District)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 12B, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

B. The Public Wellhead Recharge District...

(1) Permitted uses:...

- (c) Storage of home or business fuel intended to be consumed on site for space heating, hot water heating and cooking purposes and contained in tanks not exceeding 1,000 gallons, provided that the design and installation of said tanks is reviewed and approved by the Health Inspector and the Fire Chief in accordance with applicable health and fire safety regulations. Any permitted fuel storage shall be freestanding, above-ground, on an impervious surface, and provided with 110% of storage secondary containment, regardless of size. For the purpose of this § 139-12B, the term "fuel" shall not include liquid propane gas...

(2) Prohibited uses:...

- (b) The manufacture, use, pipeline transport, storage, disposal or treatment of hazardous or toxic materials, except as noted in Subsection B(1)(b), (c), (d) and (e) above. Petroleum, fuel oil and heating oil bulk stations and terminals, including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 (not including liquefied petroleum gas) and 5983 are prohibited. SIC Codes are established by the U.S. Office of Management and Budget and may be determined by referring to the publication, Standard Industrial Classification Manual and any subsequent amendments thereto. The storage of liquid hazardous materials, as defined in MGL c. 21E and/or liquid petroleum products is prohibited unless such storage is: (i) above ground level, and (ii) on an impervious surface; and either [a] in container(s) or aboveground tank(s) within a building, or [b] outdoors in covered container(s) or aboveground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater; however, these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements. For the purpose of this § 139-12B, the term "liquid hazardous material" shall not include liquid propane gas.
- (c) Sanitary landfills, dumps, junkyards (defined in M.G.L. c. 140B s. 1) or disposal or landfilling of solid waste, sludge, sewage or septage...

- (e) Commercial washing, painting, repair or other servicing of motorized vehicles in garages or in the open, except by special permit unless such use is prohibited by 139-12[B](2)(t)[2]...
- (g) On-site disposal of wastewater exceeding 2,000 gallons per day, unless incorporated with an enhanced nitrogen removal system providing equivalency in compliance with MADEP requirements and approved by special permit. Such prohibited wastewater disposal shall also include any discharge, deposit, injection, dumping, spilling, leaking or placing so that untreated waste may enter ground or surface water...
- (i) Truck or bus terminals providing commercial transport services.
- (j) ~~Public or private sewage treatment facilities in excess of 2,000 gallons per day.~~
- (kj) Commercial servicing, repair or construction of boats or boat motors, except by special permit.
- (hk) Dry-cleaning establishments with on-site cleaning operations...
- ~~(o) Salvage yards.~~
- (sq) All land uses, buildings, and accessory structures, that result in rendering impervious more than 15% or 2,500 square feet of any lot, whichever is greater, unless a system for artificial recharge of 95% of annual precipitation is provided that will not result in the degradation of groundwater quality. The Planning Board may require that an applicant provide evidence of groundwater protection which may include a demonstrated history of treatment effectiveness of the proposed design/treatment technology, and it may require monitoring of on-site, pre- and post-development groundwater quality for potential pollutants.
 - [1] For nonresidential uses, recharge shall be by open stormwater infiltration basins or similar system covered with natural vegetation, and ~~dry wells~~ subsurface infiltration shall be used only where other methods are infeasible. For all nonresidential uses, all such basins and wells subsurface infiltration structures shall be preceded by oil, grease and sediment traps pretreatment best management practices to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.
- (tr)
 - [1] Treatment or disposal works subject to 314 CMR 5.0 for wastewater other than sanitary sewage. This prohibition includes, but is not limited to, treatment or disposal works related to activities under the Standard Industrial Classification (SIC) Codes set forth in 310 CMR 15.004(6) Title 5, except the following:
 - [a] Publicly owned treatment works (POTWs);
 - [b] Individual sewage disposal systems handling more than 110 gallons per day per 10,000 square feet of land area that otherwise complies with Title 5, unless incorporated with an enhanced nitrogen removal system providing equivalency in compliance with MADEP requirements.
 - [c] treatment works approved by MADEP designed for the treatment of contaminated ground or surface waters and operated in compliance with 314 CMR 5.05(3) or 5.05(13)...
- (u) Stockpiling and disposal of snow or ice removed from highways and streets located outside of Zone II that contains sodium chloride, chemically-treated abrasives or other chemicals used for snow and ice removal.

(v) Storage of commercial fertilizers, as defined in M.G.L. c. 128, § 64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;...

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 12B, is hereby amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by ~~strikeout~~; these methods to denote changes are not meant to become part of the final text; and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

B. The Public Wellhead Recharge District...

(1) Permitted uses:...

(c) Storage of home or business fuel intended to be consumed on site for space heating, hot water heating and cooking purposes and contained in tanks not exceeding 1,000 gallons, provided that the design and installation of said tanks is reviewed and approved by the ~~Health Inspector and the Fire Chief~~, or his designee, in accordance with applicable health and fire safety regulations. Any permitted fuel storage shall be freestanding, above-ground, on an impervious surface, and provided with 110% of storage secondary containment, regardless of size. For the purpose of this § 139-12B, the term "fuel" shall not include liquid propane gas...

(2) Prohibited uses:...

(b) The manufacture, use, pipeline transport, storage, disposal or treatment of hazardous or toxic materials, except as noted in Subsection B(1)(b), (c), (d) and (e) above. Petroleum, fuel oil and heating oil bulk stations and terminals, including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 (not including liquefied petroleum gas) and 5983 are prohibited, except for municipal use. SIC Codes are established by the U.S. Office of Management and Budget and may be determined by referring to the publication, Standard Industrial Classification Manual and any subsequent amendments thereto. The storage of liquid hazardous materials, as defined in MGL c. 21E and/or liquid petroleum products is prohibited unless such storage is: (i) above ground level, and (ii) on an impervious surface; and either [a] in container(s) or aboveground tank(s) within a building, or [b] outdoors in covered container(s) or aboveground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater; however, these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements. For the purpose of this § 139-12B, the term "liquid hazardous material" shall not include liquid propane gas.

- (c) Sanitary landfills, dumps, junkyards (defined in M.G.L. c. 140B s. 1) or disposal or landfilling of solid waste, sludge, sewage or septage...
- (e) Commercial washing, painting, repair or other servicing of motorized vehicles in garages or in the open, except by special permit unless such use is prohibited by 139-12[B](2)(r)[2]...
- (g) On-site disposal of wastewater exceeding 2,000 gallons per day, unless incorporated with an enhanced nitrogen removal system providing equivalency in compliance with MADEP requirements and approved by special permit. Such prohibited wastewater disposal shall also include any discharge, deposit, injection, dumping, spilling, leaking or placing so that untreated waste may enter ground or surface water...
- (i) Truck or bus terminals providing commercial transport services.
- (j) ~~Public or private sewage treatment facilities in excess of 2,000 gallons per day.~~
- (k) Commercial servicing, repair or construction of boats or boat motors, except by special permit.
- (l) Dry-cleaning establishments with on-site cleaning operations...
- ~~(o) Salvage yards.~~
- (sq) All land uses, buildings, and accessory structures, that result in rendering impervious more than 15% or 2,500 square feet of any lot, whichever is greater, unless a system for artificial recharge of 95% of annual precipitation is provided that will not result in the degradation of groundwater quality. The Planning Board may require that an applicant provide evidence of groundwater protection which may include a demonstrated history of treatment effectiveness of the proposed design/treatment technology, and it may require monitoring of on-site, pre- and post-development groundwater quality for potential pollutants.
 - [1] For nonresidential uses, recharge shall be by open stormwater infiltration basins or similar system covered with natural vegetation, and ~~dry wells~~ subsurface infiltration shall be used only where other methods are infeasible. For all nonresidential uses, all such basins and wells subsurface infiltration structures shall be preceded by ~~oil, grease and sediment traps~~ pretreatment best management practices to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.
- (tr)
 - [1] Treatment or disposal works subject to 314 CMR 5.0 for wastewater other than sanitary sewage. This prohibition includes, but is not limited to, treatment or disposal works related to activities under the Standard Industrial Classification (SIC) Codes set forth in 310 CMR 15.004(6) Title 5, except the following:
 - [a] Publicly owned treatment works (POTWs);
 - [b] Individual sewage disposal systems handling more than 110 gallons per day per 10,000 square feet of land area that otherwise complies with Title 5, unless incorporated with an enhanced nitrogen removal system providing equivalency in compliance with MADEP requirements.
 - [c] treatment works approved by MADEP designed for the treatment of contaminated ground or surface waters and operated in compliance with 314 CMR 5.05(3) or 5.05(13)...
- (u) Stockpiling and disposal of snow or ice removed from highways and streets located outside of Zone II that contains sodium chloride, chemically-treated abrasives or other chemicals used for snow and ice removal.

(v) Storage of commercial fertilizers, as defined in M.G.L. c. 128, § 64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;...

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

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

ARTICLE 62

(Zoning Bylaw Amendment: Parking, Driveways, Screening, Off-Street Loading)

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

1. To amend section 18 as follows:

A. Except in the CDT district, ~~No~~ no land shall be used and no building or structure shall be erected, enlarged or used unless the off-street parking space requirements are met as specified in this § 139-18.

(1) For the purpose of this § 139-18, an enlargement of any building or a change in use of a building, which increases the parking requirements beyond what currently exists, shall require the provision of off-street parking for the existing building as if it were newly constructed.

(2) When one building is used for more than one use, parking requirements shall be computed for each use.

(23) Where the computation of required parking space results in a fractional number, only the fraction of .50 or more shall be counted as one.

(4) Required off-street parking spaces shall be provided on the same lot as the principal or accessory use they are required to serve.

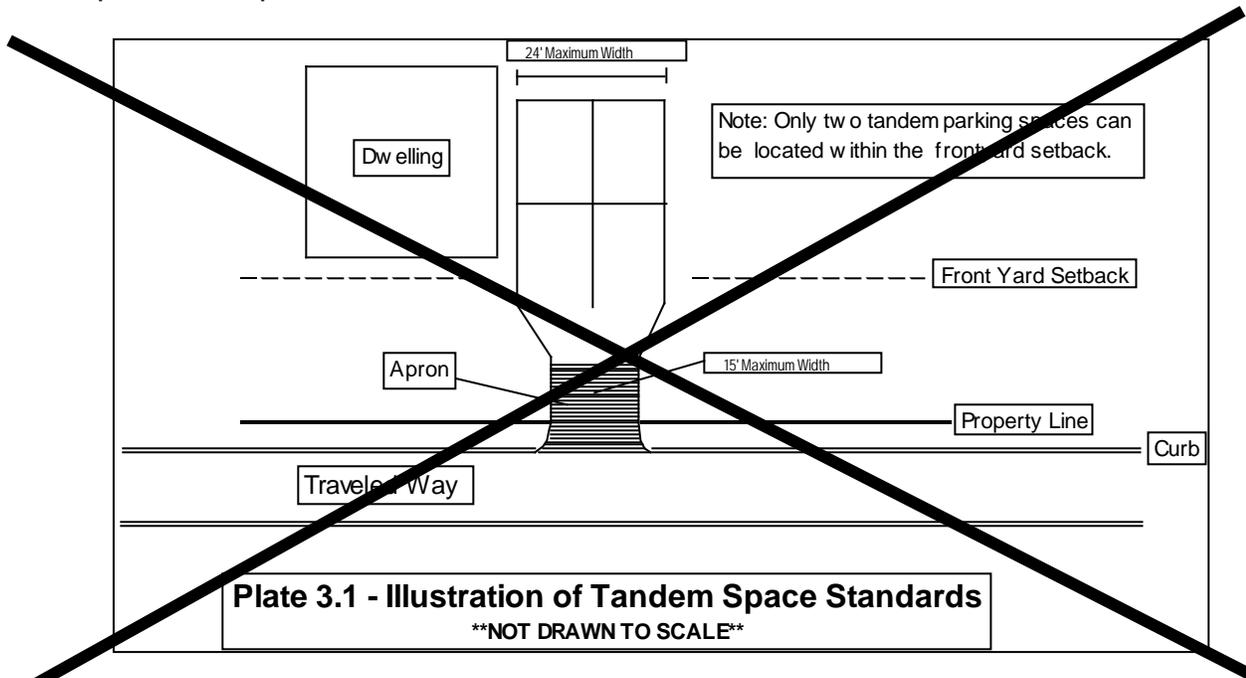
(5) Parking upon a lot shall be located entirely within delineated parking areas. Delineated shall mean, for the purposes of this sub-section, a parking area defined by edging or surface material so that it can be easily differentiated from surrounding yard or landscaped areas. Continuous use of landscaped areas to meet parking needs shall be deemed a change of use and may require additional screening as noted in this sub-section;

(36) Head-in, ninety-degree parking spaces and forty-five degree parking spaces shall not be less than 9 feet in width and ~~20~~ 18 feet in length. The required length for parallel parking spaces shall not be less than ~~23~~ 20 feet. For residential parking only, one required

parking space may be reduced to a minimum dimension of 7 feet in width and 17 feet in length.

~~(7) Commercial parking areas containing 5 or more spaces shall be so arranged as not to require backing of vehicles onto any street or way.~~

~~(48) Stacked or tandem parking spaces are allowed for residential uses only, provided that no more than 4 four spaces are so arranged in this manner. Only one tandem parking space or part thereof, per row, shall be allowed within the front yard setback. Tandem spaces shall be subject to § 139-20.1B(2)(h) and shall not extend for greater than two spaces in depth or width as illustrated in Plate 3.1 below.~~



(5) Aisle Width. For lots containing one or more commercial uses, aisle width shall not be less than 24 20 feet for ninety-degree parking, 15 feet for forty-five-degree parking (angle shall be measured between center line of parking space and center line of aisle), and 12 feet for parallel parking. Aisle width requirements shall not apply to residential uses except for lots containing multi-family or duplex dwelling units, in which case a minimum aisle width of 12 feet shall apply for ninety-degree, forty-five degree, and parallel parking.

~~(6) When one building is used for more than one use, parking requirements shall be computed for each use.~~

~~(7) Required off-street parking spaces shall be provided on the same lot as the principal or accessory use they are required to serve.~~

B. Relief from parking requirements by special permit.

~~(1) When practical difficulties prevent locating the required off-street parking spaces on the same lot with the uses requiring them, the special permit granting authority having~~

jurisdiction may, by special permit, may issue a special permit to allow the use of off-site premises to meet all or a portion of the required off-street parking by lease, easement or ownership.

(2) Relief from any parking requirement of this chapter, except for § 139-18B(1) and § 139-18B(4), may be secured through the issuance of a special permit issued by the special permit granting authority having jurisdiction, provided that such authority makes the following findings:

(a) That the granting of such special permit is in harmony with the general purposes and intent of this chapter; and

(b) That compliance with the parking requirements of this § 139-18 would:

[1] Be physically impossible for the applicant to provide, or

[2] If physically practical, have a significant and adverse effect on the scenic or historic integrity of the neighborhood; or

[3] Be contrary to sound traffic and safety considerations.

(3) The Core District and the Resident Parking District shall be as shown on the Nantucket Parking District Map dated April 7, 1999, on file in the office of the Town Clerk.

(4) For properties located in the LUG-1, LUG-2, LUG-3 and MMD Zoning Districts, special permit relief shall be limited to a waiver of not more than 30% of the spaces required under the provisions of § 139-18.

C. Large parking areas. (See also § 139-19 below.) For parking areas of five spaces or more on a lot, the following shall apply:

(1) Parking spaces (other than those for single and two-family dwellings) shall be so arranged as not to require backing of vehicles onto any street or way used by the public.

(2) Egress shall be designed so as to provide a safe and unobstructed view of traffic in each travel direction.

DB. Table of Parking Requirements.

Residential [§ 139-7]

	Zoning Districts	Single-Family Dwelling	Secondary Dwelling	Accessory Apartment	Apartment	Garage Apartment	Studio	Duplex	Multi-Family	Elder Housing Facilities
Town Residential Districts	R-1	1	.6/br	1	N/A	0.75/br	0	0.75/br	N/A	1 per 2 residents
	SR-1									
	ROH	1	1	0	N/A	0.75/br	0	N/A	N/A	1 per 2 residents
	SOH									
	R-5	1	1	1	N/A	1.0/br	1	1.0/br	1.0/br	1 per 2 residents
	R-10	2	.75/br	1	N/A	1.0/br	1	1.0/br	1.0/br	1 per 2 residents
	SR-10									
	R-20	2	1.0/br	1	N/A	1.0/br	1	N/A	N/A	1 per 2 residents
	SR-20									
	R-40									
Town Commercial Districts	CDT	1	0	0	0.3/br 0	0.3/br 0	0	0.3/br 0	N/A	0

Residential [§ 139-7]										
	LG	4	4	0	0.75/br	0.75/br	0	0.75/br	N/A	1 per 2 residents
	CMI	1	N/A	0	1.0/br	1.0/br	1	1.0/br	1.0/br	1 per 2 residents
	CN	1	N/A	1	1.0/br	1.0/br	1	1.0/br	1.0/br	N/A 1 per 2 residents
	CTEC									
	CI	N/A	N/A	N/A	N/A 1.0/br	1.0/br	N/A 1	N/A	N/A	N/A
	RC	1	1	0	0.75/br	0.75/br	0	0.75/br	0.3/br	1 per 2 residents
	RC-2	2	0.75/br	1	1.0/br	1.0/br	1	1.0/br	1.0/br	1 per 2 residents
Country Residential Districts	V-R	2	2	1	N/A	1.0/br	1	N/A	N/A	1 per 2 residents
	LUG-1									
	LUG-2									
	LUG-3									
	MMD	2	2	1	N/A	1.0/br	1	N/A	N/A	N/A
Country Commercial Districts	VN	2	N/A	1	N/A	1.0/br	1	N/A	N/A	N/A

Residential [§ 139-7]

VTEC

NOTES:

"br" shall mean "bedroom" as determined by the ZEO.

*For interpretation purposes, the secondary dwelling unit shall be the unit with the lesser number of bedrooms and shall not be related to the sequence of building.

**Commercial and Other
Principal and Accessory
Uses "B"**

Number of Spaces

Rooming, lodging and guest houses:	3 spaces plus 1 space for each rental unit over 2
Outside the Core and Resident Parking Permit District	3 spaces plus 1 space for each rental unit over 2
Inside the Core and Resident Parking Permit District	3 spaces plus 1 space for each 3 rental units over 2
Motels, hotels and inns:	2 spaces plus 1 space for each 3 rental units plus 1 space for each 3 persons of total certified building occupancy for meetings and functions
Outside the Core and Resident Parking Permit District	2 spaces plus 1 space for each rental unit and 1 space for each 3 persons of total certified building occupancy for meetings and functions
Inside the Core and Resident Parking Permit District	2 spaces plus 1 space for each 3 rental units plus 1 space for each 3 persons of total certified building occupancy for meetings and functions
Restaurants, taverns and bars, including their outside seated-service areas:	ROH 0 spaces required, RC and CMI in the MIPOD only 1 space for each 6 seats, RC 1 space for each

	4 seats, all other districts 1 space for each 3 seats
Outside the Core and Resident Parking Permit District	1 space for each 4 seats
Inside the Core and Resident Parking Permit District	1 space for each 8 seats
Take-out food establishments	5 spaces per take-out service station and 1 for each 4 seats
Nursing homes	1 space for each 2 beds
Employer dormitories	2 spaces plus 1/2 for each employee occupant over 2-1 space per bedroom
Retail stores and services	1 for each 200 square feet of gross floor area
Recreational facilities (commercial)	1 for each 3 persons of total certified building occupancy
Bowling alleys	4 spaces for each alley
Commercial or business uses (those in "B" above) All above uses:	In addition to the foregoing requirements, 1 space for each 3 employees or workers on peak shift

Principal and Accessory Uses "G"

Number of Spaces

Theaters, auditoriums and other places of public assembly

1 space for each 4 seats

Offices

1 for each 200 square feet of gross floor area, except in the CTEC, CI, VN and VTEC where 1 space for each 500 square feet is required

Business-related offices in dwellings

3 spaces plus 1 space for an employee, if any

Warehouses and other business, commercial or industrial building spaces (other than offices) not generally open to the public Commercial industrial and industrial uses, as specified in the "use chart" in § 139-7A

1 for each 900 square feet of gross floor area

Multifamily uses in Academy Hill District and Our Island Home District

1 space for each 2 dwelling units

Dormitory Overlay District

A minimum of 4 but otherwise not to exceed 1 for every 5 occupants

E. C. For other permitted uses or uses by exception which are not covered in § 139-18B above, comparably adequate off-street parking shall be required as shall be reasonably determined by the Zoning Enforcement Officer, or the special permit granting authority having jurisdiction.

D. Relief from parking requirements by special permit.

(1) Relief from any parking requirement of this chapter may be secured through the issuance of a special permit, provided that the special permit granting authority makes the following findings:

(a) That the granting of such special permit is in harmony with the general purposes and intent of this chapter; and

(b) That compliance with the parking requirements of this § 139-18 would:

[1] Be physically impossible for the applicant to provide, or

[2] If physically practical, have a significant and adverse effect on the scenic or historic integrity of the neighborhood; or

[3] Be contrary to sound traffic and safety considerations.

(2) For properties located in the LUG-1, LUG-2, LUG-3 and MMD Zoning Districts, special permit relief shall be limited to a waiver of not more than 30% of the spaces required under the provisions of § 139-18.

§ 139-19. Screening of parking areas; driveways; and off-street loading facilities lighting.

A. Parking areas with five 5 or more spaces on a lot shall be effectively screened on each side adjoining or fronting on any street and/or abutting property by a wall, fence or densely planted compact hedge not less than three 3 feet nor more than eight 8 feet in height, except where the closest point of such parking area is at least 75 feet from the nearest abutting property line or street.

B. For parking areas of 20 spaces or more on the lot, the following additional screening requirements shall apply:

(1) Parking areas shall be bordered by a 10 five-foot-wide planting strip buffer with at least one 1 tree per 8 eight parking spaces. Tree type and size shall be determined by the special permit granting authority.

~~(2) Trees are to be of four-inch trunk diameter or larger, with not less than 25 square feet of unpaved soil area per tree.~~

C. All off-street loading facilities which are within 30 feet of any residential area shall be completely screened therefrom by dense year-round vegetation, building walls, or a solid fence or wall not less than six 6 nor more than eight 8 feet in height.

~~D. There shall not be more than one driveway per 100 feet of street frontage for any single lot with five or more parking spaces.~~

~~E. Two-way driveway widths shall not be less than 20 feet wide nor more than 24 feet wide on a lot with five or more parking spaces. Single-lane driveway widths shall be a minimum of 12 feet and a maximum of 15 feet on a lot with five or more parking spaces.~~

~~F. Lighting fixtures on a lot used to illuminate any outside area shall be shielded and aimed to direct light away from the street and away from adjacent properties.~~

G. Relief from the screening, driveway and lighting screening of parking areas, driveways, and off-street loading facilities requirements of this chapter may be secured through the issuance of a special permit by the special permit granting authority having jurisdiction; provided that such authority finds (a) That the granting of such relief is in harmony with the general purpose and intent; (b) That full compliance with the screening, driveway and lighting requirements of this chapter is physically impossible for the applicant to provide, or,

if physically possible, would have a significant adverse effect upon the scenic or historic integrity of the neighborhood; and (c) The granting of relief would not be contrary to sound traffic, parking or safety considerations.

§ 139-20. Off-street loading facilities.

A. Off-street loading facilities are not required in any district, except as may be determined by the special permit granting authority during review of a use permit. The special permit granting authority shall determine the size and location of any required off-street loading facilities. Off street loading facilities are not permitted in the CDT or Town Residential districts, as specified in the "use chart" in § 139-7A. ~~shall be provided at the rate of one loading space for any business or commercial building or use involving transport vehicle loadings or unloadings at a lot, plus one loading space for each additional transport vehicle which may reasonably be found by the Zoning Enforcement Officer (or the special permit granting authority) to need such space for concurrent parking, loading or unloading.~~

B. Each loading space or bay shall conform to the following:

~~(1) No loading facility shall be located within 30 feet of the nearest point of intersection of any two streets.~~

~~(2) A loading bay shall be no less than 14 feet in width, 35 feet in length and 12 feet in height, subject to the following:~~

~~(3) Such dimensional requirements shall be exclusive of drive and maneuvering space.~~

~~(4) Each loading bay shall be located entirely on the lot with immediate and direct ingress to the building intended to be served.~~

~~(5) A bay need not be enclosed in a structure, provided that any yard area used as a loading bay shall not infringe on required front, side and rear yards.~~

~~(6) All such facilities shall be designed with appropriate means of vehicular access to a street as well as maneuvering area, and no driveways or curb cuts shall exceed 25 feet in width.~~

~~(7) See § 139-19C above for screening requirements.~~

C. Relief from the off-street loading requirements of this chapter may be secured through the issuance of a special permit by the special permit granting authority having jurisdiction, provided that such authority finds:

~~(1) That the granting of such relief is in harmony with the general purpose and intent of this chapter; and~~

~~(2) That the provision of off-street loading facilities as required by this chapter is physically impossible for the applicant to provide, or, if physically possible, would have a significant adverse effect upon the scenic or historic integrity of the neighborhood; and~~

~~(3) The granting of relief would not be contrary to sound traffic, parking or safety considerations.~~

§ 139-20.1. Driveway access.

A. Purpose. This § 139-20.1 regulating driveway access is enacted under the authority of MGL c. 40A for the purposes of protecting the safety and general welfare of the inhabitants of the Town of Nantucket, by the creation of standards, guidelines and regulatory and administrative processes governing the creation of driveway access within all zoning districts.

B. Regulation of driveway access. No building permit in connection with a building or use which creates a new driveway access onto a public right-of-way, or private right-of-way intended for public use, shall be issued, nor use established, until such driveway access has been approved by the Nantucket Department of Public Works (DPW), as complying with the requirements of § 139-20.1B(2). This requirement may be waived for individual driveway accesses on lots shown on a definitive subdivision which has been endorsed by the Planning Board pursuant to the Subdivision Control Law, MGL c. 41, § 81K et seq., and for which a certification by the DPW has been received by the Planning Board that the driveway accesses within the subdivision comply with the requirements of § 139-20.1B(2).

