

COMMONWEALTH OF MASSACHUSETTS

TOWN OF NANTUCKET



2008 ANNUAL TOWN MEETING

AND ELECTION

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

Sub-paragraph (c) of Section 3.5 "Further Powers of the Selectmen" is to be deleted, and in its place the following substituted?

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

_____ YES

_____ NO

3. Shall the Town of Nantucket approve an amendment to the Town Charter, proposed by vote pursuant to Article 51 of the 2007 Annual Town Meeting, which proposed amendment is as follows (actual proposed Charter language deletion in italics):

The words set forth below are to be deleted from the second paragraph under Charter “Section 3.4 - Selectmen Powers as to Appointments, (3)”?

“Our Island Home Board of Directors, Personnel Board (4 of 5 members),”

_____ YES

_____ NO

4. Non-Binding Public Opinion Advisory Question Pursuant to M.G.L. chapter 53, section 18A:

Shall the Town of Nantucket implement policies that encourage and enable the use and adoption of “alternative” or “renewable” energy systems by its citizens, property holders, businesses, government agencies and non-profit organizations and the like. These alternative energy solutions include, but are not limited to solar PV (photovoltaic/electricity), solar thermal (hot water/heat), geothermal, wind energy conversion systems (WECS), and tidal generators (generically known as in-stream energy conversion devices)?

_____ YES

_____ NO

5. Non-Binding Public Opinion Advisory Question Pursuant to M.G.L. chapter 53, section 18A:

Shall the Town of Nantucket allow the Siasconset Beach Preservation Fund to construct upon, and nourish, the Town-owned coastal beach/es on the East side of the Island?

_____ YES

_____ NO

6. Non-Binding Public Opinion Advisory Question Pursuant to M.G.L. chapter 53, section 18A:

Shall the Town of Nantucket build, or allow to be built, a multi-level parking garage for public use in downtown Nantucket?

_____ YES

_____ NO

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

**MONDAY, APRIL 7, 2008 AT 7:00 PM,
THEN AND THERE TO ACT ON THE ARTICLES
CONTAINED WITH THE ENCLOSED WARRANT:**

ARTICLE 1

(Receipt of Reports)

To receive the reports of various departments and committees as printed in the Fiscal Year 2007 Annual Town Report or as may come before this meeting.

(Board of Selectmen)

ARTICLE 2

(Appropriation: Unpaid Bills)

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

(Board of Selectmen)

ARTICLE 3

(Appropriation: Prior Year Articles)

To see what sums the Town will vote to appropriate and transfer from available funds previously appropriated pursuant to Articles voted in prior years.

(Board of Selectmen)

ARTICLE 4

(Revolving Accounts: Annual Authorization)

To see what revolving accounts the Town may vote to authorize or reauthorize pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws for fiscal year 2009.

(Board of Selectmen)

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 2008; said sum not to exceed five (5) percent of the fiscal year 2009 tax levy.

(Board of Selectmen)

ARTICLE 6

(Fiscal Year 2008 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the fiscal year 2008 operating budget from other line items of said budget and from other available funds.

(Board of Selectmen)

ARTICLE 7

(Personnel Compensation Plans for Fiscal Year 2009)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2009:

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	15.00
Building Inspector, Assistant (hourly)	30.00
Dietician/Our Island Home (hourly)	33.00
Election Warden (hourly)	20.00
Election Worker (hourly)	15.00
EMT, Call (per hour)	15.00
Fire Captain, Call (yearly)	150.00
Fire Fighter, Call (per hour)	15.00
Fire Lieutenant, Call (yearly)	125.00

Fire Chief, Second Deputy (yearly)	5,000.00
Fire Chief, Third Deputy (yearly)	5,000.00
Plumbing Inspector, Assistant (hourly)	30.00
Registrar of Voters (yearly)	600.00
Registrar, Temporary Assistant (hourly)	10.00
Seasonal Shellfish Warden(s) (yearly)	300.00
Sheriff, Deputy (yearly)	3,500.00
Teen Center Staff (hourly)	11.00
Teen Center Staff/Second Year (hourly)	12.00
Temporary Employee	various rates of pay
Wiring Inspector, Assistant (hourly)	30.00
Veterans' Agent (hourly)	15.00

*Schedule B -- Seasonal Employee Compensation Schedule
(Spring, Summer, Fall, Winter/Effective April 15, 2008- April 14, 2009)*

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$13.00	\$14.00	\$15.00	\$16.00
B-Hourly*	\$13.50	\$14.50	\$15.50	\$16.50
C-Hourly*	\$14.50	\$15.50	\$16.50	\$17.50
D-Hourly*	\$15.00	\$16.00	\$17.00	\$18.00
E-Hourly*	\$17.00	\$17.50	\$18.00	\$19.00