(1) No more than one driveway access shall be allowed on a lot. However, the Planning Board may grant a waiver to allow two or more driveway accesses in accordance with § 139-20.1C.

(2) Minimum driveway standards associated with driveway accesses. No request for approval of a driveway access permit shall be approved unless the driveway complies with the following minimum standards, ~~except as otherwise required by applicable law:~~

(a) Driveways shall be designed and constructed so as not to result in the direction of stormwater runoff, and soil, stones, or other debris, onto or within the intersecting right-of-way.

(b) No driveway access shall be located closer than 25 feet from the curblineline of an intersecting street, measured from the nearest point of the driveway.

(c) Driveways shall be constructed with a slope not exceeding 12% at their intersection with the street. The DPW may approve a greater slope based on a finding that a lesser slope is infeasible due to the topography or other natural characteristics of the site, and the driveway is designed using sound engineering practice.

(d) Any new or modified driveways intersecting with a paved road shall have a cobblestone, ~~Belgium Block~~, concrete, brick, or asphalt apron ~~with a flared width of~~

~~not less than 15 feet, and a~~ The apron shall extend across the entire width of the driveway and shall have a minimum depth of 10 feet behind the edge of pavement of ~~no less than 10 feet.~~

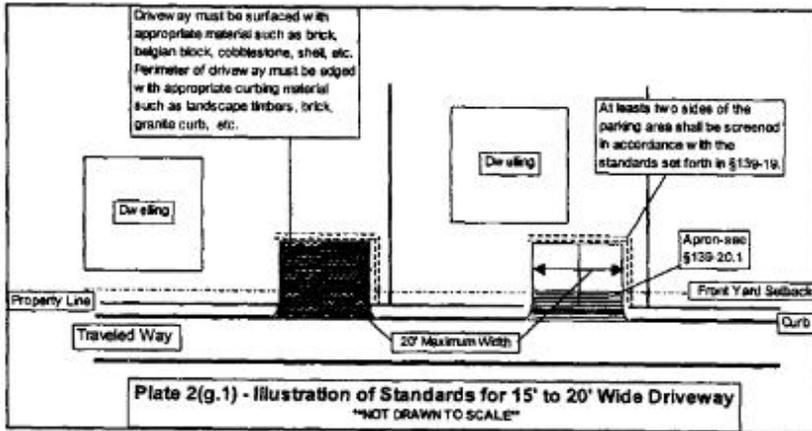
(e) Any areas disturbed in connection with the construction of the driveway shall be stabilized to prevent erosion and sedimentation of the subject property, adjacent property, and of the intersecting street. Adjoining drainage structures shall be protected from sedimentation. Disturbed areas shall be loamed and seeded immediately following construction, or temporary erosion control measures used outside of the growing season.

~~(f) Any driveway accesses onto a state highway are subject to the regulations and standards of the Massachusetts Highway Department.~~

~~(g) The width of driveway accesses shall be measured at the limit of the traveled way within the street right-of-way. Residential driveway accesses shall be cleared free of vegetation and obstruction to a minimum width of 12 feet and a height of 13 feet along a driveway constructed to a minimum of 10 feet in width wide and a maximum of 15 feet in width wide, excluding corner rounding which may have maximum radius of two feet. A residential driveway access not exceeding twenty feet in width (excluding corner rounding with a maximum radius of two feet) may be allowed subject to its conformance with standards shown in Plate 2(g.1) and subject to conditions set forth in Subsection B(2)(h) below.~~

a. Commercial driveway width shall be a minimum of 12 feet and a maximum of 30 feet, excluding corner roundings which may have a maximum radius of 5 feet.

b. Residential driveway access shall be cleared free of vegetation and obstruction to a minimum width of 12 feet and a minimum height of 13 feet. The travelled surface of the driveway shall be a minimum of 10 feet in width and a maximum of 15 feet in width, excluding corner rounding which may have maximum radius of 2 feet. A residential driveway access not exceeding 20 feet in width (excluding corner rounding with a maximum radius of 2 feet) may be allowed subject to its conformance with standards shown in Plate 2(g.1) and subject to conditions set forth in Subsection B(2)(g) below. In the R-5 district only, 2 such driveways may be constructed on a single lot provided that the driveways are separated by at least 5 feet of landscaping or walkway. Tandem parking extensions to any such driveway configuration may be allowed through the issuance of a special permit by the Planning Board.



c. In the R-5 and R-10 districts only, head-in residential driveways not exceeding 27 feet in width and not more than 20 feet in depth measured from the property line, shall be permitted subject to the screening requirements above.

(hg) On-site turnarounds will be required for all lots within the LUG-1, LUG-2, LUG-3, and MMD Zoning Districts, except for those lots in said districts that are within a cluster or MRD subdivision, and lots with driveway access onto the following roadways:

Amelia Drive

Atlantic Avenue

Bartlett Road

Cliff Road

Consue Springs Street: a.k.a. Union Street: between Orange Street and Spring Street

Essex Road

Fairgrounds Road

Francis Street

Friendship Lane

Hooper Farm Road

Hummock Pond Road

Madaket Road

Main Street: between Quaker Road and New Lane

Main Street (Siasconset)

Miacomet Avenue: between Surfside Road and Otokomi Road

Miacomet Road: between Surfside Road and Otokomi Road

Milestone Road

Milk Street

New Lane

New Street, Siasconset

Nobadeer Farm Road

Old South Road

Orange Street: from (Consue Springs Street Union Street east)

Otokomi Road

Pleasant Street

Polpis Road

Prospect Street

Quaker Road

Raceway Drive

Sankaty Road

Somerset Lane

Somerset Road: between Friendship Lane and Vesper Lane

Sparks Avenue

Surfside Drive

Surfside Road

Union Street: between Francis Street and Consue Springs Street to Orange Street

Vesper Lane

Washington Street

(ih) All secondary dwellings approved by the Planning Board shall have a combined driveway access. However, the Planning Board may approve separate access for such dwellings on lots that are not expressly permitted two driveway accesses pursuant to § 139-20.1B(1), upon a finding made during the review of secondary dwelling applications in accordance with Section 3.06 of the Rules and Regulations Governing the Subdivision of Land that the separate access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood, and that separate access is not contrary to sound traffic and safety considerations and combined access is infeasible due to physical constraints or barriers on the property, including, but not limited to, topography or natural vegetation. Access to secondary dwellings shall be clear of obstructions or vegetation to a width of 12 feet and a height of 13 feet along a driveway with a minimum improved width of 10 feet.

(3) Common driveways. ~~No common driveway shall be created for shared access by two~~ 2 or more lots, ~~unless they shall~~ comply with the requirements of this section.

(a) ~~No common access shall be permitted unless a~~ An easement(s) or easements, running with the land in perpetuity, and providing for maintenance, repair, and reconstruction of the driveway and any associated drainage by parties in interest, are shall be executed by the owners, and recorded in the Registry of Deeds prior to the issuance of any building permits. Evidence of such recording shall be submitted to the Building Commissioner or Building Inspector with any building permit application for any of the lots subject to an easement or easements.

(b) ~~Ownership and maintenance of a common driveway shall be assured through a restrictive covenant, which binds current and future owners of each lot served by the common driveway, to the responsibility for maintenance, repair, and reconstruction of the common driveway. The language contained in the covenant shall include provisions for the maintenance, repair, and reconstruction of the common driveway and its drainage system, as appropriate; provision for the allocation of financial responsibility; and a procedure for the resolution of disputes. The covenant shall be recorded in the Registry of Deeds, reference to which shall be incorporated in the deed for each lot served by the common driveway.~~

(c) ~~Nothing in this section will conflict with the powers of the Planning Board to require common access in connection with any subdivision approved in accordance with the Board's "Rules and Regulations Governing the Subdivision of Land."~~

C. Waivers. The Planning Board may grant a waiver to any of the requirements of this § 139-20.1 through the granting of a special permit, provided that, in addition to finding that the requirements of § 139-30 have been satisfied, the Board finds that the granting of the special permit would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood, and is not contrary to sound traffic and safety considerations.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

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

1. Section 18:

A. **Except in the CDT district, No** land shall be used and no building or structure shall be erected, enlarged or used unless the off-street parking space requirements are met as specified in this § 139-18.

(1) For the purpose of this § 139-18, an enlargement of any building or a change in use of a building, which increases the parking requirements beyond what currently exists, shall require the provision of off-street parking for the existing building as if it were newly constructed.

(2) When a lot is used for more than one use, parking requirements shall be computed for each use.

(23) Where the computation of required parking space results in a fractional number, only the fraction of .50 or more shall be counted as one.

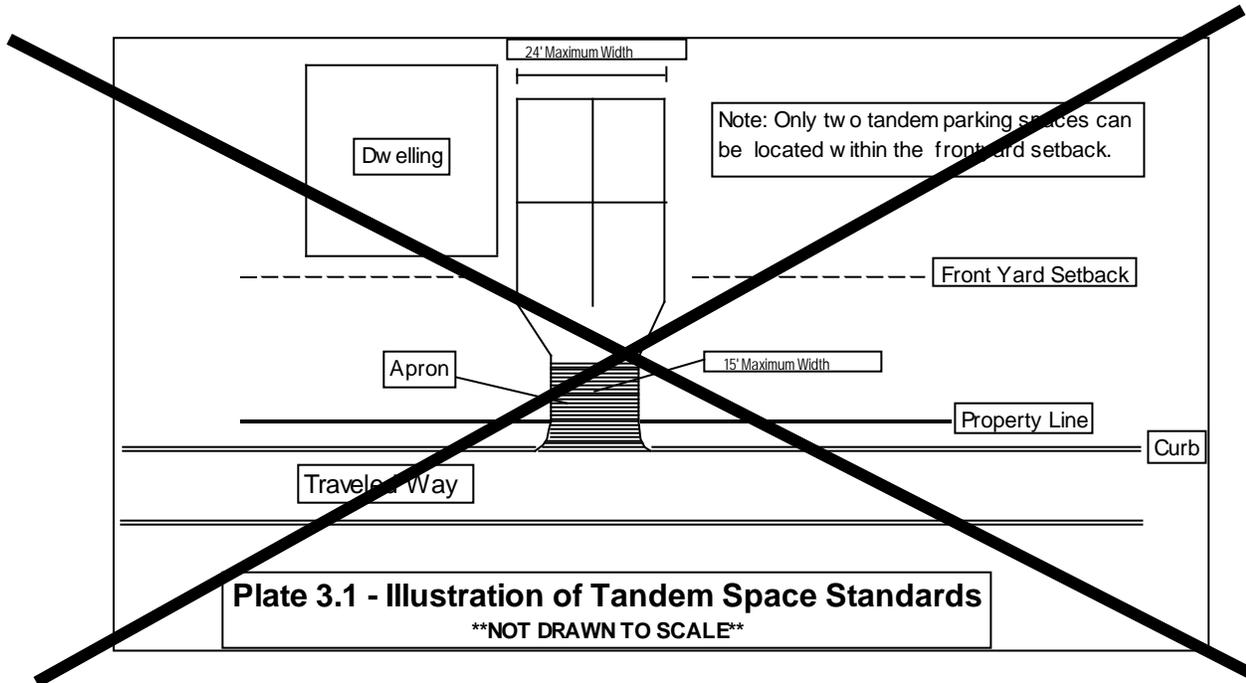
(4) Required off-street parking spaces shall be provided on the same lot as the principal or accessory use they are required to serve.

(5) Parking upon a lot shall be located entirely within delineated parking areas. Delineated shall mean, for the purposes of this sub-section, a parking area defined by edging or surface material so that it can be differentiated from surrounding yard or landscaped areas. Continuous use of landscaped areas to meet parking needs shall be deemed a change of use and may require additional screening as noted in this sub-section;

(36) Head-in, ninety-degree parking spaces and forty-five degree parking spaces shall not be less than 9 feet in width and 20 feet in length. The required length for parallel parking spaces shall not be less than ~~23~~ 20 feet. For residential parking only, one required parking space may be reduced to a minimum dimension of 7 feet in width and 17 feet in length.

(7) Parking areas containing 5 or more spaces required for a commercial use shall be so arranged as not to require backing of vehicles onto any street or way.

(48) Stacked or tandem parking spaces are allowed for residential uses only, provided that no more than four spaces are so arranged in this manner. Only one tandem parking space or part thereof, per row, shall be allowed within the front yard setback. Tandem spaces shall be subject to § 139-20.1B(2)(h) and shall not extend for greater than two spaces in depth or width as illustrated in Plate 3.1 below.



(5) Aisle Width. For lots containing one or more commercial uses, aisle width shall not be less than 24 20 feet for ninety-degree parking, 15 feet for forty-five-degree parking (angle shall be measured between center line of parking space and center line of aisle), and 12 feet for parallel parking. Aisle width requirements shall not apply to residential uses except for lots containing multi-family or duplex dwelling units, in which case a minimum aisle width of 12 feet shall apply for ninety-degree, forty-five degree, and parallel parking.

(6) When one building is used for more than one use, parking requirements shall be computed for each use.

(7) Required off-street parking spaces shall be provided on the same lot as the principal or accessory use they are required to serve.

B. Relief from parking requirements by special permit.

(1) When practical difficulties prevent locating the required off-street parking spaces on the same lot with the uses requiring them, the special permit granting authority having jurisdiction may, by special permit, may issue a special permit to allow the use of off-site premises to meet all or a portion of the required off-street parking by lease, easement or ownership.

(2) Relief from any parking requirement of this chapter, except for § 139-18B(1) and § 139-18B(4), may be secured through the issuance of a special permit issued by the

special permit granting authority having jurisdiction, provided that such authority makes the following findings:

~~(a) That the granting of such special permit is in harmony with the general purposes and intent of this chapter; and~~

~~(b) That compliance with the parking requirements of this § 139-18 would:~~

~~[1] Be physically impossible for the applicant to provide; or~~

~~[2] If physically practical, have a significant and adverse effect on the scenic or historic integrity of the neighborhood; or~~

~~[3] Be contrary to sound traffic and safety considerations.~~

~~(3) The Core District and the Resident Parking District shall be as shown on the Nantucket Parking District Map dated April 7, 1999, on file in the office of the Town Clerk.~~

~~(4) For properties located in the LUG-1, LUG-2, LUG-3 and MMD Zoning Districts, special permit relief shall be limited to a waiver of not more than 30% of the spaces required under the provisions of § 139-18.~~

C. Large parking areas. (See also § 139-19 below.) For parking areas of five spaces or more on a lot, the following shall apply:

~~(1) Parking spaces (other than those for single and two-family dwellings) shall be so arranged as not to require backing of vehicles onto any street or way used by the public.~~

~~(2) Egress shall be designed so as to provide a safe and unobstructed view of traffic in each travel direction.~~

DB. Table of Parking Requirements.

Residential [§ 139-7]

	Zoning Districts	Single-Family Dwelling	Secondary Dwelling	Accessory Apartment	Apartment	Garage Apartment	Studio	Duplex	Multi-Family	Elder Housing Facilities
Town Residential Districts	R-1	1	.6/br	1	N/A	0.75/br	0	0.75/br	N/A	1 per 2 residents
	SR-1									
	ROH	1	1	0	N/A	0.75/br	0	N/A	N/A	1 per 2 residents
	SOH									
	R-5	1	1	1	N/A	1.0/br	1	1.0/br	1.0/br	1 per 2 residents
	R-10	2	.75/br	1	N/A	1.0/br	1	1.0/br	1.0/br	1 per 2 residents
	SR-10									
	R-20	2	1.0/br	1	N/A	1.0/br	1	N/A	N/A	1 per 2 residents
	SR-20									
	R-40									
Town Commercial Districts	CDT	1	0	0	0.3/br 0	0.3/br 0	0	0.3/br 0	N/A	0

Residential [§ 139-7]										
	LC	1	1	0	0.75/br	0.75/br	0	0.75/br	N/A	1 per 2 residents
	CMI	1	N/A	0	1.0/br	1.0/br	1	1.0/br	1.0/br	1 per 2 residents
	CN	1	N/A	1	1.0/br	1.0/br	1	1.0/br	1.0/br	N/A 1 per 2 residents
	CTEC									
	CI	N/A	N/A	N/A	N/A 1.0/br	1.0/br	N/A 1	N/A	N/A	N/A
	RC	1	1	0	0.75/br	0.75/br	0	0.75/br	0.3/br	1 per 2 residents
	RC-2	2	0.75/br	1	1.0/br	1.0/br	1	1.0/br	1.0/br	1 per 2 residents
Country Residential Districts	V-R	2	2	1	N/A	1.0/br	1	N/A	N/A	1 per 2 residents
	LUG-1									
	LUG-2									
	LUG-3									
	MMD	2	2	1	N/A	1.0/br	1	N/A	N/A	N/A
Country Commercial Districts	VN	2	N/A	1	N/A	1.0/br	1	N/A	N/A	N/A

Residential [§ 139-7]

VTEC

NOTES:

"br" shall mean "bedroom" as determined by the ZEO.

*For interpretation purposes, the secondary dwelling unit shall be the unit with the lesser number of bedrooms and shall not be related to the sequence of building.

**Commercial and Other
Principal and Accessory
Uses "B" Number of Spaces**

<p>Rooming, lodging and guest houses:</p>	<p>3 spaces plus 1 space for each rental unit over 2</p>
<p>Outside the Core and Resident Parking Permit District</p>	<p>3 spaces plus 1 space for each rental unit over 2</p>
<p>Inside the Core and Resident Parking Permit District</p>	<p>3 spaces plus 1 space for each 3 rental units over 2</p>
<p>Motels, hotels and inns:</p>	<p>2 spaces plus 1 space for each 3 rental units plus 1 space for each 3 persons of total certified building occupancy for meetings and functions</p>
<p>Outside the Core and Resident Parking Permit District</p>	<p>2 spaces plus 1 space for each rental unit and 1 space for each 3 persons of total certified building occupancy for meetings and functions</p>
<p>Inside the Core and Resident Parking Permit District</p>	<p>2 spaces plus 1 space for each 3 rental units plus 1 space for each 3 persons of total certified building occupancy for meetings and functions</p>
<p>Restaurants, taverns and bars, including their outside seated-service areas:</p>	<p>ROH 0 spaces required, RC and CMI in the MIPOD only 1 space for each 6 seats, RC 1 space for each</p>

	4 seats, all other districts 1 space for each 3 seats
Outside the Core and Resident Parking Permit District	1 space for each 4 seats
Inside the Core and Resident Parking Permit District	1 space for each 8 seats
Take-out food establishments	5 spaces per take-out service station and 1 for each 4 seats
Nursing homes	1 space for each 2 beds
Employer dormitories	2 spaces plus 1/2 for each employee occupant over 2-1 space per bedroom
Retail stores and services	1 for each 200 square feet of gross floor area
Recreational facilities (commercial)	1 for each 3 persons of total certified building occupancy
Bowling alleys	4 spaces for each alley
Commercial or business uses (those in "B" above) All above uses:	In addition to the foregoing requirements, 1 space for each 3 employees or workers on peak shift

Principal and Accessory Uses "G"	Number of Spaces
Theaters, auditoriums and other places of public assembly	1 space for each 4 seats
Offices	1 for each 200 square feet of gross floor area, except in the CTEC, CI, VN and VTEC where 1 space for each 500 square feet is required
Business-related offices in dwellings	3 spaces plus 1 space for an employee, if any
Warehouses and other business, commercial or industrial building spaces (other than offices) not generally open to the public Commercial industrial and industrial uses, as specified in the "use chart" in § 139-7A	1 for each 900 square feet of gross floor area
Storage or office space ancillary to a commercial use	0 spaces
Multifamily uses in Academy Hill District and Our Island Home District	1 space for each 2 dwelling units
Dormitory Overlay District	A minimum of 4 but otherwise not to exceed 1 for every 5 occupants

E. C. For other permitted uses or uses by exception which are not covered in § 139-18B above, comparably adequate off-street parking shall be required as shall be reasonably determined by the Zoning Enforcement Officer, or the special permit granting authority having jurisdiction.

D. Relief from parking requirements of this chapter:

(1) May be secured through the issuance of a special permit by the special permit granting authority provided that such authority finds (a) That the granting of such relief is in harmony with the general purpose and intent; (b) That full compliance with is physically impossible for the applicant to provide, or, if physically possible, would have a significant

adverse effect upon the scenic or historic integrity of the neighborhood; and (c) The granting of relief would not be contrary to sound traffic, parking or safety considerations; and

(2) For properties located in the LUG-1, LUG-2, LUG-3 and MMD Zoning Districts, special permit relief shall be limited to a waiver of not more than 30% of the spaces required under the provisions of § 139-18.

§ 139-19. Screening of parking areas; driveways; and off-street loading facilities lighting.

A. Parking areas with five 5 or more spaces on a lot shall be effectively screened on each side adjoining or fronting on any street and/or abutting property by a wall, fence or densely planted compact hedge not less than three 3 feet nor more than eight 8 feet in height, except where the closest point of such parking area is at least 75 feet from the nearest abutting property line or street.

B. For parking areas of 20 spaces or more on the lot, the following additional screening requirements shall apply:

(1) Parking areas shall be bordered by a 10 five-foot-wide planting strip buffer with at least one 1 tree per 8 eight parking spaces. Tree type and size shall be determined by the special permit granting authority.

(2) Trees are to be of four-inch trunk diameter or larger, with not less than 25 square feet of unpaved soil area per tree.

C. All off-street loading facilities which are within 30 feet of any residential area shall be completely screened therefrom by dense year-round vegetation, building walls, or a solid fence or wall not less than six 6 nor more than eight 8 feet in height.

D. There shall not be more than one driveway per 100 feet of street frontage for any single lot with five or more parking spaces.

E. Two-way driveway widths shall not be less than 20 feet wide nor more than 24 feet wide on a lot with five or more parking spaces. Single-lane driveway widths shall be a minimum of 12 feet and a maximum of 15 feet on a lot with five or more parking spaces.

F. Lighting fixtures on a lot used to illuminate any outside area shall be shielded and aimed to direct light away from the street and away from adjacent properties.

G. Relief from the screening, driveway and lighting screening of parking areas, driveways, and off-street loading facilities requirements of this chapter may be secured through the issuance of a special permit by the special permit granting authority having jurisdiction; provided that such authority finds (a) That the granting of such relief is in harmony with the general purpose and intent; (b) That full compliance with the screening, driveway and lighting requirements of this chapter is physically impossible for the applicant to provide, or, if physically possible, would have a significant adverse effect upon the scenic or historic

integrity of the neighborhood; and (c) The granting of relief would not be contrary to sound traffic, parking or safety considerations.

§ 139-20. Off-street loading facilities.

A. Off-street loading facilities are not required in any district, except as may be determined by the special permit granting authority during review of a use permit. The special permit granting authority shall determine the size and location of any required off-street loading facilities. Off street loading facilities are not permitted in the CDT or Town Residential districts, as specified in the "use chart" in § 139-7A. ~~shall be provided at the rate of one loading space for any business or commercial building or use involving transport vehicle loadings or unloadings at a lot, plus one loading space for each additional transport vehicle which may reasonably be found by the Zoning Enforcement Officer (or the special permit granting authority) to need such space for concurrent parking, loading or unloading.~~

B. ~~Each loading space or bay shall conform to the following:~~

~~(1) No loading facility shall be located within 30 feet of the nearest point of intersection of any two streets.~~

~~(2) A loading bay shall be no less than 14 feet in width, 35 feet in length and 12 feet in height, subject to the following:~~

~~(3) Such dimensional requirements shall be exclusive of drive and maneuvering space.~~

~~(4) Each loading bay shall be located entirely on the lot with immediate and direct ingress to the building intended to be served.~~

~~(5) A bay need not be enclosed in a structure, provided that any yard area used as a loading bay shall not infringe on required front, side and rear yards.~~

~~(6) All such facilities shall be designed with appropriate means of vehicular access to a street as well as maneuvering area, and no driveways or curb cuts shall exceed 25 feet in width.~~

~~(7) See § 139-19C above for screening requirements.~~

C. ~~Relief from the off-street loading requirements of this chapter may be secured through the issuance of a special permit by the special permit granting authority having jurisdiction, provided that such authority finds:~~

~~(1) That the granting of such relief is in harmony with the general purpose and intent of this chapter; and~~

~~(2) That the provision of off-street loading facilities as required by this chapter is physically impossible for the applicant to provide, or, if physically possible, would have a significant adverse effect upon the scenic or historic integrity of the neighborhood; and~~

~~(3) The granting of relief would not be contrary to sound traffic, parking or safety considerations.~~

§ 139-20.1. Driveway access.

A. Purpose. This § 139-20.1 regulating driveway access is enacted under the authority of MGL c. 40A for the purposes of protecting the safety and general welfare of the inhabitants of the Town of Nantucket, by the creation of standards, guidelines and regulatory and administrative processes governing the creation of driveway access within all zoning districts.

B. Regulation of driveway access. No building permit in connection with a building or use which creates a new driveway access onto a public right-of-way, or private right-of-way intended for public use, shall be issued, nor use established, until such driveway access has been approved by the Nantucket Department of Public Works (DPW), as complying with the requirements of § 139-20.1B(2). This requirement may be waived for individual driveway accesses on lots shown on a definitive subdivision which has been endorsed by the Planning Board pursuant to the Subdivision Control Law, MGL c. 41, § 81K et seq., and for which a certification by the DPW has been received by the Planning Board that the driveway accesses within the subdivision comply with the requirements of § 139-20.1B(2).

(1) No more than one driveway access shall be allowed on a lot. However, the Planning Board may grant a waiver to allow two or more driveway accesses in accordance with § 139-20.1C.

(2) Minimum driveway standards associated with driveway accesses. No request for approval of a driveway access permit shall be approved unless the driveway complies with the following minimum standards, ~~except as otherwise required by applicable law:~~

(a) Driveways shall be designed and constructed so as not to result in the direction of stormwater runoff, and soil, stones, or other debris, onto or within the intersecting right-of-way.

(b) No driveway access shall be located closer than 25 feet from the curblines of an intersecting street, measured from the nearest point of the driveway.

(c) Driveways shall be constructed with a slope not exceeding 12% at their intersection with the street. The DPW may approve a greater slope based on a finding that a lesser slope is infeasible due to the topography or other natural characteristics of the site, and the driveway is designed using sound engineering practice.

(d) Any new or modified driveways intersecting with a public or private paved road shall have a cobblestone, Belgium block, concrete, brick, or asphalt apron, or other hard surface material with a flared width of not less than 15 feet, and a The apron shall extend across the entire width of the driveway and shall have a minimum depth of 10 feet behind the edge of pavement of no less than 10 feet.

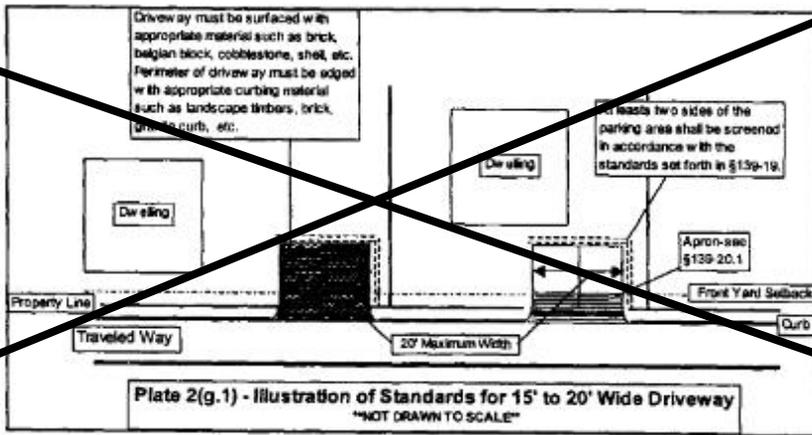
(e) Any areas disturbed in connection with the construction of the driveway shall be stabilized to prevent erosion and sedimentation of the subject property, adjacent property, and of the intersecting street. Adjoining drainage structures shall be protected from sedimentation. Disturbed areas shall be loamed and seeded immediately following construction, or temporary erosion control measures used outside of the growing season.

~~(f) Any driveway accesses onto a state highway are subject to the regulations and standards of the Massachusetts Highway Department.~~

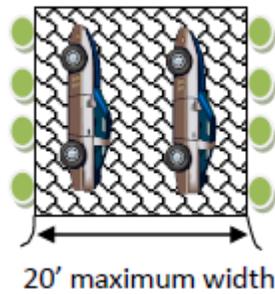
~~(gf) The width of driveway accesses shall be measured at the limit of the traveled way within the street right-of-way. Residential driveway accesses shall be cleared free of vegetation and obstruction to a minimum width of 12 feet and a height of 13 feet along a driveway constructed to a minimum of 10 feet in width wide and a maximum of 15 feet in width wide, excluding corner rounding which may have maximum radius of two2 feet. A residential driveway access not exceeding twenty20 feet in width (excluding corner rounding with a maximum radius of two feet) may be allowed subject to its conformance with standards shown in Plate 2(g.1) and subject to conditions set forth in Subsection B(2)(h) below.~~

a. Driveway width for commercial uses shall be a minimum of 12 feet and a maximum of 30 feet, excluding corner roundings which may have a maximum radius of 5 feet.

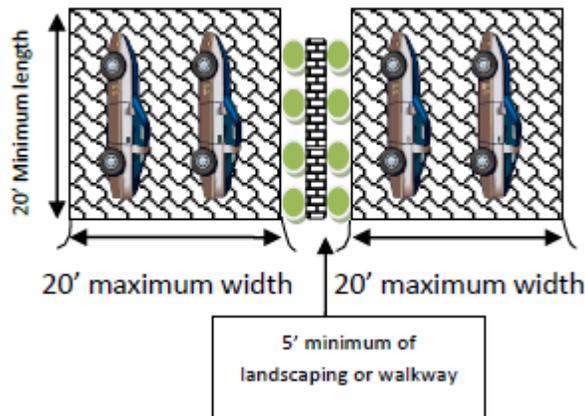
b. Driveway access for residential uses shall be cleared free of vegetation and obstruction to a minimum width of 12 feet and a minimum height of 13 feet. The travelled surface of the driveway shall be a minimum of 10 feet in width and a maximum of 15 feet in width, excluding corner rounding which may have maximum radius of 2 feet. A residential driveway access not exceeding 20 feet in width (excluding corner rounding with a maximum radius of 2 feet) may be allowed subject to its conformance with standards as shown in Option 1, below, and subject to conditions set forth in Subsection B(2)(g) below. In the R-5 district only, 2 such driveways may be constructed on a single lot provided that the driveways are separated by at least 5 feet of landscaping or walkway as shown in Option 2, below,. Tandem parking extensions to any such driveway configuration as shown in Options 3 and 4, below, may be allowed through the issuance of a special permit by the Planning Board.



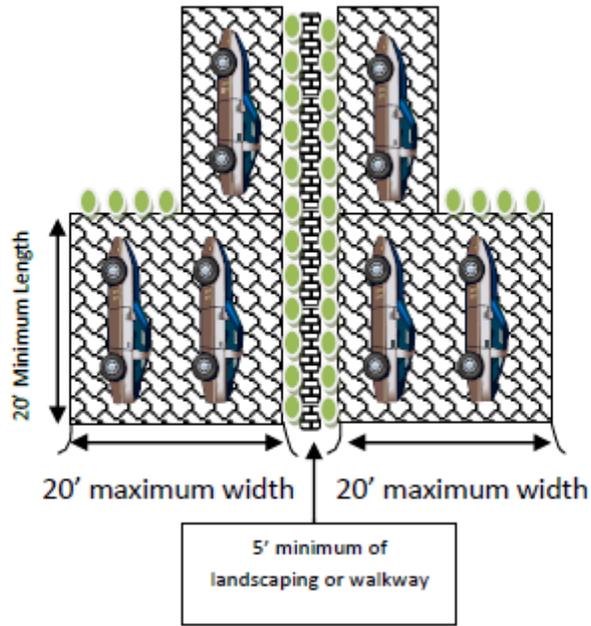
Option #1



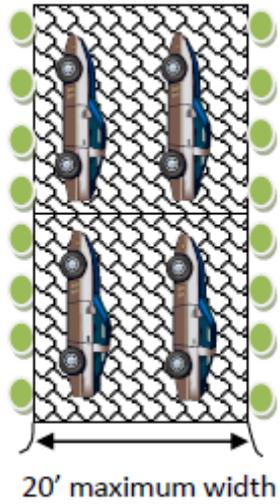
Option #2



Option #3



Option #4



c. In the R-5 and R-10 districts only, head-in residential driveways not exceeding 27 feet in width and not more than 20 feet in depth measured from the property line, shall be permitted subject to the screening requirements above.

(hg) On-site turnarounds will be required for all lots within the LUG-1, LUG-2, LUG-3, and MMD Zoning Districts, except for those lots in said districts that are within a cluster or MRD subdivision, and lots with driveway access onto the following roadways:

Amelia Drive

Atlantic Avenue

Bartlett Road

Cliff Road

Consue Springs Street: a.k.a. Union Street: between Orange Street and Spring Street

Essex Road

Fairgrounds Road

Francis Street

Friendship Lane

Hooper Farm Road

Hummock Pond Road

Madaket Road

Main Street: between Quaker Road and New Lane

Main Street (Siasconset)

Miacomet Avenue: between Surfside Road and Otokomi Road

Miacomet Road: between Surfside Road and Otokomi Road

Milestone Road

Milk Street

New Lane

New Street, Siasconset

Nobadeer Farm Road
Old South Road
Orange Street: from (Consue Springs Street Union Street east)
Otokomi Road
Pleasant Street
Polpis Road
Prospect Street
Quaker Road
Raceway Drive
Sankaty Road
Somerset Lane
Somerset Road: between Friendship Lane and Vesper Lane
Sparks Avenue
Surfside Drive
Surfside Road
Union Street: between Francis Street and Consue Springs Street to
Orange Street
Vesper Lane
Washington Street

(ih) All secondary dwellings approved by the Planning Board shall have a combined driveway access. However, the Planning Board may approve separate access for such dwellings on lots that are not expressly permitted two driveway accesses pursuant to § 139-20.1B(1), upon a finding made during the review of secondary dwelling applications in accordance with Section 3.06 of the Rules and Regulations Governing the Subdivision of Land that the separate access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood, and that separate access is not contrary to sound traffic and safety considerations and combined access is infeasible due to physical constraints or barriers on the property, including, but not limited to, topography or natural vegetation. Access to secondary dwellings shall be

clear of obstructions or vegetation to a width of 12 feet and a height of 13 feet along a driveway with a minimum improved width of 10 feet.

~~(3) Common driveways. No common driveway shall be created for shared access by two or more lots, unless they shall comply with the requirements of this section.~~

~~(a) No common access shall be permitted unless aAn easement(s) or easements, running with the land in perpetuity, and providing for maintenance, repair, and reconstruction of the driveway and any associated drainage by parties in interest, are shall be executed by the owners, and recorded in the Registry of Deeds prior to the issuance of any building permits. Evidence of such recording shall be submitted to the Building Commissioner or Building Inspector with any building permit application for any of the lots subject to an easement or easements.~~

~~(b) Ownership and maintenance of a common driveway shall be assured through a restrictive covenant, which binds current and future owners of each lot served by the common driveway, to the responsibility for maintenance, repair, and reconstruction of the common driveway. The language contained in the covenant shall include provisions for the maintenance, repair, and reconstruction of the common driveway and its drainage system, as appropriate; provision for the allocation of financial responsibility; and a procedure for the resolution of disputes. The covenant shall be recorded in the Registry of Deeds, reference to which shall be incorporated in the deed for each lot served by the common driveway.~~

~~(c) Nothing in this section will conflict with the powers of the Planning Board to require common access in connection with any subdivision approved in accordance with the Board's "Rules and Regulations Governing the Subdivision of Land."~~

C. Waivers. The Planning Board may grant a waiver to any of the requirements of this § 139-20.1 through the granting of a special permit, provided that, in addition to finding that the requirements of § 139-30 have been satisfied, the Board finds that the granting of the special permit would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood, and is not contrary to sound traffic and safety considerations.

FINANCE COMMITTEE COMMENT: A Finance Committee Comment may be provided at Town Meeting as the Planning Board Motion was not available to the Committee when it was finalizing its Motions and Comments.

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

ARTICLE 63

(Zoning Bylaw Amendment: Secondary Lots)

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

of the Town of Nantucket):

C. Special permit to create secondary residential lots for year-round residents.

(2) As authorized by MGL c. 40A, § 9, Paragraph 2, the Planning Board as special permit granting authority, in its discretion, pursuant to and subject to this § 139-8DC, may issue a special permit, with conditions, authorizing the division of the original lot into a primary lot and a secondary lot, which special permit may include approval and endorsement of a plan not requiring approval under the Subdivision Control Law as such plan is defined and described in MGL c. 41, § 81P, provided the following requirements and/or conditions shall apply to all applications for relief hereunder and all special permits granted hereunder, as the case may be:

(e) Except for pre-existing nonconforming lots, in which case the Planning Board may issue a special permit defining the lot areas, the minimum area for the original lot, the primary lot and the secondary lot shall be as follows:

Zoning District	Minimum Original Lot Size (§ 139-16A)	Minimum Secondary Lot Size	Minimum Primary Lot Size
LUG-1	40,000	15,000	25,000
LUG-2	80,000	25,000	55,000
LUG-3	120,000	35,000	85,000
R-40	40,000	15,000	25,000
R-10	10,000	4,000	6,000
R-20/SR-20	20,000	8,000	12,000
VR	20,000	8,000	12,000
R-1/SR-1	5,000	2,000	3,000
ROH/SOH	5,000	2,000	3,000
RC	5,000	2,000	3,000
RC-2	5,000	2,000	3,000
LC	5,000	2,000	3,000
R-5	5,000	2,000	3,000

(f) The primary lot and the secondary lot shall comply with the ground cover, front setback, side setback and rear setback requirements of the underlying zoning district, including any

provisions of this Chapter for pre-existing nonconforming lots, with the exception that the ground cover ratio solely for a secondary lot in the R-1 Zoning District shall be 36%. The Planning Board may waive the setback requirements only as they apply to the lot line(s) between the primary and secondary lot.

(h) The primary lot and the secondary lot shall share a single driveway access. The Planning Board must be provided with an instrument, in recordable form, evidencing the common access rights to said access in accordance with this subsection. The Planning Board may grant a special permit to waive the requirement for shared driveway access based upon a finding that separate driveway access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and is not contrary to sound traffic or safety considerations.

(3) This § 139-8DC shall not apply to major commercial developments (§ 139-11); flex development and open space residential development options (§ 139-8A) cluster developments (~~§ 139-8A~~); major residential developments (~~§ 139-8B~~); and are not permitted in the following zoning districts: Commercial Downtown (CDT); Moorlands Management (MMD); Special Academy Hill (AHD); Special Our Island Home (OIH); and Assisted/Independent Living Community District (ALC)....

(5) Section 139-16D, Regularity formula, shall not apply to this § 139-8DC.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

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

C. Special permit to create secondary residential lots for year-round residents.

(2) As authorized by MGL c. 40A, § 9, Paragraph 2, the Planning Board as special permit granting authority, in its discretion, pursuant to and subject to this § 139-8DC, may issue a special permit, with conditions, authorizing the division of the original lot into a primary lot and a secondary lot, which special permit may include approval and endorsement of a plan not requiring approval under the Subdivision Control Law as such plan is defined and described in MGL c. 41, § 81P, provided the following requirements and/or conditions shall apply to all applications for relief hereunder and all special permits granted hereunder, as the case may be:

(e) Except for pre-existing nonconforming lots, in which case the Planning Board may issue a special permit defining the lot areas, the minimum area for the original lot, the primary lot and the secondary lot shall be as follows:

Zoning District	Minimum Original Lot Size (§ 139-16A)	Minimum Secondary Lot Size	Minimum Primary Lot Size
LUG-1	40,000	15,000	25,000
LUG-2	80,000	25,000	55,000
LUG-3	120,000	35,000	85,000
R-40	40,000	15,000	25,000
R-10	10,000	4,000	6,000
R-20/SR-20	20,000	8,000	12,000
VR	20,000	8,000	12,000
R-1/SR-1	5,000	2,000	3,000
ROH/SOH	5,000	2,000	3,000
RC	5,000	2,000	3,000
RC-2	5,000	2,000	3,000
LC	5,000	2,000	3,000
R-5	5,000	2,000	3,000

(f) The primary lot and the secondary lot shall comply with the ground cover, front setback, side setback and rear setback requirements of the underlying zoning district, including any provisions of this Chapter for pre-existing nonconforming lots, with the exception that the ground cover ratio solely for a secondary lot in the R-1 Zoning District shall be 36%. The Planning Board may waive the setback requirements only as they apply to the lot line(s) between the primary and secondary lot.

(h) The primary lot and the secondary lot shall share a single driveway access. The Planning Board must be provided with an instrument, in recordable form, evidencing the common access rights to said access in accordance with this subsection. The Planning Board may grant a special permit to waive the requirement for shared driveway access based upon a finding that separate driveway access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and is not contrary to sound traffic or safety considerations.

(3) This § 139-8DC shall not apply to major commercial developments (§ 139-11); flex development and open space residential development options (§ 139-8A) cluster developments (§ 139-8A); major residential developments (§ 139-8B); and are not permitted in

the following zoning districts: Commercial Downtown (CDT); Moorlands Management (MMD); Special Academy Hill (AHD); Special Our Island Home (OIH); and Assisted/Independent Living Community District (ALC)....

(5) Section 139-16D, Regularity formula, shall not apply to this § 139-8DC.

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

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

ARTICLE 64

(Zoning Bylaw Amendment: Pre-existing nonconforming uses, structures, and lots)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 33A, 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*):

A. ~~Except as hereinafter provided, this chapter shall not apply to structures or uses lawfully in existence, or lawfully begun or to a building or special permit issued before the first publication of notice of the public hearing on the chapter required by the State Zoning Act, MGL c. 40A, § 5, but shall apply:~~

~~This section shall apply to uses, structures, and lots that were either in existence prior to the adoption of the Zoning Bylaw or lawfully allowed or permitted at some point in time after the adoption of the Zoning Bylaw and no longer meet minimum zoning requirements or is now prohibited. Further, a use of land and/or lots and construction of structures shall be exempt from this chapter provided that a building or special permit was issued before the first publication of notice of the public hearing to change zoning as it may apply, pursuant to MGL c. 40A, § 5, as may be amended from time to time.~~

~~(1) To any change or substantial extension of such use;~~

~~(2) To a building or special permit issued after the first notice of said public hearing and to reconstruction, extension or structural change of such structure; and~~

~~(3) To any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.~~

~~(a) Except where the Zoning Administrator or the permit granting authority determines that the alteration, reconstruction, extension or structural change to a structure does not increase its nonconforming nature.~~

(41) Preexisting, nonconforming structures or uses may be extended, or altered, or changed, provided that:

~~(a) No such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by this chapter finds that such change, extension or alteration extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure and/or use to the neighborhood; or~~

~~(b) A special permit supported by such finding is granted. The Zoning Administrator or the special permit granting authority finds that the alteration, extension, or change to a structure does not increase its nonconforming nature and does not create any new nonconformities; or~~

~~(c) A Zoning Enforcement Officer determines through a review of the building permit application that the extension, alteration, or change to the nonconforming structure is compliant with all dimensional requirements of this chapter.~~

~~(5) Where an existing structure violates a front, rear or side line setback distance, the Board of Appeals may issue a special permit permitting the extension of the structure, provided that the nonconforming distance is not made more nonconforming and the Board of Appeals finds that the extension will not be substantially more detrimental to the neighborhood.~~

~~(62) Any otherwise-permitted alteration, reconstruction, extension or structural change of a single or two family residential building on a lot nonconforming as to lot area, or of another building for accessory use on the same lot, shall be governed by the maximum ground cover limitations set forth in § 139-33E(2) below.~~

~~(7) This § 139-33A shall not apply to billboards, signs and other advertising devices subject to the provision of MGL c. 93, § § 29 through 33, to c. 93D.~~

~~(83) Preexisting, nonconforming lots may be increased in area or frontage through the addition of adjoining property without the need for any relief under this bylaw. Any other alteration to a preexisting, nonconforming lot that does not increase an existing or create a new nonconformity is allowed upon determination by the Zoning Administrator that such alteration will not be substantially more detrimental to the neighborhood. New lots created pursuant to MGL c. 41, § 81P, based upon the exception in the clause of MGL c. 41, § 81L for lots containing two or more structures that predate the adoption of subdivision control in the Town, shall have the same status as preexisting, nonconforming lots, and any structures thereon, which predate the adoption of subdivision control in the Town, shall have the status of preexisting nonconforming structures.~~

~~(94) If the preexisting nonconforming structure(s) upon any lot exceed the permitted ground cover ratio, the special permit granting authority may grant a special permit to authorize the Removal and reconstruction of any or all of the preexisting nonconforming structure(s), or any portion(s) thereof, with ground cover in excess of the permitted ground cover ratio upon a lot, shall be allowed by special permit provided that:~~

(a) Such special permit shall have been issued prior to the removal of the preexisting nonconforming structure(s), or any portion(s) thereof;

(b) Complete or partial removal and reconstruction of a structure(s) shall not result in an increase in the total ground cover ratio for the lot of that structure nor of any other structure; and two or more structures that are reconstructed shall remain separate from each other;

(c) All reconstructed structure(s), or portion(s) thereof, shall conform to all applicable front, rear and side yard setback requirements; unless relief therefrom is granted under separate provisions of this chapter; and

(d) The special permit granting authority shall have made the finding that the result of the proposed removal and reconstruction shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure and/or use.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 33A is hereby amended, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

~~A. Except as hereinafter provided, this chapter shall not apply to structures or uses lawfully in existence, or lawfully begun or to a building or special permit issued before the first publication of notice of the public hearing on the chapter required by the State Zoning Act, MGL c. 40A, § 5, but shall apply:~~

This section shall apply to uses, structures, and lots that were either in existence prior to the adoption of the Zoning Bylaw or lawfully allowed or permitted at some point in time after the adoption of the Zoning Bylaw and no longer meet minimum zoning requirements or are now prohibited. Further, a use of land and/or lots and construction of structures shall be exempt from this chapter provided that a building or special permit was issued before the first publication of notice of the public hearing to change zoning as it may apply, pursuant to MGL c. 40A, § 5, as may be amended from time to time.

~~(1) To any change or substantial extension of such use;~~

~~(2) To a building or special permit issued after the first notice of said public hearing and to reconstruction, extension or structural change of such structure; and~~

~~(3) To any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.~~

~~(a) Except where the Zoning Administrator or the permit granting authority determines that the alteration, reconstruction, extension or structural change to a structure does not increase its nonconforming nature.~~

(41) Preexisting, nonconforming structures or uses may be extended, or altered, or changed, provided that:

~~(a) No such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by this chapter finds that such change, extension or alteration extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure and/or use to the neighborhood. Where an existing structure violates a front, rear, or side yard setback distance the special permit granting authority may issue a special permit to allow an extension, alteration, or change to the structure, provided that the nonconforming setback distance is not made more nonconforming and based upon a finding that the extension will not be substantially more detrimental to the neighborhood than the existing nonconformity.; or~~

~~(b) A special permit supported by such finding is granted. The Zoning Administrator or the special permit granting authority finds that the alteration, extension, or change to a structure does not increase its nonconforming nature and does not create any new nonconformities. Where an existing structure violates a front, rear, or side yard setback distance the Zoning Administrator may issue a permit allowing an extension, alteration, or change to the structure provided that the nonconforming setback distance is not made more nonconforming and no new nonconformities are created.
; or~~

~~(c) A Zoning Enforcement Officer determines through a review of the building permit application that the extension, alteration, or change to the nonconforming structure is compliant with all dimensional requirements of this chapter.~~

~~(5) Where an existing structure violates a front, rear or side line setback distance, the Board of Appeals may issue a special permit permitting the extension of the structure, provided that the nonconforming distance is not made more nonconforming and the Board of Appeals finds that the extension will not be substantially more detrimental to the neighborhood.~~

~~(62) Any otherwise-permitted alteration, reconstruction, extension or structural change of a single- or two-family residential building on a lot nonconforming as to lot area, or of another building for accessory use on the same lot, shall not result in an increase in ground coverage unless in accordance with be governed by the maximum ground cover limitations set forth in § 139-33E(21) below.~~

~~(7) This § 139-33A shall not apply to billboards, signs and other advertising devices subject to the provision of MGL c. 93, § § 29 through 33, to c. 93D.~~

(83) Preexisting, nonconforming lots may be increased in area or frontage through the addition of adjoining property without the need for any relief under this bylaw. Any other alteration to a preexisting, nonconforming lot that does not increase an existing or create a new

nonconformity is allowed upon determination by the Zoning Administrator that such alteration will not be substantially more detrimental to the neighborhood. New lots created pursuant to MGL c. 41, § 81P, based upon the exception in the clause of MGL c. 41, § 81L for lots containing two or more structures that predate the adoption of subdivision control in the Town, shall have the same status as preexisting, nonconforming lots, and any structures thereon, which predate the adoption of subdivision control in the Town, shall have the status of preexisting nonconforming structures.

~~(94) If the preexisting nonconforming structure(s) upon any lot exceed the permitted ground cover ratio, the special permit granting authority may grant a special permit to authorize the removal and reconstruction of any or all of the preexisting nonconforming structure(s), or any portion(s) thereof, with ground cover in excess of the permitted ground cover ratio upon a lot, shall be allowed by special permit provided that:~~

~~(a) Such special permit shall have been issued prior to the removal of the preexisting nonconforming structure(s), or any portion(s) thereof;~~

~~(b) Complete or partial removal and reconstruction of a structure(s) shall not result in an increase in the total ground cover ratio for the lot of that structure nor of any other structure; and two or more structures that are reconstructed shall remain separate from each other;~~

~~(c) All reconstructed structure(s), or portion(s) thereof, shall conform to all applicable front, rear and side yard setback requirements; unless relief therefrom is granted under separate provisions of this chapter; and~~

~~(d) The special permit granting authority shall have made the finding that the result of the proposed removal and reconstruction shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure and/or use.~~

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

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

ARTICLE 65

(Zoning Bylaw Amendment: Pre-existing nonconforming uses, structures, and lots)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 33E, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

Any increase in area, frontage, width, yard or depth requirements shall not prohibit an unimproved lot, which at the time of recording or endorsement of such lot, whichever occurred sooner, was not held in common ownership with any adjoining land and conformed to then-existing Zoning Bylaw requirements, from being built upon for a conforming use or for single-

and two-family residential purposes, provided that: as provided by MGL c. 40A, § 6, as may be amended from time to time.

(1) In addition to the provisions of MGL c. 40A, § 6, as may be amended from time to time, any increase in area, frontage, width, yard or depth requirements shall not prohibit an unimproved lot from being built upon for single and two-family residential purposes, provided that:

(a) ~~Either at the time of recording or endorsement of such lot, whichever occurred sooner, such lot was not held in common ownership with any adjoining land and conformed to then existing Zoning Bylaw requirements; or~~

(b) ~~At the time of such amendment, the lot had the benefit of a zoning protection period pursuant to MGL c. 40A, § 6 (5th par.), and was conveyed into separate ownership from adjoining land prior to the end of such zoning protection, and remained in separate ownership and control at all times since the expiration of such protection, and now has less than the present requirements of area or frontage and has a frontage of not less than 20 feet or the benefit of an appurtenant easement providing a means of access for vehicles and utilities to and from a public street, which access, in the opinion of the Planning Board, has sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed construction and for the installation of municipal services to serve the land in question and the buildings erected and to be erected thereon.~~

(2) For a lot within the provisions of this § 139-33E, the maximum ground cover upon such lot shall be:

(a) In the case of a lot containing less than 5,000 square feet, 30% of the area of the lot; ~~provided, however, that the special permit granting authority may grant a special permit to allow ground cover not to exceed the permitted ground cover ratio in the zoning district where such lot is situated. Said special permit shall require a finding that such increase in permitted ground cover shall not be substantially more detrimental to the neighborhood than the existing nonconformity;~~ or the amount determined in accordance with the maximum ground cover ratio requirement for the zoning district in which the lot is situated, whichever is greater; or

(b) In the case of a lot containing at least 5,000 square feet, the greater of 1,500 square feet of ground cover or the amount determined in accordance with the maximum ground cover ratio requirement for the zoning district in which the lot is situated, ~~in effect at the time construction on the lot is begun,~~ whichever is greater; and

(3) For a lot within the provisions of this § 139-33E, the side yard and rear yard setbacks shall be as required by § 139-16A above ~~dimensional requirements of § 139-16A shall apply, except as for the following:~~

- (a) In the zoning district LUG-2 and LUG-3 zoning districts, such the side and rear yard setbacks shall be 10 feet; and
- (b) In the zoning district MMD zoning district, such the side and rear yard setbacks shall be 25 feet; but and
- (c) Where an existing structure violates a front, rear, or side yard setback distance the special permit granting authority may issue a special permit to allow an extension, alteration, or change to the structure, provided that the nonconforming setback distance is not made more nonconforming and based upon a finding that the extension will not be substantially more detrimental to the neighborhood than the existing nonconformity.
- (d) Where an existing structure violates a front, rear, or side yard setback distance the Zoning Administrator may issue a permit allowing an extension, alteration, or change to the structure provided that the nonconforming setback distance is not made more nonconforming and no new nonconformities are created.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 33E, is hereby amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

Any increase in area, frontage, width, yard or depth requirements shall not prohibit an unimproved lot, which at the time of recording or endorsement of such lot, whichever occurred sooner, or at any time thereafter, was not held in common ownership with any adjoining land and conformed to then-existing Zoning Bylaw requirements, from being built upon for a conforming use or for single- and two-family residential purposes, provided that: as provided by MGL c. 40A, § 6, as may be amended from time to time.

~~(1) In addition to the provisions of MGL c. 40A, § 6, as may be amended from time to time, any increase in area, frontage, width, yard or depth requirements shall not prohibit an unimproved lot from being built upon for single- and two-family residential purposes, provided that:~~

~~(a) Either at the time of recording or endorsement of such lot, whichever occurred sooner, such lot was not held in common ownership with any adjoining land and conformed to then-existing Zoning Bylaw requirements; or~~

~~(b) At the time of such amendment, the lot had the benefit of a zoning protection period pursuant to MGL c. 40A, § 6 (5th par.), was dimensionally compliant pursuant to such protection, and was conveyed into separate ownership from adjoining land prior to the end of such zoning protection, and remained in separate ownership and control at all times since the expiration of such protection, and now has less than the present requirements of area or frontage and has a frontage of not less than 20 feet or the benefit of an appurtenant~~

easement providing a means of access for vehicles and utilities to and from a public street, which access, in the opinion of the Planning Board, has sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed construction and for the installation of municipal services to serve the land in question and the buildings erected and to be erected thereon.

(21) For a lot within the provisions of this § 139-33E, the maximum ground cover upon such lot shall be:

(b) In the case of a lot containing less than 5,000 square feet, 30% of the area of the lot; ~~provided, however, that the special permit granting authority may grant a special permit to allow ground cover not to exceed the permitted ground cover ratio in the zoning district where such lot is situated. Said special permit shall require a finding that such increase in permitted ground cover shall not be substantially more detrimental to the neighborhood than the existing nonconformity;~~ or the amount determined in accordance with the maximum ground cover ratio requirement for the zoning district in which the lot is situated, whichever is greater; or

(b) In the case of a lot containing at least 5,000 square feet, the greater of 1,500 square feet of ground cover or the amount determined in accordance with the maximum ground cover ratio requirement for the zoning district in which the lot is situated, ~~in effect at the time construction on the lot is begun,~~ whichever is greater; and

(3) For a lot within the provisions of this § 139-33E, the ~~side yard and rear yard setbacks shall be as required by § 139-16A above~~ dimensional requirements of § 139-16A shall apply, ~~except as for the following:~~

(e) In the ~~zoning district LUG-2 and LUG-3~~ zoning districts, such the side and rear yard setbacks shall be 10 feet; and

(f) In the ~~zoning district MMD~~ zoning district, such the side and rear yard setbacks shall be 25 feet; ~~but and~~

FINANCE COMMITTEE MOTION: The Committee supports the Planning Board Motion.

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

ARTICLE 66

(Zoning Bylaw Amendment: Definitions/Apartment)

To see if the Town will vote to: Amend the definition of apartment in the Town of Nantucket Zoning Bylaw 139-2(A) by replacing the words "on the second or third floor or in the basement of" with the word "within". This would allow first floor apartments.

(Christopher L. Maury, et al)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of

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

APARTMENT

~~A dwelling unit located on the second or third floor or in the basement of within a commercial structure. An apartment(s) shall not occupy more than 50% of the first floor area and shall not be located in a first floor portion of the structure that serves as the front elevation facing a street..~~

FINANCE COMMITTEE COMMENT: A Finance Committee Comment may be provided at Town Meeting as the Planning Board Motion was not available to the Committee when it was finalizing its Motions and Comments.

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

ARTICLE 67

(Zoning Bylaw Amendment: Use Chart)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 7A, as follows (*NOTE: new language is shown as italic text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

1. By inserting in the "Use" column between "Apartment" and "Garage Apartment" a new use "Apartment Building" to be allowed by Special Permit (SP) in the CN and VN districts only;
2. By inserting in the "Use" column between "Food processing" and "Interior or exterior storage or warehousing" a new use "Shed - Commercial" to be allowed as an Accessory (A) use in the CDT, CMI, CN, CTEC, CI, VN, and VTEC districts only;
3. By deleting the "LC" column in the Town Commercial Districts;
4. In the CN district only, modify the prohibited uses "Lumberyard," "Bicycle rental or sale," and "Elder housing facilities" to be allowed uses by Special Permit (SP);
5. In the "Use" column, change "Medical Marijuana Treatment Center" to "Registered marijuana dispensary".

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

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

format of the Code of the Town of Nantucket):

1. By inserting in the "Use" column between "Apartment" and "Garage Apartment" a new use "Apartment Building" to be allowed by Special Permit (SP) in the CN and VN districts only;
2. By inserting in the "Use" column between "Food processing" and "Interior or exterior storage or warehousing" a new use "Shed - Commercial" to be allowed as an Accessory (A) use in the CDT, CMI, CN, CTEC, CI, VN, and VTEC districts only;
3. In the CN district only, modify the prohibited uses "Lumberyard," "Bicycle rental or sale," and "Elder housing facilities" to be allowed uses by Special Permit (SP);
4. In the "Use" column, change "Medical Marijuana Treatment Center" to "Registered marijuana dispensary".

FINANCE COMMITTEE COMMENT: A Finance Committee Comment may be provided at Town Meeting as the Planning Board Motion was not available to the Committee when it was finalizing its Motions and Comments.

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

ARTICLE 68

(Zoning Bylaw Amendment: Miscellaneous Technical Amendments)

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

1. To amend section 2, definitions, as follows:

APARTMENT BUILDING

A structure containing a maximum of up to six (6) dwelling units and eight (8) bedrooms on a single lot with no commercial or other uses shall be allowed in the following districts:

CN/VN

– one dwelling unit is permitted for each 2,500 square feet of lot area.

The Planning Board shall be the special permit granting authority.

GROUND COVER

The horizontal area of a lot covered at grade by structures, together with those portions of any overhangs which contain enclosed interior space; excluding tents, retaining walls, decks and unenclosed porches not over or under an enclosed above grade interior space, gazebos, platforms and steps, game playing courts at grade, uncovered in-ground residential swimming pools, chimneys, bulkheads including the associated stairways or other substantially below grade features, bay windows,

unenclosed breezeways, air conditioning units, fuel tanks, bow windows, roof eaves, and trash bins. Also excludes not more than one accessory detached shed covering an area not to exceed more than 121 square feet at grade, together with these portions of any overhangs which contain enclosed interior space.

JUNK YARD

A structure or lot used in connection with a business for collection, storage, or sale of waste or scrap materials.

MEDICAL MARIJUANA TREATMENT CENTER REGISTERED MARIJUANA DISPENSARY

An establishment containing a not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers. The Planning Board shall be the special permit granting authority for any medical marijuana treatment center registered marijuana dispensary.

2. To amend section 4(C) as follows:

C. The Public Wellhead Recharge District is located and bounded as shown on the following maps incorporated by reference herein: for Siasconset, a map entitled "Public Wellhead Recharge District: Siasconset," prepared by Horsely, Witten & Heggemann, Inc. dated October, 1990; for the Town, a map entitled "Public Wellhead Recharge District: Town," prepared by Haley & Ward, December, 1994 September 2011. The districts shown on said maps shall be considered overlay districts to be superimposed on the aforementioned Zoning Map of Nantucket, Massachusetts. Copies of the map shall be on file with the Town Clerk and the Building Inspector upon adoption.

3. To amend section 24B as follows:

B. Release of covenants.

(1) Covenants executed by persons to obtain a building permit for a dwelling as their Nantucket domicile during the five-year building "cap," or subject to rate of development provisions, formerly 139-24A, both introduced to the Zoning Bylaw by 1981 ATM Articles 13 and 14 and during the building "cap" introduced to the Zoning Bylaw by 1997 ATM Article 39, as amended, and all now expired, shall be released at any time upon application to the Zoning Enforcement Officer by the current owner of the lot on which the dwelling was or was to be built.

~~(2) Covenants executed pursuant to § 139-24A above shall likewise be released after they have expired pursuant to their terms, and also upon application by the current~~

owner of the lot upon proof that construction of a dwelling pursuant to the covenant has not been commenced and that no still valid building permit has been issued for such dwelling.

(32) The Zoning Enforcement Officer, to make of record the release of a covenant pursuant to this § 139-248, shall execute, acknowledge and deliver to such owner a statement of termination of such covenant in form suitable for recording or registration. Upon the recording or registration of such statement, that covenant shall be of no further force or effect and shall cease to burden such lot.

4. To amend section 30A as follows:

A. The special permit granting authority shall be the Board of Appeals for all special permits, except those special permits for which the Planning Board is specifically designated by any provision of this chapter. In instances where any portion of a project involves a special permit application to the Planning Board for apartment, apartment building, elder housing facility, neighborhood employee housing, and registered marijuana dispensary all pursuant to § 139-2 and § 139-7, residential development options pursuant to § 139-8 a major residential development pursuant to § 139-8B, cluster development pursuant to § 139-8A, for certain uses in the Wellhead Recharge District pursuant to § 139-12B, and for multifamily dwellings pursuant to § 139-12J and for uses within the OSCOD pursuant to § 139-12L, the Planning Board shall serve as the special permit granting authority for all other special permits required in connection with such project.

Or to take any other action related thereto,

(Board of Selectmen for Planning Board)

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

1. section 2, definitions, as follows:

APARTMENT BUILDING

A structure containing a maximum of up to eight (8) bedrooms in up to six (6) dwelling units on a single lot with no commercial or other uses shall be allowed in the following districts:

CN/VN

– one dwelling unit is permitted for each 2,500 square feet of lot area.

The Planning Board shall be the special permit granting authority.

GROUND COVER

The horizontal area of a lot covered at grade by structures, together with those portions of any overhangs which contain enclosed interior space; excluding tents, retaining walls, substantially below grade finished or unfinished space, decks and unenclosed porches not over or under an enclosed interior space, gazebos, platforms and steps, game playing courts at grade, uncovered in-ground residential swimming pools, chimneys, bulkheads, bay windows, unenclosed breezeways, air conditioning units, fuel tanks, bow windows, roof eaves, and trash bins. Also excludes not more than one accessory detached shed covering an area not to exceed more than 121 square feet at grade, together with those portions of any overhangs which contain enclosed interior space.

JUNK YARD

A structure or lot used in connection with a business for collection, storage, or sale of waste or scrap materials.

MEDICAL MARIJUANA TREATMENT CENTER REGISTERED MARIJUANA DISPENSARY

An establishment containing a not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers. The Planning Board shall be the special permit granting authority for any medical marijuana treatment center registered marijuana dispensary.

2. section 4(C) as follows:

C. The Public Wellhead Recharge District is located and bounded as shown on the following maps incorporated by reference herein: for Siasconset, a map entitled "Public Wellhead Recharge District: Siasconset," prepared by Horsely, Witten & Heggemann, Inc. dated October, 1990; for the Town, a map entitled "Public Wellhead Recharge District: Town," prepared by Haley & Ward, December, 1994-September 2011. The districts shown on said maps shall be considered overlay districts to be superimposed on the aforementioned Zoning Map of Nantucket, Massachusetts. Copies of the map shall be on file with the Town Clerk and the Building Inspector upon adoption.

3. section 24B as follows:

B. Release of covenants.

(1) Covenants executed by persons to obtain a building permit for a dwelling as their Nantucket domicile during the five-year building "cap," or subject to rate of development provisions, formerly 139-24A, both introduced to the Zoning Bylaw by

1981 ATM Articles 13 and 14 and during the building “cap” introduced to the Zoning Bylaw by 1997 ATM Article 39, as amended, and all now expired, shall be released at any time upon application to the Zoning Enforcement Officer by the current owner of the lot on which the dwelling was or was to be built.

~~(2) Covenants executed pursuant to § 139-24A above shall likewise be released after they have expired pursuant to their terms, and also upon application by the current owner of the lot upon proof that construction of a dwelling pursuant to the covenant has not been commenced and that no still-valid building permit has been issued for such dwelling.~~

~~(32) The Zoning Enforcement Officer, to make of record the release of a covenant pursuant to this § 139-248, shall execute, acknowledge and deliver to such owner a statement of termination of such covenant in form suitable for recording or registration. Upon the recording or registration of such statement, that covenant shall be of no further force or effect and shall cease to burden such lot.~~

4. section 30A as follows:

A. The special permit granting authority shall be the Board of Appeals for all special permits, except those special permits for which the Planning Board is specifically designated by any provision of this chapter. In instances where any portion of a project involves a special permit application to the Planning Board for apartment, apartment building, elder housing facility, neighborhood employee housing, and registered marijuana dispensary all pursuant to § 139-2 and § 139-7, residential development options pursuant to § 139-8 a major residential development pursuant to § 139-8B, cluster development pursuant to § 139-8A, for certain uses in the Wellhead Recharge District pursuant to § 139-12B, and for multifamily dwellings pursuant to § 139-12J and for uses within the OSCOD pursuant to § 139-12L, the Planning Board shall serve as the special permit granting authority for all other special permits required in connection with such project.

FINANCE COMMITTEE COMMENT: A Finance Committee Comment may be provided at Town Meeting as the Planning Board Motion was not available to the Committee when it was finalizing its Motions and Comments.

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

ARTICLE 69

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Changes for Parcels Not Subject to Zoning Map Changes)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 3A (Town Sewer District) of the Code of the Town of Nantucket by taking the following actions:

1. By adding the following parcels to the Town Sewer District:

MAP	LOT	NUMBER	STREET
68	200	8	Lovers Lane
68	199	10	Lovers Lane
68	196	12	Lovers Lane
68	195	14	Lovers Lane
68	192	16	Lovers Lane
68	191	18	Lovers Lane
68	149	20	Lovers Lane
68	148	22	Lovers Lane
68	147	24	Lovers Lane
68	146	26	Lovers Lane
68	145	28	Lovers Lane
68	144	30	Lovers Lane
68	143	32	Lovers Lane
68	66	34	Lovers Lane
68	187	15	Greglen Avenue
68	186	17	Greglen Avenue
68	185	19	Greglen Avenue
68	142	21	Greglen Avenue
68	65	4	Davkim Lane
68	259	24	Woodland Drive
68	260	26	Woodland Drive
68	261	23	Woodland Drive
68	262	21	Woodland Drive
68	263	19	Woodland Drive
79	207	22	Woodland Drive
79	206	20	Woodland Drive
79	205	18	Woodland Drive
79	204	16	Woodland Drive
79	203	14	Woodland Drive
79	202	12	Woodland Drive
79	201	10	Woodland Drive
79	200	8	Woodland Drive
41	805 (a portion of)	105	West Chester Street
54	261	3	Brewster Road
54	287	5	Brewster Road
54	224	11	Brewster Road
54	286	4	Sasachumet Lane
54	285	2	Sasachumet Lane
54	158	10	Berkeley Avenue
54	150	6	Berkeley Avenue

54	215	4	Berkeley Avenue
55	470	11	Tashama Lane
55	469	13	Tashama Lane
55	468	15	Tashama Lane
55	467	17	Tashama Lane
55	466	19	Tashama Lane
55	465	21	Tashama Lane
55	464	23	Tashama Lane
55	463	25	Tashama Lane
55	462	27	Tashama Lane
55	461	29	Tashama Lane
55	460	31	Tashama Lane
55	459	33	Tashama Lane
55	458	35	Tashama Lane
55	457	37	Tashama Lane
55	478	10	Tashama Lane
55	479	12	Tashama Lane
55	480	14	Tashama Lane
55	481	16	Tashama Lane
55	482	18	Tashama Lane
55	450	20	Tashama Lane
55	451	22	Tashama Lane
55	452	24	Tashama Lane
55	453	26	Tashama Lane
55	454	28	Tashama Lane
55	455	30	Tashama Lane
55	456	32	Tashama Lane
55	447	16	Maclean Lane
55	448	18	Maclean Lane
55	449	20	Maclean Lane
55	486	7	Maclean Lane
55	485	9	Maclean Lane
55	484	11	Maclean Lane
55	483	13	Maclean Lane
56	44	51	Cato Lane
56	186	49	Dukes Road
56	243	22	Hawthorne Lane
56	459	3R	Burnt Swamp Lane
56	204	14	Winn Street
56	205	16	Winn Street

2. By removing the following parcels from the Town Sewer District:

MAP	LOT	NUMBER	STREET
68	18.1	50	Old South Road
68	249	123	Old South Road
68	826		Miller Lane
68	827		Miller Lane
68	828		Miller Lane
55	276		Washington Street
55	415 (a portion of)		Washington Street
55	404.1 (a portion of)	84	Union Street
55	404.2 (a portion of)	84R	Union Street
55	404	86	Union Street
55	398	90	Union Street
55	58	16	East Creek Road
80	1.1	15	South Shore Road
66	126	80	Miacomet Avenue
66	63	81	Miacomet Avenue
67	346	9	Miacomet Avenue
67	890	13	Miacomet Avenue
67	679	9	Miacomet Avenue
67	891	11	Miacomet Avenue
67	892	7	Miacomet Avenue
67	680	5	Miacomet Avenue
67	681	3	Miacomet Avenue
67	385	1	Miacomet Avenue
67	229	69R	Surfside Road
67	387	64	Surfside Road
67	121	42R	Surfside Road
67	481	5	Backus Lane
67	483	R	Backus Lane
67	394	6	Pilot Whale Drive
67	395	8	Pilot Whale Drive
67	396	10	Pilot Whale Drive
67	397	12	Pilot Whale Drive
67	398	14	Pilot Whale Drive
67	400	9	Pilot Whale Drive
67	401	7	Pilot Whale Drive
67	402	5	Pilot Whale Drive
67	403	3	Pilot Whale Drive

55	320	9	Vesper Lane
55	2		Mill Hill Cemetery
55	1	29	Vesper Lane
55	319		N. Mill Street
55	312	47	Prospect Street
55.4.4	57	39	Prospect Street
55.4.4	81	37	Prospect Street
42.1.4	21	39	Easton Street
29	28	39	Easton Street
41	181		Friends Burying Ground
41	274	27	New Lane
41	275.1	25	New Lane
41	275.2	10	Grove Lane
41	392	26	New Lane
41	393	17	Grove Lane
41	376	21	Grove Lane

Or to take any other action related thereto.

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 69 Town Sewer District Map Changes for Parcels Not Subject to Zoning Map Changes” dated January 2014 and filed herewith at the Office of the Town Clerk.

(Board of Selectmen)

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

MAP	LOT	NUMBER	STREET
68	200	8	Lovers Lane
68	199	10	Lovers Lane
68	196	12	Lovers Lane
68	195	14	Lovers Lane
68	192	16	Lovers Lane
68	191	18	Lovers Lane
68	149	20	Lovers Lane
68	148	22	Lovers Lane
68	147	24	Lovers Lane
68	146	26	Lovers Lane
68	145	28	Lovers Lane
68	144	30	Lovers Lane
68	143	32	Lovers Lane

68	66	34	Lovers Lane
68	187	15	Greglen Avenue
68	186	17	Greglen Avenue
68	185	19	Greglen Avenue
68	142	21	Greglen Avenue
68	65	4	Davkim Lane
68	259	24	Woodland Drive
68	260	26	Woodland Drive
68	261	23	Woodland Drive
68	262	21	Woodland Drive
68	263	19	Woodland Drive
79	207	22	Woodland Drive
79	206	20	Woodland Drive
79	205	18	Woodland Drive
79	204	16	Woodland Drive
79	203	14	Woodland Drive
79	202	12	Woodland Drive
79	201	10	Woodland Drive
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54	261	3	Brewster Road
54	287	5	Brewster Road
54	224	11	Brewster Road
54	286	4	Sasachumet Lane
54	285	2	Sasachumet Lane
54	158	10	Berkeley Avenue
54	150	6	Berkeley Avenue
54	215	4	Berkeley Avenue
55	470	11	Tashama Lane
55	469	13	Tashama Lane
55	468	15	Tashama Lane
55	467	17	Tashama Lane
55	466	19	Tashama Lane
55	465	21	Tashama Lane
55	464	23	Tashama Lane
55	463	25	Tashama Lane
55	462	27	Tashama Lane
55	461	29	Tashama Lane
55	460	31	Tashama Lane
55	459	33	Tashama Lane
55	458	35	Tashama Lane

55	457	37	Tashama Lane
55	478	10	Tashama Lane
55	479	12	Tashama Lane
55	480	14	Tashama Lane
55	481	16	Tashama Lane
55	482	18	Tashama Lane
55	450	20	Tashama Lane
55	451	22	Tashama Lane
55	452	24	Tashama Lane
55	453	26	Tashama Lane
55	454	28	Tashama Lane
55	455	30	Tashama Lane
55	456	32	Tashama Lane
55	447	16	Maclean Lane
55	448	18	Maclean Lane
55	449	20	Maclean Lane
55	486	7	Maclean Lane
55	485	9	Maclean Lane
55	484	11	Maclean Lane
55	483	13	Maclean Lane
56	44	51	Cato Lane
56	186	49	Dukes Road
56	243	22	Hawthorne Lane
56	459	3R	Burnt Swamp Lane
56	204	14	Winn Street
56	205	16	Winn Street

And, by removing the following parcels from the Town Sewer District:

MAP	LOT	NUMBER	STREET
68	18.1	50	Old South Road
68	249	123	Old South Road
68	826		Miller Lane
68	827		Miller Lane
68	828		Miller Lane
55	276		Washington Street
55	415 (a portion of)		Washington Street
55	404.1 (a portion of)	84	Union Street
55	404.2 (a portion of)	84R	Union Street

55	404	86	Union Street
55	398	90	Union Street
55	58	16	East Creek Road
80	1.1	15	South Shore Road
66	126	80	Miacomet Avenue
66	63	81	Miacomet Avenue
67	346	9	Miacomet Avenue
67	890	13	Miacomet Avenue
67	679	9	Miacomet Avenue
67	891	11	Miacomet Avenue
67	892	7	Miacomet Avenue
67	680	5	Miacomet Avenue
67	681	3	Miacomet Avenue
67	385	1	Miacomet Avenue
67	229	69R	Surfside Road
67	387	64	Surfside Road
67	121	42R	Surfside Road
67	481	5	Backus Lane
67	483	R	Backus Lane
67	394	6	Pilot Whale Drive
67	395	8	Pilot Whale Drive
67	396	10	Pilot Whale Drive
67	397	12	Pilot Whale Drive
67	398	14	Pilot Whale Drive
67	400	9	Pilot Whale Drive
67	401	7	Pilot Whale Drive
67	402	5	Pilot Whale Drive
67	403	3	Pilot Whale Drive
55	320	9	Vesper Lane
55	2		Mill Hill Cemetery
55	1	29	Vesper Lane
55	319		N. Mill Street
55	312	47	Prospect Street
55.4.4	57	39	Prospect Street
55.4.4	81	37	Prospect Street
42.1.4	21	39	Easton Street
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41	181		Friends Burying Ground
41	274	27	New Lane
41	275.1	25	New Lane

41	275.2	10	Grove Lane
41	392	26	New Lane
41	393	17	Grove Lane
41	376	21	Grove Lane

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 69 Town Sewer District Map Changes for Parcels Not Subject to Zoning Map Changes” dated January 2014 and filed herewith at the Office of the Town Clerk.

ARTICLE 70

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Changes for Parcels Subject to 2014 ATM Zoning Map Changes)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners) of the Code of the Town of Nantucket as follows:

1. By amending the map entitled “Nantucket Sewer Districts Town and Siasconset” and referenced in section 3A (Town Sewer District) by adding the following parcels:

MAP	LOT	NUMBER	STREET
68	204	4	Nancy Ann Lane
68	205	6	Nancy Ann Lane
68	206	8	Nancy Ann Lane
68	207	10	Nancy Ann Lane
68	176	12	Nancy Ann Lane
68	130	14	Nancy Ann Lane
68	132	3	Nancy Ann Lane
68	133	5	Nancy Ann Lane
68	134	7	Nancy Ann Lane
68	135	9	Nancy Ann Lane
68	136	11	Nancy Ann Lane
68	137	13	Nancy Ann Lane
68	138	15	Nancy Ann Lane
68	139	17	Nancy Ann Lane
68	140	19	Nancy Ann Lane
68	198	1	Greglen Avenue
68	197	3	Greglen Avenue
68	194	5	Greglen Avenue
68	193	7	Greglen Avenue
68	190	9	Greglen Avenue
68	189	11	Greglen Avenue
68	188	13	Greglen Avenue
68	131	2	Greglen Avenue
68	177	4	Greglen Avenue

68	178	6	Greglen Avenue
68	179	8	Greglen Avenue
68	180	10	Greglen Avenue
68	181	12	Greglen Avenue
68	182	14	Greglen Avenue
68	183	16	Greglen Avenue
68	184	18	Greglen Avenue
68	141	20	Greglen Avenue
68	64	6	Davkim Lane
68	63	8	Davkim Lane
68	62	10	Davkim Lane
68	61	12	Davkim Lane
68	60	14	Davkim Lane
68	59	16	Davkim Lane
68	58	18	Davkim Lane
68	57	20	Davkim Lane
68	56.1		Davkim Lane
68	85 (a portion of)	64	Old South Road
56	180	27	Hawthorne Lane
56	181	25	Hawthorne Lane
56	182	23	Hawthorne Lane
56	242	24	Hawthorne Lane
56	183	61	Dukes Road

2. By amending the map entitled “Nantucket Sewer Districts Town and Siasconset” and referenced in section 3B (Siasconset Sewer District) by adding the following parcels:

Map	Lot	Number	Street
49	4	103	Sankaty Road
49	94	97	Sankaty Road
49	95	101	Sankaty Road
48	23 (a portion of)	92	Baxter Road
48	46	107	Sankaty Road
48	47.1	111	Sankaty Road
48	26	115	Sankaty Road
48	27	117	Sankaty Road
48	38.1 (a portion of)	108	Baxter Road

Or to take any other action related thereto.

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 70 Bylaw Amendment: Board of Sewer Commissioners/ Nantucket Sewer Districts Town and

Siasconset Map Changes for Parcels Subject to 2014 ATM Zoning Map Changes” dated January 2014 and filed herewith at the Office of the Town Clerk.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: TO BE PROVIDED AT THE TOWN MEETING

BOARD OF SELECTMEN COMMENT: TO BE PROVIDED AT THE TOWN MEETING

ARTICLE 71

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Changes - South Pasture Lane Area)

To see if the Town of Nantucket will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3a (Town Sewer District) of the Code of the Town of Nantucket by adding the following parcels to the Town Sewer District:

MAP	PARCEL	STREET ADDRESS
80	297.3	4 SOUTH PASTURE LANE
80	297.4	6 SOUTH PASTURE LANE
80	429	6 ½ SOUTH PASTURE LANE
80	297.5	8 SOUTH PASTURE LANE
80	297.6	10 SOUTH PASTURE LANE
80	297.7	12 SOUTH PASTURE LANE
80	430	14 SOUTH PASTURE LANE
80	297.8	SOUTH SHORE ROAD (1-FOOT STRIP)

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article _____ Town Sewer District Expansion” dated November 21, 2013 and filed herewith at the office of the Town Clerk.

(Linda F. Williams, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: This Article did not meet the requirements set forth by the Board of Sewer Commissioners, as reviewed by the administrative work group established to review sewer district expansion requests.

ARTICLE 72

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Changes - Tashama Lane)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding 11, 13, 15, 17 and 19 Tashama Lane (Map 55, Parcels 470, 469, 468, 467, and 466, respectively) to the Town Sewer District.

(John B. Brescher, 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 is hereby amended by adding the following parcels to the Town Sewer District:

11, 13, 15, 17 and 19 Tashama Lane (Map 55, Parcels 470, 469, 468, 467, and 466, respectively).

ARTICLE 73

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Changes - Brewster Road)

To see if the Town will vote to: amend the Town Sewer District, as established under Nantucket Code, Chapter 41, Section 3.A, by adding to it the following parcel, which is situated in the Harbor Watershed Protection Zone and the Wellhead Protection District: Map 54 Parcel 261 at #3 Brewster Road

(Susan Bennett Witte, 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 is hereby amended by adding the following parcels to the Town Sewer District:

3 Brewster Road, Assessor's Map 54, Parcel 261

ARTICLE 74

(Bylaw Amendment: Parking)

To see if the Town will vote to repeal Chapter 103 (Parking) of the Code of the Town of Nantucket, in its entirety.

Or to take any other action related thereto.

(Board of Selectmen)

NOTE: there are existing Parking Regulations that may be amended from time to time through an established public hearing process that will allow the Board of Selectmen to implement parking changes, rather than amend a bylaw each time changes are deemed appropriate.

FINANCE COMMITTEE MOTION: Moved that Chapter 103 (Parking) of the Code of the Town of Nantucket is hereby repealed in its entirety.

FINANCE COMMITTEE COMMENT: The Finance Committee supports the Board of Selectmen's efforts in putting forward this Article so that when parking regulation amendments are needed, they may be made expeditiously, in accordance with the public hearing requirements of the Town Code.

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

ARTICLE 75

(Bylaw Amendment: Parking)

To see if the Town will vote to amend Chapter 103 (Parking) of the Code of the Town of Nantucket as follows *(NOTE: new language is shown in highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town*

of Nantucket):

Chapter 103. PARKING
Article II. Resident Parking

§ 103-4. Amendments to map.

A. Authority. The Board of Selectmen is hereby given the authority to amend the Parking District Map by its own initiative or after having been presented with a petition including 51% of the owners of property located on the street or streets seeking to be added to or deleted from a parking district.

B. Public hearing. In order to adopt such an amendment to the map, the Board of Selectmen shall hold a public hearing pursuant to Chapter 2 (Administrative Procedures) of the Town Code, after having published a notice of the hearing in a newspaper of general circulation in the Town at least seven days in advance of the hearing and after having notified, by certified mail, all record owners of property abutting the street or streets affected by the proposed amendment advising said abutters as to the time, date, place and subject of the public hearing.

C. Required findings. In order to adopt an amendment to the Parking District Map, the Board of Selectmen shall first determine that the adoption of the amendment will further the purposes of § 103-2. make the following findings as part of its decision:

- ~~(1) That the street is directly connected to a street which is already part of a district.~~
- ~~(2) That, in the case of additions to the Resident Parking Permit District, the street in question is used regularly for parking by significant numbers of persons who do not live in the immediate neighborhood, which causes a parking hardship for those living on the street during the summer.~~
- ~~(3) That the adoption of the amendment will further the purposes of the article outlined in § 103-2.~~

D. Notice to residents affected. In amendments involving changes to the Resident Parking Permit District, at least 15 days prior to becoming effective, notice shall be sent to each owner of property abutting the street or streets so affected, stating that the occupants of that household are required to obtain a permit for each vehicle parking in excess of the posted time limit in the designated district and notifying the resident of the date that parking restrictions will become effective.

§ 103-5. Parking restrictions.

A. Resident Parking Permit District. There is hereby established a two-hour parking restriction between the hours of 7:00 a.m. and 6:00 p.m. during the period between June 1 and September 30 of each year in the Resident Parking Permit District. Following a public hearing pursuant to Chapter 2 (Administrative Procedures) of the Town Code, the Board of Selectmen may act to amend the hours and/or dates during which parking is restricted within the Resident Parking Permit District. Following the adoption of this article, the Selectmen shall cause

parking signs to be posted in the district indicating this restriction. This restriction shall not apply to vehicles properly displaying valid resident parking permits.

B. Core District. Parking restrictions in the Core District shall be ~~from 15 minutes to one hour,~~ at the discretion of the Board of Selectmen, which shall cause parking signs to be posted in the district indicating these restrictions. These restrictions shall apply to all vehicles, including those with valid parking stickers.

§ 103-6. Parking permits.

A. Qualifications for issuance. Resident parking permits shall be issued upon payment of the applicable fee which shall be determined by the Board of Selectmen to owners of vehicles who own or rent dwellings which front on streets included in the Resident Parking Permit District or Core District, provided that ~~a fee of \$10 for applications submitted between October 1 and May 31 or \$50 for applications submitted between June 1 and September 30 has been paid to the Town;~~ the applicant completes an application and shows satisfactory proof that he lives on a street in one of the districts during the period between June 1 and September 30 of the year for which he is seeking a permit by using a tax bill, executed lease or other acceptable documentation as proof; and a valid registration card for the vehicle to be permitted is shown. Following a public hearing pursuant to Chapter 2 (Administrative Procedures) of the Town Code, the Board of Selectmen may enact Regulations implementing additional requirements and restrictions for issuance of parking permits pursuant to this Section, provided that such additional restrictions and requirements are limited to the following: (1) a limitation on the number of parking permits that may be issued to each residence; (2) restrictions on the issuance of parking permits for those residents that have off-street parking available; and (3) such other modifications to the parking permit program that are within the scope and intent of this Section;

B. Proper display of permits. Resident parking permits shall be in the form of an adhesive sticker, inscribed with the license plate number of the subject vehicle, and shall be affixed to the left rear bumper of the vehicle so as to be easily seen by ~~a patrolman parking enforcement officers.~~

C. Validity. A resident parking permit shall be valid only for the vehicle it was originally issued for. Permits are not transferable from one vehicle to another under any circumstances. Resident parking permits shall be valid for one summer season only. New permits must be secured in the same manner as specified above each season. Permits not properly displayed shall be considered invalid.

§ 103-7. Temporary permits.

A. Temporary permits for licensed guesthouses and hotels. Licensed guesthouses and hotels located in the Core District or Resident Parking Permit District shall be issued, upon application by the owner or his agent and the payment of a fee of \$50 per permit, a fixed number of reusable, transferable parking permit placards. Permit placards shall be issued at the rate of one placard for each three guest rooms, less the number of off-street parking spaces normally available to guests which are owned or leased by the establishment. Each placard shall be numbered and shall bear the name of the establishment. Placards shall be displayed on the

dashboard of the guest vehicle above the speedometer while it is parked in the Resident Parking Permit District. Permit placards issued to the guesthouses and hotels shall only be considered valid when properly displayed in a vehicle owned or rented by a legitimate guest of the establishment and shall not be deemed valid when improperly displayed or displayed in vehicles of employees or others not temporarily residing in the guesthouse or hotel. Replacement of lost or stolen guesthouse or hotel placards shall be granted upon payment of a replacement fee of \$10 per placard and upon the reporting of the number of the placard so lost or stolen.

B. The Town may issue temporary parking permits for activities of limited duration as approved by the Chief of Police.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Chapter 103 (Parking) of the Code of the Town of Nantucket is hereby amended as follows *(NOTE: new language is shown in highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

Chapter 103. PARKING
Article II. Resident Parking

§ 103-4. Amendments to map.

A. Authority. The Board of Selectmen is hereby given the authority to amend the Parking District Map by its own initiative or after having been presented with a petition including 51% of the owners of property located on the street or streets seeking to be added to or deleted from a parking district.

B. Public hearing. In order to adopt such an amendment to the map, the Board of Selectmen shall hold a public hearing pursuant to Chapter 2 (Administrative Procedures) of the Town Code. ~~after having published a notice of the hearing in a newspaper of general circulation in the Town at least seven days in advance of the hearing and after having notified, by certified mail, all record owners of property abutting the street or streets affected by the proposed amendment advising said abutters as to the time, date, place and subject of the public hearing.~~

C. Required findings. In order to adopt an amendment to the Parking District Map, the Board of Selectmen shall first determine that the adoption of the amendment will further the purposes of § 103-2. ~~make the following findings as part of its decision:~~

- ~~(1) That the street is directly connected to a street which is already part of a district.~~
- ~~(2) That, in the case of additions to the Resident Parking Permit District, the street in question is used regularly for parking by significant numbers of persons who do not live in the immediate neighborhood, which causes a parking hardship for those living on the street during the summer.~~

~~(3) That the adoption of the amendment will further the purposes of the article outlined in § 103-2.~~

~~D. Notice to residents affected. In amendments involving changes to the Resident Parking Permit District, at least 15 days prior to becoming effective, notice shall be sent to each owner of property abutting the street or streets so affected, stating that the occupants of that household are required to obtain a permit for each vehicle parking in excess of the posted time limit in the designated district and notifying the resident of the date that parking restrictions will become effective.~~

§ 103-5. Parking restrictions.

A. Resident Parking Permit District. There is hereby established a ~~two-hour parking restriction between the hours of 7:00 a.m. and 6:00 p.m. during the period between June 1 and September 30 of each year in the Resident Parking Permit District.~~ Following a public hearing pursuant to Chapter 2 (Administrative Procedures) of the Town Code, the Board of Selectmen may act to amend the hours and/or dates during which parking is restricted within the Resident Parking Permit District. Following the adoption of this article, the Selectmen shall cause parking signs to be posted in the district indicating this restriction. This restriction shall not apply to vehicles properly displaying valid resident parking permits.

B. Core District. Parking restrictions in the Core District shall be ~~from 15 minutes to one hour,~~ at the discretion of the Board of Selectmen, which shall cause parking signs to be posted in the district indicating these restrictions. These restrictions shall apply to all vehicles, including those with valid parking stickers.

§ 103-6. Parking permits.

A. Qualifications for issuance. Resident parking permits shall be issued ~~upon payment of the applicable fee which shall be determined by the Board of Selectmen to owners of vehicles who own or rent dwellings which front on streets included in the Resident Parking Permit District or Core District, provided that a fee of \$10 for applications submitted between October 1 and May 31 or \$50 for applications submitted between June 1 and September 30 has been paid to the Town;~~ the applicant completes an application and shows satisfactory proof that he lives on a street in one of the districts during the period between June 1 and September 30 of the year for which he is seeking a permit by using a tax bill, executed lease or other acceptable documentation as proof; and a valid registration card for the vehicle to be permitted is shown. Following a public hearing pursuant to Chapter 2 (Administrative Procedures) of the Town Code, the Board of Selectmen may enact Regulations implementing additional requirements and restrictions for issuance of parking permits pursuant to this Section, provided that such additional restrictions and requirements are limited to the following: (1) a limitation on the number of parking permits that may be issued to each residence; (2) restrictions on the issuance of parking permits for those residents that have off-street parking available; and (3) such other modifications to the parking permit program that are within the scope and intent of this Section;

B. Proper display of permits. Resident parking permits shall be in the form of an adhesive sticker, inscribed with the license plate number of the subject vehicle, and shall be affixed to

the left rear bumper of the vehicle so as to be easily seen by a patrolman parking enforcement officers.

C. Validity. A resident parking permit shall be valid only for the vehicle it was originally issued for. Permits are not transferable from one vehicle to another under any circumstances. Resident parking permits shall be valid for one summer season only. New permits must be secured in the same manner as specified above each season. Permits not properly displayed shall be considered invalid.

§ 103-7. Temporary permits.

A. Temporary permits for licensed guesthouses and hotels. Licensed guesthouses and hotels located in the Core District or Resident Parking Permit District shall be issued, upon application by the owner or his agent and the payment of a fee of \$50 per permit, a fixed number of reusable, transferable parking permit placards. Permit placards shall be issued at the rate of one placard for each three guest rooms, less the number of off-street parking spaces normally available to guests which are owned or leased by the establishment. Each placard shall be numbered and shall bear the name of the establishment. Placards shall be displayed on the dashboard of the guest vehicle above the speedometer while it is parked in the Resident Parking Permit District. Permit placards issued to the guesthouses and hotels shall only be considered valid when properly displayed in a vehicle owned or rented by a legitimate guest of the establishment and shall not be deemed valid when improperly displayed or displayed in vehicles of employees or others not temporarily residing in the guesthouse or hotel. Replacement of lost or stolen guesthouse or hotel placards shall be granted upon payment of a replacement fee of \$10 per placard and upon the reporting of the number of the placard so lost or stolen.

B. The Town may issue temporary parking permits for activities of limited duration as approved by the Chief of Police.

BOARD OF SELECTMEN COMMENT: The Board of Selectmen supports Article 75 as an alternative if Article 74 is not approved.

ARTICLE 76

(Bylaw Amendment: Removal of Animal Litter)

To see if the Town will vote to amend Chapter 127 (STREETS AND SIDEWALKS), Article V, s. 9 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):

Chapter 127: STREETS AND SIDEWALKS Article V: Removal of Animal Litter

§ 127-9 Areas encompassed by regulation

A.

~~Town of Nantucket: southerly from the Atlantic Ocean to the juncture of Sherburne Turnpike and Cliff Road; westerly along Cliff Road to Pilgrim Road; southerly along Pilgrim Road to the~~

~~junction of New Lane; southerly along New Lane to Winn Street and continuing southerly along Winn Street across Prospect Hill Cemetery to the junction of Hummock Pond Road and Vesper Lane; easterly along Vesper Lane to Atlantic Avenue; northerly along Atlantic Avenue to Sparks Avenue; continuing easterly on Williams Lane to the junction of Pleasant Street; continuing northeasterly on Bear Street to Orange Street; then northwesterly to Goose Pond Lane to the junction of the Washington Street right-of-way as defined by the R-C/LUG-1 zoning line; continuing along the R-C/LUG-1 zoning line to Nantucket Harbor as shown on the Town and County of Nantucket Zoning Map of 1987.~~

~~B.~~

~~Town of Siasconset: Residential 1 and Residential Old Historic Districts as defined by the Official Zoning Map of the Town and County of Nantucket of 1989.~~

The Island of Nantucket, and the Town & County of Nantucket, Massachusetts

(Charles A. Dragon, et al)

FINANCE COMMITTEE MOTION: Moved that Chapter 127 (Streets and Sidewalks), Article V (Removal of Animal Litter), section 127-9 (Areas encompassed by regulation) sections A and B are hereby stricken and replaced with the following:

§ 127-9. Areas encompassed by regulation.

A. The Town and County of Nantucket, Massachusetts.

ARTICLE 77

(Request for Town Meeting Warrant Articles to be Presented in "Common Conversational English")

To see if the Town will vote to: All articles in the town meeting warrant must be presented in common conversational English language. This presentation can either be in place of, or in addition to, the "legalese" language which is presently used. "Common conversational English" would be defined as language that adult Nantucket tax-paying and voting citizens without legal background can understand and discuss meaningfully.

(Andrew Schwartz, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: The Town frequently provides informational handouts to explain particularly complex articles in "layman's terms" and has provided a "layman's guide" to Town Meeting Warrant articles for this Town Meeting.

ARTICLE 78

(Bicycle Path Advisory Committee)

To see if the Town will vote to instruct the BOS to form a Bicycle Path Advisory Committee that will examine all rights of way, public and private, on existing bike paths, and recommend any course of action or regulations necessary to promote the safety and welfare of bicyclists and others who use the island's bike paths.

(Ian Golding, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: The Committee recommends that this initiative be coordinated with a committee recently established by the Nantucket Planning & Economic Development Commission.

**ARTICLE 79
(Nantucket Affordable Housing Trust Fund)**

To see if the Town will vote to amend the existing Nantucket Affordable Housing Trust language originally established by Article 72 at the 2009 ATM. The amendment language is attached hereto.

Pursuant to a vote at the Nantucket 2009 Annual Town Meeting and pursuant to the provisions of M.G.L. c. 44 Section 55C adopted at the Nantucket 2009 Annual Town Meeting, the Town of Nantucket hereby establishes the Town of Nantucket Affordable Housing Trust Fund in the manner and under the terms and conditions set forth herein.

1. Name of the Trust.

The Trust shall be called the "Town of Nantucket Affordable Housing Trust Fund", herein referred to as the Trust.

2. Purpose.

The purpose of the Trust is to provide for the creation and preservation of affordable housing in the Town of Nantucket for the benefit of year-round low and moderate income households who would otherwise have difficulty, financial or otherwise, locating housing on Nantucket.

3. Tenure of Trustees.

(NEW LANGUAGE TO FOLLOW IS HIGHLIGHTED, ITALIZED AND UNDERLINED AND OLD LANGUAGE HAS THE STRIKE OUT).

There shall be a Board of Trustees consisting of nine **(9)** Trustees who shall be appointed by the Board of Selectmen. ~~Five of the Trustees shall be members of the Board of Selectmen.~~ Only persons who are residents of the Town of Nantucket shall be eligible to hold the office of Trustee. *There shall be seven (7) members appointed by the Board of Selectmen. The membership shall be as follows: one (1) member of the Board of Selectmen,* the Chairman of Nantucket Housing Authority (NHA) or another member of the NHA designated by its Chairman, *one (1) member of the Nantucket Planning & Economic Development Commission,* *one (1) licensed real estate agent or broker and three (3) members at large.* ~~The Board of Selectmen shall serve for their specific term of office. All other Trustees shall serve for a term of two years, except that one of the initial trustee appointments shall be for a term of one year. Trustees may be reappointed by the Board of Selectmen for succeeding terms, and there is not a limit on the number of terms which a Trustee can serve. Any Trustee may resign by written instrument signed and acknowledged by such Trust and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to fulfill the duties of a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Board of Selectmen to fill the remainder of the term of such vacancy provided that said appointment and acceptance in writing by the newly appointed Trustee is filed with the Town Clerk. Upon the~~

appointment of any Trustee and the filing of such appointment with the Town Clerk, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder. Trustees may be removed at any time for cause by a majority vote of the Board of Selectmen following a properly noticed public hearing. Cause shall include, but not be limited to, violation of any local, state or federal law; non-participation in business of the Trust, incapacity to perform the duties of a Trustee, acts of the Trustee, that in the opinion of the Board of Selectmen, are grossly negligent or detrimental to the Town of Nantucket or the Trust.

4. Meetings of the Trust.

The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law M.G.L. Chapter 39, Sections 23A, 32B and 23C. A quorum at any meeting shall be a majority of the nine Trustees, which majority is qualified and present in person. Minutes of all meetings shall be recorded and filed with the Town Clerk in accordance with the provisions of the Open Meeting Law, M.G.L. Chapter 39, Sections 23A, 23B and 23C.

5. Powers of Trustees.

The Powers of the Trust, shall be the following, except that: (a) any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property is subject to a two-thirds (2/3rds) vote of the Trustees; (b) the Trustees may incur debt, borrow money, grant mortgages and pledge Trust assets only in an amount not to exceed eighty percent (80%) of the total value of the Trust's assets; and (c) any debt incurred by the Trust shall not constitute a pledge of the full faith and credit of the Town of Nantucket and all documents related to any debt shall contain a statement that the holder of any such debt shall have no recourse against the Town of Nantucket with an acknowledgement of said statement by the holder: (1) to accept and receive property, whether real, or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the Trust in connection with provisions of any zoning ordinance or bylaw or any other ordinance or bylaw; (2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income; (3) to sell, lease, exchange, transfer or convey any personal, mixed or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise and to make such contracts and enter into such undertakings relative to trust property as the Trust deems advisable notwithstanding the length of any such lease or contract; (4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board of Trustees engages for the accomplishment of the purposes of the Trust; (5) to employ advisors and agents, such as accountants, appraisers and lawyers as the Trustees deem necessary; (6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trustees deem advisable; (7) to apportion receipts and charges between incomes and principal as the Trustees deem advisable, to amortize premiums and establish sinking funds for such purposes and to create reserves for depreciation, depletion or otherwise; (8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power

of substitution to vote any securities or certificates of interest and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person; (9) to deposit any security with any protective reorganization committee and to delegate to such committee such powers and authority with relation thereto as the Trustees may deem proper and to pay out of Trust property, such portion of expenses and compensation of such committee as the Trust may deem necessary and appropriate; (10) to carry property for accounting purposes other than acquisition date values; (11) to borrow money on such terms and conditions and from such sources as the Trust deems advisable, to mortgage and pledge Trust assets as collateral; (12) to make distributions or divisions of principal in kind; (13) to comprise, attribute, defend, enforce, release, settle otherwise adjust claims in favor or against the Trust, including claims for taxes and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation and subject to the provision of the Act, to continue to hold the same for such period of time as the Trust may deem appropriate; (14) to manage or improve real property and to abandon any property which the Trustees determine not to be worth retaining; (15) to hold all or part of the Trust property un-invested for such purposes and for such time as the Trustees may deem appropriate; and, (16) to extend the time for payment of any obligation to the Trust.

6. Funds Paid to the Trust.

Notwithstanding any general or special law to the contrary, all monies paid to the Trust in accordance with any Town of Nantucket zoning by-law, exaction fee, or private contribution shall be paid directly into the Trust and need to be appropriated or accepted and approved into the Trust. Funds appropriated by the Town of Nantucket Town Meeting for payment into the Trust become Trust property and these funds need not be further appropriated to be expended. All monies remaining in the Trust at the end of any fiscal year, whether or not expended by the Trust, remain Trust property. The Trust shall comply with any lawful conditions stipulated in the article's motion for monies appropriated by the Nantucket Town Meeting.

7. Acts of Trustees.

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder, unless otherwise provided, and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate. Any expenditure by the Trust to any one party in a cumulative amount exceeding \$100,000.00 or donations to any charitable organization by the Trust shall also be approved by the Board of Selectmen prior to finalizing the transaction.

8. Liability.

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town of Nantucket, except in the manner specifically authorized herein. The Trust is a public employer and the Trustees are public employees for the purposes of M.G.L. Chapter 258. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of M.G.L. Chapter 268A.

9. Taxes.

The Trust is exempt from M.G.L. Chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth of any political subdivision thereof.

10. Custodian of Funds.

The Town of Nantucket Treasurer shall be the custodian of the funds of the Trust. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities. Costs associated with the independent audit shall be born by the Trust. Furthermore, all funds paid to the Trust shall be deposited directly into a separate and distinct bank account under the Town Collector/Treasurer's custodianship. A separate and distinct organizational code with the Chart of Accounts will be established on the Town's accounting system, and it will be the Trust's responsibility to maintain its financial records on the Town system. As the Trust will adopt an approved budget, the Trust must follow all warrant, accounts payables and policies and procedures.

11. Governmental Body.

The Trust is a governmental body for purposes of Sections 23A, 32B and 23C of M.G.L. Chapter 39.

12. Board of the Town.

The Trust is a Board of the Town for purposes of M.G.L. Chapter 30B and Section 15A of M.G.L. Chapter 40; but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the town shall be exempt from said Chapter 30B.

13. Duration of the Trust.

This Trust shall be of indefinite duration until terminated by a vote of the Nantucket Town Meeting or upon establishment of the Community Housing Bank as provided for by Article 62 of this warrant whichever occurs sooner. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town of Nantucket and held by the Board of Selectmen for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Board of Selectmen, sell all or any portion of the Trust property and distribute the net proceeds thereof to the Town of Nantucket. The powers of the Trustees shall continue until the affairs of the trust are concluded. Once the Nantucket Town Meeting has voted to terminate the Trust, all financial transactions made on behalf of the Trust shall be approved by the Board of Selectmen.

14. Registry of Deeds.

The Board of Selectmen may grant the Trustees any additional authority needed to execute, deliver and record with the Registry of Deeds any documents required for any conveyance authorized hereunder.

15. Titles.

The titles to the various Articles herein are for convenience only and are not to be considered part of said Articles nor shall they affect the meaning or the language of any such Articles.

16. Compensation of Trustees.

Trustees shall not receive a salary, stipend, bonus or other means of compensation for their service as a Trustee, nor shall they be eligible for any benefits from the Town of Nantucket. Trustees may be compensated for reasonable out-of-pocket expenses for travel and other Trust-related expenses.

All such out-of-pocket expenses shall be fully documented with receipts for expenses prior to the payment by the Trust.

17. Amendments.

The provisions of this Trust can only be amended by a vote of the Nantucket Town Meeting.

18. Conflicts of Interest.

The Trust shall be considered a public employer and the Trustees shall be subject to the conflict of interest provisions of M.G.L. Chapter 268A.

19. Trustee Agreements.

Trustees will be required to execute an agreement with the Trust at the time of their appointment by the Board of Selectmen outlining their roles and responsibilities in accordance with the provision of the Trust. Such form of agreement shall be developed by the Board of Selectmen and approved as to form by The Nantucket Town Counsel.

20. Annual Report.

The Trustees shall prepare an annual report describing the activities of the Trust on a calendar year basis. The annual report shall be submitted to Nantucket Board of Selectmen by June 30th of the following year. The annual report shall list all financial transactions conducted by the Trust including all revenues and costs, provide a balance sheet of liabilities and assets of the Trust, list an inventory of all affordable housing units created, sold, and or managed by the Trust, and any other pertinent information related to the business of the Trust. Twenty hard copies and an electronic copy of the annual report shall be submitted to the Board of Selectmen.

(Linda F. Williams, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: The Committee encourages all involved in the Affordable Housing Trust to revisit the purpose of the Trust and come to a determination as to whether or not it makes sense to continue in the current environment.

ARTICLE 80

(Charter Amendment: Town Manager)

To see if the Town will vote to amend Article IV (Town Administration) of the Charter of the Town of Nantucket, paragraph 2 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):

Article IV Section 4.2 of the town charter (Town Manager) shall be amended to change the following language.

~~A) The Board of Selectmen shall appoint a~~ The citizens on the Town and County of Nantucket shall appoint a Town Manager by means of elected vote for an initial a term of 2 3 years; ~~Any successive terms shall not to exceed 3 years each terms, or 9 years.~~ The Town Manager so appointed elected shall, by education, experience and ability, be qualified to perform the duties established for the position. Such person need not be a resident of the Town at the time of appointment but shall be a resident during the term of office starting not later than six months following appointment.

(b) The Town Manager shall devote full time to the duties of the office.

(c) The Town Manager shall be responsible to the Board of Selectmen for the efficient operation of Town Administration, for acting in conformity with policies established by the Board with respect to budget and other matters, and for the proper implementation of legislation adopted by the Town pursuant to Article II. The Town Manager shall have all, the powers, rights and duties delegated by the Board of Selectmen or as are commonly associated with the office of chief administrative officer of a local government unit.

(d) In particular, the Town Manager:

(1) Shall supervise, direct and be responsible for the efficient administration of all officers, boards, councils, commissions and committees appointed by the Town Manager, and all other Town functions for which the Town Manager is given responsibility by this Charter, Town bylaw, administrative code, or other legislation; and may issue administrative orders;

(2) Shall have appointment powers as provided in Section 4.3;

(3) Shall, with the assistance of the department heads, prepare and submit to the Board of Selectmen, all annual operating budgets and capital budgets, and any proposal for budget amendment; shall establish the schedules and procedures to be followed by all Town departments, boards, councils, commissions and committees in connection therewith and shall direct all phases of the budgetary process throughout each fiscal year;

(4) Shall prepare the Town Meeting warrant for adoption by the Board of Selectmen pursuant to a schedule set by the Board, by administrative code or Town bylaw.

(5) May be present at all meetings of the Board of Selectmen and may participate in all deliberations, without the right to vote;

(6) shall, with the assistance of the Town department heads, ensure adequate inventory, care, construction and maintenance of all Town properties, owned or leased, and foster centralized purchasing including, if so requested, for the School Committee;

(7) May require reports from and may examine the records, accounts and operations of any Town department, board, council commission or committee and shall recommend whatever

actions or programs are deemed necessary or desirable for the Town, the welfare of its residents and of visitors to the Island

(8) shall review, analyze and forecast trends of Town services and programs of all Town departments, boards, councils, commissions and committees and make reports and recommendations thereon to the Board of Selectmen;
A30207 11 - 15 - 2007

Add: Section (9) Dismissals and Recalls shall be pursuant to section 5.1 and 5.4 of the official Nantucket Town Charter

(David Larivee, et al)

Sponsors Comment: This charter change does not change any of the duties of the Town Managers. All it is intended to do is make the office of Town Manager an elected position, that would make them (Town Manager) accountable to the taxpayers/voters and not a five person Board of selectmen.

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 81

(Charter Amendment: Board of Selectmen)

To see if the Town will vote to amend Article III (Board of Selectmen) of the Charter of the Town of Nantucket, paragraph 4 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):

Article III Section 3.4 of the town charter shall be amended by the following. **Removal of section a of the Selectmen Powers as to Appointments, in its entirety.**

~~(a) The Board of Selectmen may, at a public meeting, exercise the following powers:~~

~~(1) To appoint the Town Manager for the purposes set forth in Article IV. Such appointment shall be upon appropriate terms and conditions, including provision for annual performance reviews, in conformity with this Charter and the General Laws. By a majority vote of the full count of members then in office, the Board may remove the Town Manager;~~

~~[Amended 4-11-2007 A M by Art. 44, approved 5-21-2007]~~

(David Larivee, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 82

(Home Rule Petition: Airport Fuel Revolving Fund)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation set forth below; provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may

be necessary or advisable towards perfecting the intent of this legislation in order to secure passage; or to take any other action related thereto.

An Act Relative to the Nantucket Memorial Airport Fuel Revolving Account

SECTION 1. Chapter 28 of the acts of 2004 is hereby amended by inserting at the end of section 1 the following:- This fund shall not be included in the calculation of the aggregate limit of all revolving funds authorized under section 53E½ of said chapter 44.

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

(Board of Selectmen for Airport Commission)

NOTE: The above home rule petition was approved as Article 20 of the 2012 Annual Town Meeting and Article 52 at the 2013 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2013, will expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation set forth below, and that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage; or to take any other action related thereto.

An Act Relative to the Nantucket Memorial Airport Fuel Revolving Account

SECTION 1. Chapter 28 of the acts of 2004 is hereby amended by inserting at the end of section 1 the following:- This fund shall not be included in the calculation of the aggregate limit of all revolving funds authorized under section 53E½ of said chapter 44.

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

ARTICLE 83

(Home Rule Petition: Nantucket Mosquito Control Project)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act creating the Nantucket Mosquito Control Project, in the form set forth herein; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court; and, provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT ESTABLISHING THE NANTUCKET MOSQUITO CONTROL PROJECT

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

Section 1. Section 2 of chapter 169 of the acts of 1965 is hereby amended by striking out the words "mosquito control commission" from the first sentence.

Section 2. The area included in the county and town of Nantucket is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, to the same extent as if so constituted by the state reclamation board acting under said section five A, and the improvements herein authorized shall be undertaken under the identifying name of the Nantucket Mosquito Control Project.

Section 3. There shall be a commission as provided under said section five A of chapter two hundred and fifty-two which shall consist of five members. The members shall be appointed by the board of selectmen, subject to approval of the state reclamation board. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and each shall serve until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

Or to take any other action related thereto.

(Board of Selectmen)

NOTE: The above home rule petition was approved as Article 76 of the 2012 Annual Town Meeting and Article 57 of the 2013 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2013, will expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation set forth below for a special act creating the Nantucket Mosquito Control Project, in the form set forth herein; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court; and, provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT ESTABLISHING THE NANTUCKET MOSQUITO CONTROL PROJECT

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

Section 1. Section 2 of chapter 169 of the acts of 1965 is hereby amended by striking out the words "mosquito control commission" from the first sentence.

Section 2. The area included in the county and town of Nantucket is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, to the same extent as if so constituted by the state reclamation board acting under said section five A, and the improvements herein authorized shall be undertaken under the identifying name of the Nantucket Mosquito Control Project.

Section 3. There shall be a commission as provided under said section five A of chapter two hundred and fifty-two which shall consist of five members. The members shall be appointed by

the board of selectmen, subject to approval of the state reclamation board. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and each shall serve until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

Or to take any other action related thereto.

ARTICLE 84

(Home Rule Petition: Community Preservation Committee)

To see if the Town will vote to present the Home Rule petition set forth below to the General Court, that the Town's representatives in the General Court be requested to introduce legislation set forth below, and that the General Court be authorized, with the approval of the Nantucket Board of Selectmen, to vary the specific text of the requested legislation within the scope of the public policy objectives of the Home Rule Petition set forth below:

An Act relative to the Community Preservation Committee in the Town of Nantucket

Section 1. Notwithstanding the provisions of section 5(a) of chapter 44B of the general laws, or of any other general or special law to the contrary, where the historical commission of the town of Nantucket created under section 8D of chapter 40 did not exist at the time the Community Preservation Act was adopted by said town, the community preservation committee in the town of Nantucket shall include one member of the historic district commission established under section 4 of chapter 40C of the general laws, as selected by the commission, in place of one member of the historical commission. Provided, however, that the preceding sentence shall not be interpreted to preclude the town of Nantucket from including a member of said historical commission on the community preservation committee either by appointment or election consistent with the then applicable community preservation committee bylaw.

Section 2. This act shall take effect upon passage.

Or to take any other action related thereto.

(Board of Selectmen)

NOTE: The above home rule petition was approved as Article 67 of the 2012 Annual Town Meeting and Article 59 of the 2013 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2013, will expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation set forth below and that the General Court be authorized, with the approval of the Nantucket Board of Selectmen, to vary the specific text of the requested legislation within the scope of the public policy objectives of the Home Rule Petition set forth below:

An Act relative to the Community Preservation Committee in the Town of Nantucket

Section 1. Notwithstanding the provisions of section 5(a) of chapter 44B of the general laws, or of any other general or special law to the contrary, where the historical commission of the town of Nantucket created under section 8D of chapter 40 did not exist at the time the Community Preservation Act was adopted by said town, the community preservation committee in the town of Nantucket shall include one member of the historic district commission established under section 4 of chapter 40C of the general laws, as selected by the commission, in place of one member of the historical commission. Provided, however, that the preceding sentence shall not be interpreted to preclude the town of Nantucket from including a member of said historical commission on the community preservation committee either by appointment or election consistent with the then applicable community preservation committee bylaw.

Section 2. This act shall take effect upon passage.

ARTICLE 85

(Home Rule Petition: Conveyance of Property by the County/ Smooth Hummocks - Moorlands Management District)

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; and to authorized the Board of Selectmen to convey said parcel to the Nantucket Islands Land Bank subject to certain restrictions set forth below; provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage; or to take any other action related thereto

An Act Approving the Conveyance of Property by the County and Town 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 Board of Selectmen is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests of any portion of Assessor Map 82, Parcel 22, Heller Way/Smooth Hummocks to the Nantucket Islands Land Bank for beach and open space purposes, any such disposition to be on such terms and conditions the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions and provided that the following easements and restrictions are placed on the property prior to its conveyance: (1) an easement for purposes of access to the beach and for use as a beach, otherwise known as the "One Big Beach Easement"; (2) an easement preserving the right to use two (2) traveled ways that cross the subject property for all purposes for which public ways are commonly used; (3)

the right to dedicate, construct, or otherwise establish parking areas consistent with the purpose of restriction (1) above; and (4) a right of reverter clause for a reversion of title to the Town in the event the above restrictions are violated, all as shown on a map entitled "2013 Annual Town Meeting Warrant Article 60" dated January 2013 and filed herewith at the Office of the Town Clerk.

Section 3. 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 4. This Act shall take effect upon passage.

Or to take any other action relative thereto.

(Board of Selectmen)

NOTE: A home rule petition was approved as Article 14 of the October 22, 2012 Special Town Meeting and Article 60 of the 2013 Annual Town Meeting, to authorize the transfer of the land from the County to the Town. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2013, will expire unless renewed by a confirmatory town meeting vote. In addition, the original Home Rule Petition has been modified to further authorize the transfer of the same land from the Town to the Nantucket Islands Land Bank subject to the restrictions listed in section 2 above.

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested, 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; and to authorized the Board of Selectmen to convey said parcel to the Nantucket Islands Land Bank subject to certain restrictions set forth below; provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage; or to take any other action related thereto

An Act Approving the Conveyance of Property by the County and Town 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 Board of Selectmen is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests of any portion of Assessor Map 82, Parcel 22, Heller Way/Smooth Hummocks to the Nantucket Islands Land Bank for beach and open space purposes, any such disposition to be on such terms and conditions the Board of Selectmen deem appropriate,

which may include the reservation of easements and restrictions and provided that the following easements and restrictions are placed on the property prior to its conveyance: (1) an easement for purposes of access to the beach and for use as a beach, otherwise known as the "One Big Beach Easement"; (2) an easement preserving the right to use two (2) traveled ways that cross the subject property for all purposes for which public ways are commonly used; (3) the right to dedicate, construct, or otherwise establish parking areas consistent with the purpose of restriction (1) above; and (4) a right of reverter clause for a reversion of title to the Town in the event the above restrictions are violated, all as shown on a map entitled "2013 Annual Town Meeting Warrant Article 60" dated January 2013 and filed herewith at the Office of the Town Clerk.

Section 3. 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 4. This Act shall take effect upon passage.

ARTICLE 86

(Home Rule Petition: Conveyance of Miscellaneous Land to the Nantucket Islands Land Bank)

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 certain parcels of land in the Town of Nantucket for public park and recreational purposes or for open space purposes, as described in more detail below and as shown on a map entitled "2014 Special Town Meeting Warrant Article 86" dated January, 2014 and filed with the Office of the Town Clerk, to the Town of Nantucket for purposes of conveyance; and further to authorize the Board of Selectmen to convey said parcels to the Nantucket Islands Land Bank subject to certain restrictions set forth below; provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage; or to take any other action related thereto.

An Act Approving the Conveyance of Property by Town of Nantucket to the Nantucket Islands Land Bank

Section 1. The Town of Nantucket is hereby authorized to sell, convey, or otherwise dispose of the fee or lesser interests of any portion of the following parcels of land:

- Assessors Map 55, Parcel 404.1, 84 Union Street;
- Assessors Map 55, Parcel 404.2, 84R Union Street;
- Assessors Map 55.1.4, Parcel 15, Consue Springs;
- Assessors Map 67, Parcel 49, 15 Miacomet Road;
- Assessors Map 81, Parcel 59, Off Bartlett Road;
- Assessors Map 82, Parcel 14, Mioxes Pond Road;
- Assessors Map 82, Parcel 86, Smooth Hummocks;

To the Nantucket Islands Land Bank for open space purposes, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map entitled "2014 Special Town Meeting Warrant Article 86" dated January, 2014 and filed with the Office of the Town Clerk

Section 2. The provisions of Chapter 30B of the Massachusetts 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 that the Town's representatives to the General Court are hereby requested, 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 certain parcels of land in the Town of Nantucket for public park and recreational purposes or for open space purposes, as described in more detail below and as shown on a map entitled "2014 Special Town Meeting Warrant Article 86" dated January, 2014 and filed with the Office of the Town Clerk, to the Town of Nantucket for purposes of conveyance; and further to authorize the Board of Selectmen to convey said parcels to the Nantucket Islands Land Bank subject to certain restrictions set forth below; provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage; or to take any other action related thereto.

An Act Approving the Conveyance of Property by Town of Nantucket to the Nantucket Islands Land Bank

Section 1. The Town of Nantucket is hereby authorized to sell, convey, or otherwise dispose of the fee or lesser interests of any portion of the following parcels of land:

- Assessors Map 55, Parcel 404.1, 84 Union Street;
- Assessors Map 55, Parcel 404.2, 84R Union Street;
- Assessors Map 55.1.4, Parcel 15, Consue Springs;
- Assessors Map 67, Parcel 49, 15 Miacomet Road;
- Assessors Map 81, Parcel 59, Off Bartlett Road;
- Assessors Map 82, Parcel 14, Mioxes Pond Road;
- Assessors Map 82, Parcel 86, Smooth Hummocks;

To the Nantucket Islands Land Bank for open space purposes, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map entitled "2014 Special Town Meeting Warrant Article 86" dated January, 2014 and filed with the Office of the Town Clerk

Section 2. The provisions of Chapter 30B of the Massachusetts General Laws shall not be applicable to any conveyance authorized hereunder.

Section 3. This Act shall take effect upon passage.

ARTICLE 87

(Home Rule Petition: Amendment to Historic District Commission Special Act)

To see if the Town will vote to present the Home Rule Petition as set forth below to the General Court, that the Town's representatives in the General Court be requested to introduce the legislation set forth below, and that the General Court be authorized, with the approval of the Nantucket Board of Selectmen, to vary the specific text of the requested petition within the scope of the public policy objectives of the Home Rule Petition set forth below, which petition will change the composition of the Historic District Commission from five elected members to three elected members and two members appointed by the Board of Selectmen, and will further change the manner of selection for associate members from elected to appointed, or take any other action relative thereto:

An Act Relative to the Composition of the Nantucket Historic District Commission

Section 1. Section 3 of Chapter 395 of the Acts of 1970, An Act Establishing An Historic District Commission for the Town of Nantucket and Establishing Nantucket Island as the Historic District, as amended by Chapter 291 of the Acts of 1985, An Act Relative to the Membership of the Historic District Commission for the Town of Nantucket, Chapter 314 of the Acts of 1990, An Act Relative to the Membership of the Nantucket Historic District Commission, and Section 2 of Chapter 193 of the Acts of 1998, An Act Relative to the Nantucket Historic District Commission, is hereby further amended by striking out the third sentence in its entirety and inserting in place thereof the following:- Two members shall be appointed for rotating three-year terms by the Nantucket board of selectmen in accordance with section 3.4(a)(3) of the charter of the town of Nantucket, and three members shall be elected for rotating three-year terms at the annual town election each year.

Section 2. Said section 3 of chapter 395 is hereby further amended by deleting the second, third and fourth sentences of the second paragraph and inserting in place thereof the following:- Three such associate members shall be appointed by the Nantucket board of selectmen in accordance with section 3.4(a)(3) of the charter of the town of Nantucket for rotating three-year terms. Vacancies in said office shall be filled by the board of selectmen for the remainder of the unexpired term.

Section 3. At the 2016 annual town election in the town of Nantucket, the offices of Historic District Commissioner shall not appear on the ballot. Instead, each incumbent elected member whose term would otherwise expire at said election shall terminate upon appointment by the board of selectmen in accordance with section 3 of chapter 395 as amended under section 1 of this act of a successor, and the Historic District Commission shall be reconstituted as an elected and appointed board as provided in said section 3 of chapter 395 as amended under sections 1 and 2 of this act. Notwithstanding any other provision of this act, the members whose terms expire at the 2016 annual town election shall be eligible for appointment hereunder. The terms of any other elected or appointed member or associate member of the

Nantucket historic district commission holding office on the effective date of this act shall continue to serve in such position until the expiration of such elected or appointed term, or their sooner retirement, resignation or recall in accordance with section 5.4 of the charter of the town of Nantucket. Any vacancy arising in the regular or associate membership of the commission after the effective date of this act shall be filled in accordance with section 3 of the acts of 1970 as herein amended under sections 1 and 2 of this act. No contracts or liabilities in force on the effective date of this act shall be affected by the change in composition of the membership of the historic district commission and such reconstituted commissions shall, in all respects, be the lawful successor of the elected commission. All records, property and equipment whatsoever of the elected commission shall be assigned to the reconstituted commission.

Section 4. This act shall take effect upon passage.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce the legislation set forth below, and that the General Court be authorized, with the approval of the Nantucket Board of Selectmen, to vary the specific text of the requested petition within the scope of the public policy objectives of the Home Rule Petition set forth below, which petition will change the composition of the Historic District Commission from five elected members to three elected members and two members appointed by the Board of Selectmen, and will further change the manner of selection for associate members from elected to appointed, or take any other action relative thereto:

An Act Relative to the Composition of the Nantucket Historic District Commission

Section 1. Section 3 of Chapter 395 of the Acts of 1970, An Act Establishing An Historic District Commission for the Town of Nantucket and Establishing Nantucket Island as the Historic District, as amended by Chapter 291 of the Acts of 1985, An Act Relative to the Membership of the Historic District Commission for the Town of Nantucket, Chapter 314 of the Acts of 1990, An Act Relative to the Membership of the Nantucket Historic District Commission, and Section 2 of Chapter 193 of the Acts of 1998, An Act Relative to the Nantucket Historic District Commission, is hereby further amended by striking out the third sentence in its entirety and inserting in place thereof the following:- Two members shall be appointed for rotating three-year terms by the Nantucket board of selectmen in accordance with section 3.4(a)(3) of the charter of the town of Nantucket, and three members shall be elected for rotating three-year terms at the annual town election each year.

Section 2. Said section 3 of chapter 395 is hereby further amended by deleting the second, third and fourth sentences of the second paragraph and inserting in place thereof the following:- Three such associate members shall be appointed by the Nantucket board of selectmen in accordance with section 3.4(a)(3) of the charter of the town of Nantucket for rotating three-year terms. Vacancies in said office shall be filled by the board of selectmen for the remainder of the unexpired term.

Section 3. At the 2016 annual town election in the town of Nantucket, the offices of Historic District Commissioner shall not appear on the ballot. Instead, each incumbent elected member whose term would otherwise expire at said election shall terminate upon appointment by the

board of selectmen in accordance with section 3 of chapter 395 as amended under section 1 of this act of a successor, and the Historic District Commission shall be reconstituted as an elected and appointed board as provided in said section 3 of chapter 395 as amended under sections 1 and 2 of this act. Notwithstanding any other provision of this act, the members whose terms expire at the 2016 annual town election shall be eligible for appointment hereunder. The terms of any other elected or appointed member or associate member of the Nantucket historic district commission holding office on the effective date of this act shall continue to serve in such position until the expiration of such elected or appointed term, or their sooner retirement, resignation or recall in accordance with section 5.4 of the charter of the town of Nantucket. Any vacancy arising in the regular or associate membership of the commission after the effective date of this act shall be filled in accordance with section 3 of the acts of 1970 as herein amended under sections 1 and 2 of this act. No contracts or liabilities in force on the effective date of this act shall be affected by the change in composition of the membership of the historic district commission and such reconstituted commissions shall, in all respects, be the lawful successor of the elected commission. All records, property and equipment whatsoever of the elected commission shall be assigned to the reconstituted commission.

Section 4. This act shall take effect upon passage.

ARTICLE 88

(Home Rule Petition: Amendment of Historic District Commission)

To see if the Town of Nantucket will vote to request its representatives in the General Court to introduce legislation amending the Historic District Act of 1970, as amended, to provide that the enabling legislation for the Nantucket Historic District Commission be established under MGL, Section 40C, replacing the current Home Rule Petition process; or to take any other action related thereto.

(Curtis L. Barnes, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 89

(Home Rule Petition: Amendment of Historic District Commission Act)

To see if the Town of Nantucket will vote to request its representatives in the General Court to introduce legislation amending the Historic District Commission Act of 1970, as amended, to provide that HDC Commissioners be appointed by the Selectmen, as specified by the Supreme Judicial Court of Massachusetts in the initial Enabling Act. of 1955. Or to take any other action related thereto.

(Curtis L. Barnes, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 90

(Home Rule Petition: Relative to Retirement Benefits for Nantucket Town and County Employees)

To see if the Town will vote to present the Home Rule Petition as set forth below to the General Court, that the Town's representatives in the General Court be requested to introduce

the legislation set forth below, and that the General Court be authorized, with the approval of the Nantucket Board of Selectmen, to vary the specific text of the requested petition within the scope of the public policy objectives of the Home Rule Petition set forth below, or take any other action relative thereto:

An Act relative to Retirement Benefits for Employees of the Town and County of Nantucket

SECTION 1. Notwithstanding section 1 of chapter 32 of the General Laws, or of any other general or special law to the contrary, no individual commencing employment with the Town or County of Nantucket on or after the effective date of this Act shall be deemed an “employee” under section 1 of said chapter 32 nor otherwise be eligible by virtue of employment with said Town or County to participate in the Barnstable County Retirement System or in any other contributory retirement system operated by the Commonwealth or any political subdivisions thereof. This Act shall not preclude persons employed by the Town or County of Nantucket from participating in a so-called IRC Section 457 plan or comparable plan as may be sponsored by said Town or County.

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

(Craig Sperry, et al)

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

FINANCE COMMITTEE COMMENT: The Committee recommends that the Personnel Compensation Review Committee broaden its charge to include the conception of a 401k-style plan to give employees choice.

ARTICLE 91

(Home Rule Petition: Funeral Directors, Embalmers, Funeral Homes, and Crematories)

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

AN ACT EXEMPTING THE TOWN OF NANTUCKET FROM THE PROVISIONS OF MGL and THE CODE OF MASSACHUSETTS REGULATIONS REGARDING FUNERAL DIRECTORS, EMBALMERS, FUNERAL HOMES, and CREMATORIES

Section 1. Funeral Directors and Embalmers: Notwithstanding the provisions of MGL Ch. 112, § 83 and 239 CMR 3.02, Type 3 Funeral Directors and Embalmers shall be exempted from holding any ownership shares in any funeral establishment on Nantucket Island.

Section 2. Establishments: Notwithstanding the provisions of 239 CMR 3.06.(1)(b), any funeral establishment on Nantucket Island shall not be mandated to have a chapel; and of 239 CMR 3.06 (1) f) any funeral establishment on Nantucket Island may consist of more than one building or more than one lot of land, said buildings and/or lots shall not be required to be adjoining or connecting.

Section 3. Notwithstanding the provisions of MGL Ch. 114, §43B, the placement of any future crematory sited on Nantucket Island shall be determined by the Nantucket Cemetery Commission, created pursuant to the Acts of 2011, Chapter 47, or a vote at an Annual Town Meeting. Such crematory may be sited as an auxiliary use of any public or private cemetery, or may be sited on a single parcel of town-owned land.

Section 4. This act shall take effect upon its passage.
Or to take any other action related thereto.

(Catherine Flanagan Stover, et al)

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

FINANCE COMMITTEE COMMENT: The state has rules and regulations in place to protect citizens in terms of this industry and the Committee is not convinced that Nantucket needs to be exempted.

ARTICLE 92

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

To see if the Town will vote to petition the General Court to enact a special act of the Town of Nantucket the text of which is set forth below, and that the General Court be authorized with the approval of the Board of Selectmen, to make constructive changes in the text thereof as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure its passage, as follows:

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

Section 1. The County of Nantucket is hereby authorized to convey a parcel of land bounded by a line extending the westerly sideline of Bayberry Lane across Baxter Road to the western terminus of Baxter Road, owned by the County of Nantucket to the Town of Nantucket for general municipal purposes and access purposes.

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

Section 3. This Act shall take effect upon passage.

Or to take any other action relative thereto.

(Board of Selectmen)

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

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

Section 1. The County of Nantucket is hereby authorized to convey a parcel of land bounded by a line extending the westerly sideline of Bayberry Lane across Baxter Road to the western terminus of Baxter Road, owned by the County of Nantucket to the Town of Nantucket for general municipal purposes and access purposes.

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

Section 3. This Act shall take effect upon passage.

ARTICLE 93

(Real Estate Conveyance: Portions of Baxter Road)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or any lesser interests in all or any portion of the parcel of land bounded by a line extending the westerly sideline of Bayberry Lane across Baxter Road to the western terminus of Baxter Road for residential and access purposes, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the “Nantucket Yard Sale” program on file at the Board of Selectmen’s office, any such disposition to be on such terms and conditions the Board of Selectmen deem appropriate, which may include the reservation of easements and restriction;

As shown on a map entitled “2014 Annual Town Meeting Warrant Article 93” dated January 2014 and filed herewith at the office of the Town Clerk.

Or to take any other action relative thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to sell, convey or otherwise dispose of the fee or any lesser interests in all or any portion of the parcel of land bounded by a line extending the westerly sideline of Bayberry Lane across Baxter Road to the western terminus of Baxter Road for residential and access purposes, subject to Chapter 30B of the Massachusetts General Laws, any such disposition to be on such terms and conditions the Board of Selectmen deem appropriate, which may include the reservation of easements and restriction;

as shown on a map entitled “2014 Annual Town Meeting Warrant Article 93” dated January 2014 and filed herewith at the office of the Town Clerk.

ARTICLE 94

(Real Estate Acquisition: Unnamed Way Off Baxter Road)

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 of a portion of the unnamed “Way” as shown on a plan of land entitled “Plan of Land in Nantucket, Scale 30 feet to an Inch, May 11, 1923, William S. Swift, Surveyor” and being Land Court Plan No. 9448A filed with the Nantucket Registry District of the Land Court for public way and/or general municipal purposes;

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

All as shown on a map entitled "2014 Annual Town Meeting Warrant Article 94" dated January 2014 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain the fee or lesser interests in all of a portion of the unnamed "Way" as shown on a plan of land entitled "Plan of Land in Nantucket, Scale 30 feet to an Inch, May 11, 1923, William S. Swift, Surveyor" and being Land Court Plan No. 9448A filed with the Nantucket Registry District of the Land Court for public way and/or general municipal purposes; and also to transfer the sum of Five Hundred Thousand Dollars (\$500,000) from the Proceeds from Real Estate Sales Account for such purposes.

All as shown on a map entitled "2014 Annual Town Meeting Warrant Article 94" dated January 2014 and filed herewith at the Office of the Town Clerk.

BOARD OF SELECTMEN COMMENT: The Board of Selectmen supports the Article.

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

ARTICLE 95

(Real Estate Disposition: Unnamed Way Off Baxter Road)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or any lesser interests in all or any portion of the land shown as the unnamed "Way" on a plan of land entitled "Plan of Land in Nantucket, Scale 30 feet to an Inch, May 11, 1923, William S. Swift, Surveyor" and being Land Court Plan No. 9448A filed with the Nantucket Registry District of the Land Court, subject to Chapter 30B of the Massachusetts General Laws, 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;

All as shown on a map entitled "2014 Annual Town Meeting Warrant Article 95" dated January 2014 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to sell, convey or otherwise dispose of the fee or any lesser interests in all or any portion of the land shown as the unnamed "Way" on a plan of land entitled "Plan of Land in Nantucket, Scale 30 feet to an Inch, May 11, 1923, William S. Swift, Surveyor" and being Land Court Plan No. 9448A filed with the Nantucket Registry District of the Land Court, subject to Chapter 30B of the Massachusetts General Laws, 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;

all as shown on a map entitled "2014 Annual Town Meeting Warrant Article 95" dated January 2014 and filed herewith at the Office of the Town Clerk.

ARTICLE 96

(Real Estate Acquisition: "Paper" Streets in Brant Point, Cisco, Cliff, Dionis, Madaket, Quidnet, Surfside, Tom Nevers and Town Areas and Owner Unknown parcel in Surfside)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portion of thirty-seven (37) unconstructed rights of way identified below, together with any public and private rights of passage, for public ways, open space and/or general municipal purposes:

- Dix and James Streets (stubs) between the southern sideline of Walsh Street and their termini (Brant Point);
- Cudweed Road between a line extending the northern property line of Assessor Map 82, Parcel 145 across said way to its southern terminus (Cisco)
- Heller Way and Reedy Pond Lane between the western sideline Cudweed Road and Walbang Avenue (Cisco);
- Priscilla Lane between the eastern sideline of Priscilla Lane (constructed) and the western sideline of Pilgrim Road (Cliff);
- Dartmouth Lane between the eastern sideline of Derrymore Lane and the western sideline of Delaney Road (Cliff);
- Unnamed way between the western Sherburne Turnpike and its western terminus (see Assessor Map 30: parallel and south of Kimball Avenue) (Cliff);
- Folger Road between the eastern sideline of Sherburne Turnpike (f.k.a. Sherburne Avenue) and the western sideline Hamblin Road (Cliff);
- Hamblin Road (portion of) between a line extending the southern sideline and northern property line of Assessor Map 30, Parcel 198 across said way and a line extending the southern property line of Assessor Map 30, Parcel 202/203 across said way (Cliff);
- Douglas Way between a line extending the eastern sideline of Bishop's Rise and western sideline of Swift Rock Road (Dionis);
- Huckleberry Lane between a line running across the way at the northern end of the travelled way to the southern property line of former East Tristram Avenue owned by the Town of Nantucket (Dionis);
- Arkansas Avenue between the southwestern sideline of Starbuck Road and its terminus (Madaket);
- Columbus Street between the southern sideline of Arkansas and the northern sideline of Starbuck Road (Madaket);
- North Carolina Avenue between Starbuck Road and the eastern sideline of Columbus Street (Madaket);
- Chase Lane between a line extending the western property line of Assessor Map 21, Parcel 52 across said way and the Atlantic Ocean, not including any portion of Squam Road (Quidnet);

- Ocean Road between the northern sideline of Beach Road and its northern terminus (Quidnet);
- Sesachacha Road between the northern sideline of Beach Road and the southern sideline of Chase Lane (Quidnet);
- Atlantic Avenue between the eastern sideline of Masquetuck Street and the western sideline of Holly Street (Surfside);
- Owners unknown parcel bounded westerly by Masquetuck Street, northerly by Atlantic Avenue, easterly by Holly Street, and southerly by the Atlantic Ocean for open space purposes;
- Beach Plum Avenue between the eastern sideline of South Shore Road and the southern sideline of Plover Lane (Surfside);
- Plover Lane from the eastern sideline of South Shore Road to the western property line of Assessor Map 80, Parcel 219 (owned by the Nantucket Islands Land Bank)(Surfside);
- Quail Avenue between the eastern sideline of South Shore Road to the western sideline of Hancock Street (Surfside);
- Hancock Street between the southern sideline of Plover Lane and the southern sideline of Quail Avenue (Surfside);
- Unnamed Way between the southwestern sideline of the former Miller Lane to its southern terminus (along eastern property line of Assessor Map 68, Parcel 129)(Surfside);
- Sandsbury and Lyford Roads between northern sideline of Tom Nevers Road to their northern termini (Tom Nevers);
- Lyford Road between a line extending the northerly property line of Assessor Map 92.4, Parcel 93 across said way and the northwestern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) (Tom Nevers);
- Sandsbury Road bounded by “Tom Nevers Square” to the south, Tom Nevers Road to the west, and Old Tom Nevers Road to the northeast;
- “Tom Nevers Square”, Assessor Map 75, Parcel 128;
- Hollister Road between a line extending the northwestern property line of Assessor Map 92.4, Parcel 263 across said way to northwest sideline of Wanoma Way (f.k.a. Atlantic Boulevard)(Tom Nevers);
- Surrey Avenue (f.k.a. Central Road) between the northeast sideline of Nichols Road and southwest sideline of Old Tom Nevers Road and between the southern sideline of Tom Nevers Road and the western sideline of Bosworth Road not including any portion of Lyford Road (Tom Nevers);
- Hampshire Road (f.k.a. Macy Road) between the southwestern sideline of Old Tom Nevers Road and the northwestern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) (Tom Nevers);
- Mayhew Road between the southwestern sideline of Old Tom Nevers Road and the northern sideline of Wanoma Way (f.k.a Atlantic Boulevard)(Tom Nevers);
- Bosworth Road between a line extending the northern property line of Assessor Map 92.4, Parcel 114 to the northern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) (Tom Nevers);
- Dorset Road between the northern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) and the Atlantic Ocean (Tom Nevers);

- Wanoma Way (f.k.a Atlantic Boulevard) between the western sideline of Dorset Road (f.k.a. Easton Road) to the eastern sideline of Joy Road (Tom Nevers);
- Joy Road between the southern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) to the Atlantic Ocean (Tom Nevers);
- Unnamed way (a.k.a. Roberts Lane) between a line extending across said way at the southern sideline of a jog in said way to the northern sideline of Hiawasse Lane (Town); and

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

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 96” dated January 2014 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portion of thirty-seven (37) unconstructed rights of way identified below, together with any public and private rights of passage, for public ways, open space and/or general municipal purposes:

- Dix and James Streets (stubs) between the southern sideline of Walsh Street and their termini (Brant Point);
- Cudweed Road between a line extending the northern property line of Assessor Map 82, Parcel 145 across said way to its southern terminus (Cisco)
- Heller Way and Reedy Pond Lane between the western sideline Cudweed Road and Walbang Avenue (Cisco);
- Priscilla Lane between the eastern sideline of Priscilla Lane (constructed) and the western sideline of Pilgrim Road (Cliff);
- Dartmouth Lane between the eastern sideline of Derrymore Lane and the western sideline of Delaney Road (Cliff);
- Unnamed way between the western Sherburne Turnpike and its western terminus (see Assessor Map 30: parallel and south of Kimball Avenue) (Cliff);
- Folger Road between the eastern sideline of Sherburne Turnpike (f.k.a. Sherburne Avenue) and the western sideline Hamblin Road (Cliff);
- Hamblin Road (portion of) between a line extending the southern sideline and northern property line of Assessor Map 30, Parcel 198 across said way and a line extending the southern property line of Assessor Map 30, Parcel 202/203 across said way (Cliff);
- Douglas Way between a line extending the eastern sideline of Bishop’s Rise and western sideline of Swift Rock Road (Dionis);
- Huckleberry Lane between a line running across the way at the northern end of the travelled way to the southern property line of former East Tristram Avenue owned by the Town of Nantucket (Dionis);
- Arkansas Avenue between the southwestern sideline of Starbuck Road and its terminus (Madaket);

- Columbus Street between the southern sideline of Arkansas and the northern sideline of Starbuck Road (Madaket);
- North Carolina Avenue between Starbuck Road and the eastern sideline of Columbus Street (Madaket);
- Chase Lane between a line extending the western property line of Assessor Map 21, Parcel 52 across said way and the Atlantic Ocean, not including any portion of Squam Road (Quidnet);
- Ocean Road between the northern sideline of Beach Road and its northern terminus (Quidnet);
- Sesachacha Road between the northern sideline of Beach Road and the southern sideline of Chase Lane (Quidnet);
- Atlantic Avenue between the eastern sideline of Masquetuck Street and the western sideline of Holly Street (Surfside);
- Owners unknown parcel bounded westerly by Masquetuck Street, northerly by Atlantic Avenue, easterly by Holly Street, and southerly by the Atlantic Ocean for open space purposes;
- Beach Plum Avenue between the eastern sideline of South Shore Road and the southern sideline of Plover Lane (Surfside);
- Plover Lane from the eastern sideline of South Shore Road to the western property line of Assessor Map 80, Parcel 219 (owned by the Nantucket Islands Land Bank)(Surfside);
- Quail Avenue between the eastern sideline of South Shore Road to the western sideline of Hancock Street (Surfside);
- Hancock Street between the southern sideline of Plover Lane and the southern sideline of Quail Avenue (Surfside);
- Unnamed Way between the southwestern sideline of the former Miller Lane to its southern terminus (along eastern property line of Assessor Map 68, Parcel 129)(Surfside);
- Sandsbury and Lyford Roads between northern sideline of Tom Nevers Road to their northern termini (Tom Nevers);
- Lyford Road between a line extending the northerly property line of Assessor Map 92.4, Parcel 93 across said way and the northwestern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) (Tom Nevers);
- Sandsbury Road bounded by “Tom Nevers Square” to the south, Tom Nevers Road to the west, and Old Tom Nevers Road to the northeast;
- “Tom Nevers Square”, Assessor Map 75, Parcel 128;
- Hollister Road between a line extending the northwestern property line of Assessor Map 92.4, Parcel 263 across said way to northwest sideline of Wanoma Way (f.k.a. Atlantic Boulevard)(Tom Nevers);
- Surrey Avenue (f.k.a. Central Road) between the northeast sideline of Nichols Road and southwest sideline of Old Tom Nevers Road and between the southern sideline of Tom Nevers Road and the western sideline of Bosworth Road not including any portion of Lyford Road (Tom Nevers);
- Hampshire Road (f.k.a. Macy Road) between the southwestern sideline of Old Tom Nevers Road and the northwestern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) (Tom Nevers);

- Mayhew Road between the southwestern sideline of Old Tom Nevers Road and the northern sideline of Wanoma Way (f.k.a Atlantic Boulevard)(Tom Nevers);
- Bosworth Road between a line extending the northern property line of Assessor Map 92.4, Parcel 114 to the northern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) (Tom Nevers);
- Dorset Road between the northern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) and the Atlantic Ocean (Tom Nevers);
- Wanoma Way (f.k.a Atlantic Boulevard) between the western sideline of Dorset Road (f.k.a. Easton Road) to the eastern sideline of Joy Road (Tom Nevers);
- Joy Road between the southern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) to the Atlantic Ocean (Tom Nevers);
- Unnamed way (a.k.a. Roberts Lane) between a line extending across said way at the southern sideline of a jog in said way to the northern sideline of Hiawasse Lane (Town).

All as shown on a map entitled “2014 Annual Town Meeting Warrant Article 96” dated January 2014 and filed herewith at the Office of the Town Clerk.

ARTICLE 97

(Real Estate Conveyance: “Paper” Streets in Brant Point, Cisco, Cliff, Dionis, Madaket, Squam, Surfside Tom Nevers and Town Areas)

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

- Dix and James Streets (stubs) between the southern sideline of Walsh Street and their termini (Brant Point);
- Cudweed Road between a line extending the northern property line of Assessor Map 82, Parcel 145 across said way to its southern terminus (Cisco)
- Heller Way and Reedy Pond Lane between the western sideline Cudweed Road and Walbang Avenue (Cisco);
- Priscilla Lane between the eastern sideline of Priscilla Lane (constructed) and the western sideline of Pilgrim Road (Cliff);
- Dartmouth Lane between the eastern sideline of Derrymore Lane and the western sideline of Delaney Road (Cliff);
- Unnamed way between the western Sherburne Turnpike and its western terminus (see Assessor Map 30: parallel and south of Kimball Avenue) (Cliff);
- Folger Road between the eastern sideline of Sherburne Turnpike (f.k.a. Sherburne Avenue) and the western sideline Hamblin Road (Cliff);
- Hamblin Road (portion of) between a line extending the southern sideline and northern property line of Assessor Map 30, Parcel 198 across said way and a line extending the southern property line of Assessor Map 30, Parcel 202/203 across said way (Cliff);
- Douglas Way between a line extending the eastern sideline of Bishop’s Rise and western sideline of Swift Rock Road (Dionis);

- Huckleberry Lane between a line running across the way at the northern end of the travelled way to the southern property line of former East Tristram Avenue owned by the Town of Nantucket (Dionis);
- Arkansas Avenue between the southwestern sideline of Starbuck Road and its terminus (Madaket);
- Columbus Street between the southern sideline of Arkansas and the northern sideline of Starbuck Road (Madaket);
- North Carolina Avenue between Starbuck Road and the eastern sideline of Columbus Street (Madaket);
- Chase Lane between a line extending the western property line of Assessor Map 21, Parcel 52 across said way and the Atlantic Ocean, not including any portion of Squam Road (Quidnet);
- Ocean Road between the northern sideline of Beach Road and its northern terminus (Quidnet);
- Sesachacha Road between the northern sideline of Beach Road and the southern sideline of Chase Lane (Quidnet);
- Atlantic Avenue between the eastern sideline of Masquetuck Street and the western sideline of Holly Street (Surfside);
- Beach Plum Avenue between the eastern sideline of South Shore Road and the southern sideline of Plover Lane (Surfside);
- Plover Lane from the eastern sideline of South Shore Road to the western property line of Assessor Map 80, Parcel 219 (owned by the Nantucket Islands Land Bank)(Surfside);
- Quail Avenue between the eastern sideline of South Shore Road to the western sideline of Hancock Street (Surfside);
- Hancock Street between the southern sideline of Plover Lane and the southern sideline of Quail Avenue (Surfside);
- Unnamed Way between the southwestern sideline of the former Miller Lane to its southern terminus (along eastern property line of Assessor Map 68, Parcel 129)(Surfside);
- Sandsbury and Lyford Roads between northern sideline of Tom Nevers Road to their northern termini (Tom Nevers);
- Lyford Road between a line extending the northerly property line of Assessor Map 92.4, Parcel 93 across said way and the northwestern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) (Tom Nevers);
- Sandsbury Road bounded by “Tom Nevers Square” to the south, Tom Nevers Road to the west, and Old Tom Nevers Road to the northeast;
- “Tom Nevers Square”, Assessor Map 75, Parcel 128;
- Hollister Road between a line extending the northwestern property line of Assessor Map 92.4, Parcel 263 across said way to northwest sideline of Wanoma Way (f.k.a. Atlantic Boulevard)(Tom Nevers);
- Surrey Avenue (f.k.a. Central Road) between the northeast sideline of Nichols Road and southwest sideline of Old Tom Nevers Road and between the southern sideline of Tom Nevers Road and the western sideline of Bosworth Road not including any portion of Lyford Road (Tom Nevers);

- Hampshire Road (f.k.a. Macy Road) between the southwestern sideline of Old Tom Nevers Road and the northwestern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) (Tom Nevers);
- Mayhew Road between the southwestern sideline of Old Tom Nevers Road and the northern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) (Tom Nevers);
- Bosworth Road between a line extending the northern property line of Assessor Map 92.4, Parcel 114 to the northern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) (Tom Nevers);
- Dorset Road between the northern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) and the Atlantic Ocean (Tom Nevers);
- Wanoma Way (f.k.a. Atlantic Boulevard) between the western sideline of Dorset Road (f.k.a. Easton Road) to the eastern sideline of Joy Road (Tom Nevers);
- Joy Road between the southern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) to the Atlantic Ocean (Tom Nevers);
- Unnamed way (a.k.a. Roberts Lane) between a line extending across said way at the southern sideline of a jog in said way to the northern sideline of Hiawasse Lane (Town);

all as shown on a map entitled “2014 Annual Town Meeting Warrant Article 97” dated January 2014 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to sell, convey, or otherwise dispose of the fee or any lesser interests in all or any portion of land identified below, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the “Nantucket Yard Sales” program on file at the Board of Selectmen’s office, such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

- Dix and James Streets (stubs) between the southern sideline of Walsh Street and their termini (Brant Point);
- Cudweed Road between a line extending the northern property line of Assessor Map 82, Parcel 145 across said way to its southern terminus (Cisco)
- Heller Way and Reedy Pond Lane between the western sideline Cudweed Road and Walbang Avenue (Cisco);
- Priscilla Lane between the eastern sideline of Priscilla Lane (constructed) and the western sideline of Pilgrim Road (Cliff);
- Dartmouth Lane between the eastern sideline of Derrymore Lane and the western sideline of Delaney Road (Cliff);
- Unnamed way between the western Sherburne Turnpike and its western terminus (see Assessor Map 30: parallel and south of Kimball Avenue) (Cliff);
- Folger Road between the eastern sideline of Sherburne Turnpike (f.k.a. Sherburne Avenue) and the western sideline Hamblin Road (Cliff);

- Hamblin Road (portion of) between a line extending the southern sideline and northern property line of Assessor Map 30, Parcel 198 across said way and a line extending the southern property line of Assessor Map 30, Parcel 202/203 across said way (Cliff);
- Douglas Way between a line extending the eastern sideline of Bishop's Rise and western sideline of Swift Rock Road (Dionis);
- Huckleberry Lane between a line running across the way at the northern end of the travelled way to the southern property line of former East Tristram Avenue owned by the Town of Nantucket (Dionis);
- Arkansas Avenue between the southwestern sideline of Starbuck Road and its terminus (Madaket);
- Columbus Street between the southern sideline of Arkansas and the northern sideline of Starbuck Road (Madaket);
- North Carolina Avenue between Starbuck Road and the eastern sideline of Columbus Street (Madaket);
- Chase Lane between a line extending the western property line of Assessor Map 21, Parcel 52 across said way and the Atlantic Ocean, not including any portion of Squam Road (Quidnet);
- Ocean Road between the northern sideline of Beach Road and its northern terminus (Quidnet);
- Sesachacha Road between the northern sideline of Beach Road and the southern sideline of Chase Lane (Quidnet);
- Atlantic Avenue between the eastern sideline of Masquetuck Street and the western sideline of Holly Street (Surfside);
- Beach Plum Avenue between the eastern sideline of South Shore Road and the southern sideline of Plover Lane (Surfside);
- Plover Lane from the eastern sideline of South Shore Road to the western property line of Assessor Map 80, Parcel 219 (owned by the Nantucket Islands Land Bank)(Surfside);
- Quail Avenue between the eastern sideline of South Shore Road to the western sideline of Hancock Street (Surfside);
- Hancock Street between the southern sideline of Plover Lane and the southern sideline of Quail Avenue (Surfside);
- Unnamed Way between the southwestern sideline of the former Miller Lane to its southern terminus (along eastern property line of Assessor Map 68, Parcel 129)(Surfside);
- Sandsbury and Lyford Roads between northern sideline of Tom Nevers Road to their northern termini (Tom Nevers);
- Lyford Road between a line extending the northerly property line of Assessor Map 92.4, Parcel 93 across said way and the northwestern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) (Tom Nevers);
- Sandsbury Road bounded by "Tom Nevers Square" to the south, Tom Nevers Road to the west, and Old Tom Nevers Road to the northeast;
- "Tom Nevers Square", Assessor Map 75, Parcel 128;
- Hollister Road between a line extending the northwestern property line of Assessor Map 92.4, Parcel 263 across said way to northwest sideline of Wanoma Way (f.k.a. Atlantic Boulevard)(Tom Nevers);

- Surrey Avenue (f.k.a. Central Road) between the northeast sideline of Nichols Road and southwest sideline of Old Tom Nevers Road and between the southern sideline of Tom Nevers Road and the western sideline of Bosworth Road not including any portion of Lyford Road (Tom Nevers);
- Hampshire Road (f.k.a. Macy Road) between the southwestern sideline of Old Tom Nevers Road and the northwestern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) (Tom Nevers);
- Mayhew Road between the southwestern sideline of Old Tom Nevers Road and the northern sideline of Wanoma Way (f.k.a Atlantic Boulevard)(Tom Nevers);
- Bosworth Road between a line extending the northern property line of Assessor Map 92.4, Parcel 114 to the northern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) (Tom Nevers);
- Dorset Road between the northern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) and the Atlantic Ocean (Tom Nevers);
- Wanoma Way (f.k.a Atlantic Boulevard) between the western sideline of Dorset Road (f.k.a. Easton Road) to the eastern sideline of Joy Road (Tom Nevers);
- Joy Road between the southern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) to the Atlantic Ocean (Tom Nevers);
- Unnamed way (a.k.a. Roberts Lane) between a line extending across said way at the southern sideline of a jog in said way to the northern sideline of Hiawasse Lane (Town);

all as shown on a map entitled “2014 Annual Town Meeting Warrant Article 97” dated January 2014 and filed herewith at the Office of the Town Clerk.

ARTICLE 98

(Real Estate Acquisition: “Paper” Proprietors Roads in Cisco, Dionis, Eel Point, Madaket, Pocomo and Warren’s Landing/Madaket Areas)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portion of sixteen (16) unconstructed rights of way identified as Proprietors Roads below, together with any public and private rights of passage, for public ways, open space and/or general municipal purposes:

- Between the northern sideline of Hummock Pond Road to its northern terminus at Assessor Map 65, Parcel 35 (Cisco);
- Between the northern sideline of Madaket Road to the southern sideline of Douglas Way, a.k.a. Worth Road (Dionis: Assessor Map 39);
- Between the northern sideline of Madaket Road to a line extending the southern sideline of Fintry Way across said way (Dionis: Assessor Map 39);
- Between the northern sideline of Madaket Road to its northern terminus at the eastern property line of Assessor Map 39, Parcel 1 (Dionis: Assessor Map 39);
- Between the southern sideline of Eel Point Road and its southern terminus at Assessor Map 39, Parcel 1 (Dionis);
- Between the southern sideline of Eel Point Road and its southern terminus at Assessor Map 39, Parcel 2 (Dionis);
- Between the road referenced above (extension of Richards Landing Road) and its northern terminus (Eel Point);

- Between the road referenced above (extension of Richards Landing Road) and the southern sideline of Eel Point Road (Eel Point);
- Between the western sideline of Wauwinet Road to the northeastern property line of Assessor Map 15, Parcel 42 not including any portion of Pocomo Road (Pocomo: Assessor Maps 14 and 15);
- Between the northern sideline of the above referenced Proprietors Road and Nantucket Harbor (Pocomo: Assessor Map 14)
- Three (3) between the northern sideline of Pocomo Road to Nantucket Harbor (Pocomo: Assessor Map 15);
- Between the southwestern sideline of Weetamo Road and its southern terminus (Pocomo: Assessor Map 15);
- Between a line extending the southern sideline of a way and its southern terminus (Pocomo: Assessor Map 15);
- Between the eastern sideline of the cul de sac of Richards Landing Road and its eastern terminus (Warren's Landing/Madaket: Assessor Map 38); and

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

All as shown on a map entitled "2014 Annual Town Meeting Warrant Article 98" dated January 2014 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portion of sixteen (16) unconstructed rights of way identified as Proprietors Roads below, together with any public and private rights of passage, for public ways, open space and/or general municipal purposes:

- Between the northern sideline of Hummock Pond Road to its northern terminus at Assessor Map 65, Parcel 35 (Cisco);
- Between the northern sideline of Madaket Road to the southern sideline of Douglas Way, a.k.a. Worth Road (Dionis: Assessor Map 39);
- Between the northern sideline of Madaket Road to a line extending the southern sideline of Fintry Way across said way (Dionis: Assessor Map 39);
- Between the northern sideline of Madaket Road to its northern terminus at the eastern property line of Assessor Map 39, Parcel 1 (Dionis: Assessor Map 39);
- Between the southern sideline of Eel Point Road and its southern terminus at Assessor Map 39, Parcel 1 (Dionis);
- Between the southern sideline of Eel Point Road and its southern terminus at Assessor Map 39, Parcel 2 (Dionis);
- Between the road referenced above (extension of Richards Landing Road) and its northern terminus (Eel Point);

- Between the road referenced above (extension of Richards Landing Road) and the southern sideline of Eel Point Road (Eel Point);
- Between the western sideline of Wauwinet Road to the northeastern property line of Assessor Map 15, Parcel 42 not including any portion of Pocomo Road (Pocomo: Assessor Maps 14 and 15);
- Between the northern sideline of the above referenced Proprietors Road and Nantucket Harbor (Pocomo: Assessor Map 14)
- Three (3) between the northern sideline of Pocomo Road to Nantucket Harbor (Pocomo: Assessor Map 15);
- Between the southwestern sideline of Weetamo Road and its southern terminus (Pocomo: Assessor Map 15);
- Between a line extending the southern sideline of a way and its southern terminus (Pocomo: Assessor Map 15);
- Between the eastern sideline of the cul de sac of Richards Landing Road and its eastern terminus (Warren's Landing/Madaket: Assessor Map 38).

All as shown on a map entitled "2014 Annual Town Meeting Warrant Article 98" dated January 2014 and filed herewith at the Office of the Town Clerk.

ARTICLE 99

(Real Estate Acquisition: "Paper" Proprietors Roads in Cisco, Dionis, Eel Point, Madaket, Pocomo and Warren's Landing/Madaket Areas)

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

- Between the northern sideline of Madaket Road to the southern sideline of Douglas Way, a.k.a. Worth Road (Dionis: Assessor Map 39);
- Between the northern sideline of Madaket Road to a line extending the southern sideline of Fintry Way across said way (Dionis: Assessor Map 39);
- Between the northern sideline of Madaket Road to its northern terminus at the eastern property line of Assessor Map 39, Parcel 1 (Dionis: Assessor Map 39);
- Between the southern sideline of Eel Point Road and its southern terminus at Assessor Map 39, Parcel 1 (Dionis);
- Between the southern sideline of Eel Point Road and its southern terminus at Assessor Map 39, Parcel 2 (Dionis);
- Between the road referenced above (extension of Richards Landing Road) and its northern terminus (Eel Point);
- Between the road referenced above (extension of Richards Landing Road) and the southern sideline of Eel Point Road (Eel Point);
- Between the northern sideline of Hummock Pond Road to its northern terminus at Assessor Map 65, Parcel 35 (Cisco);

- Between the western sideline of Wauwinet Road to the northeastern property line of Assessor Map 15, Parcel 42 not including any portion of Pocomo Road (Pocomo: Assessor Maps 14 and 15);
- Between the northern sideline of the above referenced Proprietors Road and Nantucket Harbor (Pocomo: Assessor Map 14)
- Three (3) between the northern sideline of Pocomo Road to Nantucket Harbor (Pocomo: Assessor Map 15);
- Between the southwestern sideline of Weetamo Road and its southern terminus (Pocomo: Assessor Map 15);
- Between a line extending the southern sideline of a way and its southern terminus (Pocomo: Assessor Map 15);
- Between the eastern sideline of the cul de sac of Richards Landing Road and its eastern terminus (Warren's Landing/Madaket: Assessor Map 38);

all as shown on a map entitled "2014 Annual Town Meeting Warrant Article 99" dated January 2014 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to sell, convey, or otherwise dispose of the fee or any lesser interests in all or any portion of land identified below, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

- Between the northern sideline of Madaket Road to the southern sideline of Douglas Way, a.k.a. Worth Road (Dionis: Assessor Map 39);
- Between the northern sideline of Madaket Road to a line extending the southern sideline of Fintry Way across said way (Dionis: Assessor Map 39);
- Between the northern sideline of Madaket Road to its northern terminus at the eastern property line of Assessor Map 39, Parcel 1 (Dionis: Assessor Map 39);
- Between the southern sideline of Eel Point Road and its southern terminus at Assessor Map 39, Parcel 1 (Dionis);
- Between the southern sideline of Eel Point Road and its southern terminus at Assessor Map 39, Parcel 2 (Dionis);
- Between the road referenced above (extension of Richards Landing Road) and its northern terminus (Eel Point);
- Between the road referenced above (extension of Richards Landing Road) and the southern sideline of Eel Point Road (Eel Point);
- Between the northern sideline of Hummock Pond Road to its northern terminus at Assessor Map 65, Parcel 35 (Cisco);
- Between the western sideline of Wauwinet Road to the northeastern property line of Assessor Map 15, Parcel 42 not including any portion of Pocomo Road (Pocomo: Assessor Maps 14 and 15);

- Between the northern sideline of the above referenced Proprietors Road and Nantucket Harbor (Pocomo: Assessor Map 14)
- Three (3) between the northern sideline of Pocomo Road to Nantucket Harbor (Pocomo: Assessor Map 15);
- Between the southwestern sideline of Weetamo Road and its southern terminus (Pocomo: Assessor Map 15);
- Between a line extending the southern sideline of a way and its southern terminus (Pocomo: Assessor Map 15);
- Between the eastern sideline of the cul de sac of Richards Landing Road and its eastern terminus (Warren's Landing/Madaket: Assessor Map 38);

all as shown on a map entitled "2014 Annual Town Meeting Warrant Article 99" dated January 2014 and filed herewith at the Office of the Town Clerk.

ARTICLE 100

(Public Ways: Coffin, Fayette, Meader and Francis Streets)

To see if the Town will vote to accept Coffin, Fayette, Meader and Francis Streets between Washington Street and Union Street as public ways, as laid out by the Board of Selectmen; and further to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise the fee or any lesser interest in said roadways; and, to raise and appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes; or to take any other action relative there.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Town accepts Coffin, Fayette, Meader and Francis Streets between Washington Street and Union Street as public ways, as laid out by the Board of Selectmen; and further that the Board of Selectmen is hereby authorized to acquire by purchase, gift, eminent domain, or otherwise the fee or any lesser interest in said roadways.

ARTICLE 101

(Real Estate Disposition: Ticcoma Way)

To see if the Town will vote to:

(1) Transfer the property situated on Ticcoma Way, shown as Lots A, B and C shown on a plan entitled "Subdivision Concept Plan Prepared for the N.P. & E.D.C.," dated September 5, 2013, prepared by Blackwell & Associates, Inc. from the Board of Selectmen for general municipal purposes to the Board of Selectmen for purposes of conveyance or lease, and further to authorize the Board of Selectmen to use, sell convey or otherwise dispose of the fee or lesser interests of all or any portions of the property for affordable housing purposes or municipal sponsored housing of any kind including but not limited to housing for seasonal and/or permanent employees of the Town or County of Nantucket, and for roadway purposes to lay out Waitt Drive as shown on said Plan and

(2) Rescind the vote on Warrant Article 98 of the 2009 Annual Town Meeting as it applies to the authorization to transfer ten (10) of and a portion of one (1) parcels of land located northeasterly off Ticcoma Way (approximately addressed as 2 through 18 - even), shown on Nantucket County Registry District of the Land Court Plans 37902-B as Lots 2, 49,

50, 51, 52, 53, 54, 55, 56 and 57 and those portions of Lot 1 outside of the boundaries of Lot 75 on Land Court Plan 37902-C, for affordable housing purposes and subject to Chapter 30B of the Massachusetts General Laws.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the property situated on Ticcoma Way, shown as Lots A, B and C shown on a plan entitled "Subdivision Concept Plan Prepared for the N.P. & E.D.C.," dated September 5, 2013, prepared by Blackwell & Associates, Inc. is hereby transferred from the Board of Selectmen for general municipal purposes to the Board of Selectmen for purposes of conveyance or lease, and further to authorize the Board of Selectmen to use, sell convey or otherwise dispose of the fee or lesser interests of all or any portions of the property for affordable housing purposes or municipal sponsored housing of any kind including but not limited to housing for seasonal and/or permanent employees of the Town or County of Nantucket, and for roadway purposes to lay out Waitt Drive as shown on said Plan and that the vote on Warrant Article 98 of the 2009 Annual Town Meeting is hereby rescinded as it applies to the authorization to transfer ten (10) of and a portion of one (1) parcels of land located northeasterly off Ticcoma Way (approximately addressed as 2 through 18 - even), shown on Nantucket County Registry District of the Land Court Plans 37902-B as Lots 2, 49, 50, 51, 52, 53, 54, 55, 56 and 57 and those portions of Lot 1 outside of the boundaries of Lot 75 on Land Court Plan 37902-C, for affordable housing purposes and subject to Chapter 30B of the Massachusetts General Laws.

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

ARTICLE 102

(Real Estate Conveyance: Miscellaneous Town Land to the Nantucket Islands Land Bank)

To see if the Town will vote to transfer the care, custody, management and control of the parcels listed below to the Board of Selectmen for the purpose of conveyance and authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of any portion of the subject land listed below to the Nantucket Islands Land Bank, any such disposition to be on such terms and conditions the Board of Selectmen deem appropriate, which shall include the reservation of One Big Beach (OBB) easements, and access and parking allowances and may include the reservation of other easements and restrictions in regard to the following land:

- Assessors Map 55, Parcel 404.1, 84 Union Street;
- Assessors Map 55, Parcel 404.2, 84R Union Street;
- Assessors Map 55.1.4, Parcel 15, Consue Springs;
- Assessors Map 67, Parcel 49, 15 Miacomet Road;
- Assessors Map 81, Parcel 59, Off Bartlett Road;
- Assessors Map 82, Parcel 14, Mioxes Pond Road;
- Assessors Map 82, Parcel 22, Smooth Hummocks;
- Assessors Map 82, Parcel 86, Smooth Hummocks;

All as shown on a map entitled "2014 Annual Town Meeting Warrant Article 102" dated January 2014 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE: Moved that the care, custody, management and control of the parcels listed below are hereby transferred to the Board of Selectmen for the purpose of conveyance and that the Board of Selectmen is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests of any portion of the subject land listed below to the Nantucket Islands Land Bank, any such disposition to be on such terms and conditions the Board of Selectmen deem appropriate, which shall include the reservation of One Big Beach (OBB) easements, and access and parking allowances and may include the reservation of other easements and restrictions in regard to the following land:

- Assessors Map 55, Parcel 404.1, 84 Union Street;
- Assessors Map 55, Parcel 404.2, 84R Union Street;
- Assessors Map 55.1.4, Parcel 15, Consue Springs;
- Assessors Map 67, Parcel 49, 15 Miacomet Road;
- Assessors Map 81, Parcel 59, Off Bartlett Road;
- Assessors Map 82, Parcel 14, Mioxes Pond Road;
- Assessors Map 82, Parcel 22, Smooth Hummocks;
- Assessors Map 82, Parcel 86, Smooth Hummocks;

all as shown on a map entitled "2014 Annual Town Meeting Warrant Article 102" dated January 2014 and filed herewith at the Office of the Town Clerk.

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

ARTICLE 103

(Appropriation: Acquisition of Land in Madaket)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase or gift, the fee interest in the following property for wastewater or open space purposes:

Assessor's Map 63, Parcel 9 known as 7 Massassoit Bridge Road containing 100 acres, more or less;

and to see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds a sum of money for such purposes; and further to authorize the Board of Selectmen to grant a conservation restriction in said property pursuant to Chapter 184, Sections 31-33 of the Massachusetts General Laws.

Or to take any other action related thereto.

(Board of Selectmen)

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

ARTICLE 104

(Real Estate Acquisition: Lot 24, Okorwaw Avenue)

To see if the Town will vote to authorize the Board of Selectmen to acquire by eminent domain or purchase the fee interest in the following property for airport purposes and to confirm the original Order of Taking of the following property by the Town recorded with Nantucket County Registry of Deeds in Book 109, Page 409:

A certain parcel of land shown as Lot 24, Okorwaw Avenue, in Nantucket shown on Land Court Plan 17745A, containing 10,000 square feet of land more or less;

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

Or to take any other action related thereto.

(Board of Selectmen for Airport Commission)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to acquire by eminent domain or purchase the fee interest in the following property for airport purposes and to confirm the original Order of Taking of the following property by the Town recorded with Nantucket County Registry of Deeds in Book 109, Page 409:

A certain parcel of land shown as Lot 24, Okorwaw Avenue, in Nantucket shown on Land Court Plan 17745A, containing 10,000 square feet of land more or less.

ARTICLE 105

(Real Estate Conveyance: 142 Surfside Road)

To see if the Town will vote to: authorize the Board of Selectmen to sell, convey, or otherwise dispose of any interest the Town may have in, or to, part of that certain property located at 142 Surfside Road, more particularly described as Lot 1 in Plan Book 24, Page 31, on file at the Nantucket County Registry of Deeds, subject to Massachusetts General Law chapter 30B and to take any other action as may be related or appropriate thereto.

(David L. Webb, et al)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to sell, convey, or otherwise dispose of any interest the Town may have in, or to, part of that certain property located at 142 Surfside Road, more particularly described as Lot 1 in Plan Book 24, Page 31, on file at the Nantucket County Registry of Deeds, subject to Massachusetts General Law chapter 30B.

ARTICLE 106

(Appropriation: Stabilization Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of the Stabilization Fund in accordance with Chapter 40 section 5B of the Massachusetts General Laws, from which appropriations may be made by a two-thirds vote of an Annual or Special Town Meeting for any purpose for which a municipality may borrow money or for any other lawful purpose; said sum not to exceed ten percent (10%) of the Fiscal Year 2014 tax levy.

Or to take any other action related thereto.

(Board of Selectmen)

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

ARTICLE 107

(Appropriation: Free Cash)

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

(Board of Selectmen)

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

PLANNING BOARD REPORT

Chapter 40A, section 5 of the Massachusetts General Laws authorizes the Planning Board (hereafter the Board) to issue an advisory report to Town Meeting. Although a motion for Articles 35 through 68 is printed in the Warrant, this report provides additional information to help voters understand the basis for each motion. In an effort to provide better information about the planning process, the Board feels it is important to add this report and a glossary to the Warrant. The Board is guided by the approved Master Plan, unanimously accepted by Town Meeting in April of 2009¹. Overall, the Board's motions are consistent with the goals and policies of the Master Plan and they represent a balanced approach to guiding the community's future physical development. The information on each article is as follows:

Articles 36 through 43, 45, and 49 through 60 are Zoning Map changes sponsored by the Planning Board and Article 44 is citizen sponsored. In their development and review, the Board considered compliance with the Master Plan, including, but not limited to, such policies as:

- Advancing Master Plan actions identified in the "Zoning District Implementation Schedule"².
- Matching zoning districts with the character of the surrounding area³
- Phasing out certain zoning districts⁴
- Fostering the creation of area plans and removing commercial zoning from exclusively residential areas⁵
- Encouraging small neighborhood centers with mixed-use development⁶
- Addressing issues in 4 of 18 identified Planning Areas⁷

The Board only recommended articles that either advance or compliment policy and implementation goals. Overall, the proposed map changes match the existing character of the area with the designated zoning districts, remove commercial development potential in exclusively residential areas, and focus and preserve commercial development and uses in appropriate areas.

Several articles were not recommended including 44, a citizen sponsored article that generated controversy and opposition, 53 (referred for study) and 59, (involving erosion damaged property in Siasconset). Portions of other articles were referred to the NP&EDC's area plan process for further study/recommendations including 36, 37, 38 (Brant Point), 43 (Mid-Island) and 52, 53, 54 (Surfside).

Articles 35, 46, 47, 48 and 61 through 68 are Zoning Bylaw amendments.

¹ Warrant Article 26 of the 2009 Annual Town Meeting

² 2009 Nantucket Master Plan, Figure 39, page 90 (Articles 36 through 42, 45,49 through 51,55 and 60)

³ 2009 Nantucket Master Plan, Goal 2.1, Policy 2.1.3, page 90 (Articles 36 through 42,45,49 through 51,54 through 57,59 and 60.

⁴ 2009 Nantucket Master Plan, Goal 2.1, Policy 2.1.1a, page 90(Articles 36 through 42, 45, 49 through 51, 55 and 60)

⁵ 2009 Nantucket Master Plan, Goal 2.2 Policy 2.2.1 and 2.2.3, page 91 (Articles 36,39,40,41 and 55)

⁶ 2009 Nantucket Master Plan, Goal 2.2 Policy 2.2.2, page 91 (Articles 37,42,43 and 45)

⁷ 2009 Nantucket Master Plan, Figure 17, page 48 (Articles 36 through 42, 45, 49 through 51, 55 and 60)

Article 35 adopts new FEMA maps as part of the national flood insurance program. Its passage is essential to preserve the Town's eligibility to participate.

Citizen-sponsored Articles 46 and 48 and Planning Board sponsored corrective Article 47 are related to proposed development in the Naushop Area Plan boundary at Old South Road and Lovers Lane. These articles are not recommended as requested by the sponsors, for further due diligence.

Planning Board sponsored Articles 61, 62, 63, 64, 65, 67 and 68 and citizen sponsored Article 66 have direct and indirect Master Plan relevance and they were supported by the Planning Board for valid planning or common sense practice.

Article 61 updates language of the Public Wellhead Recharge District (PWRD).

Parking, driveway, screening and off-street loading section changes are in Article 62. The article is part simplification/reorganization/removing duplicative language of other sections and includes substantive changes including:

- Removing parking requirements in the Commercial-Downtown (CDT) zoning district.
- Expanding parking options in the Residential-5 (R-5) zoning district.

Article 63 changes the Secondary Lot provision of the bylaw, aligning the permitting process to one board, eliminating the option from zoning districts being phased out and other clarifications.

Articles 64 and 65 clarify language regarding "grandfathered" uses, structures and lots.

Citizen sponsored Article 66 amends the definition of apartments in mixed use commercial buildings to allow a portion of first floors to be used as residences, which was modified by the Planning Board to limit apartment use to no more than 50% and not facing front elevations to preserve street level commercial activity.

Articles 67 and 68 have straightforward changes to uses and technical matters.

The Planning Board recognizes the hard work of its staff, the active participation by citizens, and appreciates the thoughtful review of these articles by Town Meeting voters. If you have questions or concerns about the zoning articles, we encourage you to seek answers in advance of Town Meeting from individual Board members or contact PLUS staff at 508-325-7587.

ZONING ARTICLE GLOSSARY

The Planning Board has provided this glossary to serve as a summarized reference for selected terms in Articles 35 through 68. The entire Zoning Bylaw (Chapter 139 of the Code of the Town of Nantucket) and maps (under Town Meetings and Elections) can be further researched at www.nantucket-ma.gov.

Articles 36, 37, 38, 39, 40, 41, 42, 43, 45, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, and 60. The intensity regulations for zoning districts are referenced below.

Yard Setback					
District Defined in § 139-3	Minimum Lot Size (square feet)	Front (feet)	Side/Rear (feet)**	Frontage (feet)*	Ground Cover Ratio
LUG-1	40,000	35	10	100	7%
LUG-2	80,000	35	15	150	4%
LUG-3	120,000	35	20	200	3%
R-1	5,000	10	5	50	30%
R-5	5,000	10	Side: 10 minimum on one side; 5 thereafter Rear: 5	50	40%
R-10	10,000	20	10	75	25%
SR-10	10,000	15	5	75	25%
SR-20	20,000	30	10	75	12.50%
V-R	20,000	20	10	100	10.0%
R-20	20,000	30	10	75	12.5%
R-40	40,000	30	10	75	10.0%
ROH	5,000	None	5	50	50%
CDT	3,750	None	Side: none Rear: 5	35	75%
RC	5,000	None	5	40	50%
RC-2	5,000	10	5	40	50%
LC	5,000	None	5	40	50%
CN	7,500	10	Side: 5 Rear: 10	50	40%
CTEC	10,000	10	Side: 5 Rear: 10	50	40%
VN	10,000	10	10	50	30%

Spot Zoning - the Massachusetts Supreme Judicial Court found that spot zoning occurs where one lot or a small area has been singled out for treatment less onerous than that imposed upon nearby, indistinguishable properties. The Court of Appeals has found that spot zoning arises “where a zoning change is designed solely for the economic benefit of the owner of the property receiving special treatment and is not in accordance with a well considered plan for the public welfare.” *(Source: Massachusetts Municipal Association)*

“In assessing spot zoning challenges, it is quite proper to consider the effect of the zoning change on the municipality as a whole. The court now favors a balancing test to assess a spot zoning challenge. This is especially important where the growth of the municipality has been addressed by a plan.” Challenges alleging spot zoning have a heavy burden of proof, as great weight is given to validity arising from the Town Meeting process. The total area being rezoned is only important where it is not an extension of a district by the inclusion of border lots. Generally, newly established zoning areas greater than two acres are not considered to be a spot zone. *(Source: Bobrowski, Mark “Handbook of Massachusetts Land Use and Planning Law” pages 91through 95)*

Country Overlay District (COD) - a zoning overlay district encompassing those areas not included in the Town Overlay District. The purpose of the COD is to preserve areas characterized by traditional and historic rural land use patterns and to discourage the spread of dispersed development patterns that promote automobile dependency. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 12F)*

Town Overlay District (TOD) - a zoning overlay district encompassing those areas not included in the Country Overlay District. The purpose of the TOD is to encourage development within an area where infrastructure already exists or can be extended without undue expense, to create opportunities to produce affordable housing for year-round residents through in-fill development and to create development patterns that are conducive to service by alternatives to the automobile, such as transit, bicycle, and pedestrian systems. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 12E)*

Special Permit - requires a super-majority (4 out of 5 members in favor) vote of the special permit granting authority. Special permits may impose conditions, safeguards, and limitations intended to ensure that the use or structure is in harmony with the general purpose and intent of the Zoning Bylaw. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 30)*

Accessory Use - separate structures, buildings or uses which are subordinate and customarily incidental to a principal structure, building or use located on the same lot. Accessory uses shall not be construed to include a building or structure used in whole or in part for human habitation. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 2)*

Public Wellhead Recharge District (PWRD) - an overlay district covering a portion of the center of the Island where subsurface water resources (aquifer) are located and drawn for the public water supply. The purpose of the PWRD’s regulations is to “preserve the quality and quantity of the Town’s groundwater resources in order to insure a safe and healthy public water supply.” *(Source: Chapter 139 of the Code of the Town of Nantucket, section 12)*

Area Plan Process - the Nantucket Planning and Economic Development Commission (NP&EDC) has developed a participatory process to foster and facilitate the implementation of the land use and other relevant sections of the 2009 Master Plan. The areas are designated, mapped, and volunteer advisory members are appointed. The topics that each group evaluates are the nine elements of an MGL Chapter 41 section 81D master plan. A final plan is accepted by the NP&EDC. Final plans have been completed for Brant Point, Mid Island, Naushop Crossing, Siasconset, Surfside and Tom Nevers. *(Source: Goal 2.2, Policy 2.2.1, Nantucket Master Plan)*