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

- A: Dock Attendant, Information Aide, Matron
- B: Swimming Instructor, Arts & Crafts Instructor, Seasonal Health Assistant, Shellfish Warden, Endangered Species Monitor, Parking Control Officer, Laborer (Public Works)
- C: Endangered Species Monitor Supervisor, Summer Recreation Coordinator, Dock Worker
- D: Seasonal Firefighter/EMT, Summer Special Police, Lifeguard, Tennis Attendant (Park & Recreation), Laborer (Park & Recreation)
- E. Lifeguard Supervisor, Madaket Harbormaster, Seasonal Maintenance Supervisor (Park & Recreation); Tennis Instructor (Park & Recreation), Swimming Instructor (Park & Recreation)

Schedule C -- Scallop Season Compensation Schedule

\$35.00/day to be paid to the full-time permanent shellfish warden(s) when scalloping activity is taking place.

*Schedule D -- Compensation Schedule for Elected Officials**

Moderator	\$150 per year
Selectman, Chair	\$5,000/per year
Selectmen	\$3,500/per year
Town Clerk	\$84,351

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

(Board of Selectmen)

ARTICLE 8

(Appropriation: Fiscal Year 2009 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 2009.

(Board of Selectmen)

ARTICLE 8A

(Appropriation: Other Post Employment Benefits)

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 funding current and future other post-employment benefits costs payable by the town; and, to take any other action as may be related thereto.

(Board of Selectmen)

ARTICLE 9

(Appropriation: Health and Human Services)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the Council for Human Services to be used by the Council to contract with various health and human services, not-for-profit corporations to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket; further, that all such sums be expended on the condition that contracts be executed by and between the Board of Selectmen and the respective private, not-for-profit agency for Fiscal Year 2009, which contracts shall stipulate mutually agreed upon terms and conditions.

(Board of Selectmen)

ARTICLE 10

(Appropriation: General Fund Capital Expenditures)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, for the purposes of capital expenditures for Fiscal Year 2009 for the offices, departments, boards and commissions of the Town of Nantucket.

(Board of Selectmen)

ARTICLE 11

(Appropriation: Public Safety Facility)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Administrator with the approval of the Board of Selectmen, for professional services for design, permitting, architecture, construction supervision and other related professional services, and for the construction, installation and equipping of a public safety facility at 2 Fairgrounds Road; and, to take any other action as may be related thereto.

(Board of Selectmen)

ARTICLE 12

(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 following Enterprise Funds of the Town of Nantucket for Fiscal Year 2009: Nantucket Memorial Airport, Wannacomet Water Company, Siasconset Water Company, Sewer Enterprise, and Solid Waste Enterprise, out of anticipated revenues of the designated funds, for the purposes set forth above.

(Board of Selectmen for the Various Departments Indicated)

ARTICLE 13

(Appropriation: Enterprise Funds Capital Expenditures)

To see what sums the Town will vote to appropriate from the sources indicated below, for the purposes of capital expenditures in Fiscal Year 2009 for the following Enterprise Funds established under the jurisdiction of the Town of Nantucket: Nantucket Memorial Airport, Wannacomet Water Company, Siasconset Water Company, Sewer Enterprise, and Solid Waste Enterprise.

(Board of Selectmen for the Various Departments Indicated)

ARTICLE 14

(Enterprise Funds: Fiscal Year 2008 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2008 Enterprise Fund operating budgets from other line items of said budgets and/or from Enterprise Surplus Reserve Funds.

(Board of Selectmen)

ARTICLE 15

(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 2009, and to authorize the expenditure of these funds for County purposes, all in accordance with the General Laws and in accordance with the County Charter (Chapter 290, Acts of 1996), the sum of One Hundred Thousand Dollars (\$100,000); and, to take any other action as may be related thereto.

(Board of Selectmen/County Commissioners)

ARTICLE 16

(Appropriation: Finalizing Fiscal Year 2009 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 2009 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 c. 35, s. 32 of the General Laws of the Commonwealth.

(Board of Selectmen/County Commissioners)

ARTICLE 17

(Rescind Unused Borrowing Authority)

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

(Board of Selectmen)

ARTICLE 18

(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, s. 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 in relation thereto.

(Board of Selectmen)

ARTICLE 19

(Appropriation: Collective Bargaining Agreement/
Our Island Home)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2007 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Our Island Home union employees (represented by the Service Employees International Union Local #1199) in accordance with Chapter 150E of the General Laws of the Commonwealth, and to amend the Town's classification and compensation plan accordingly to reflect such contract, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 20

(Appropriation: Collective Bargaining Agreement/Airport)

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 2008 in a collective bargaining contract between the Town of Nantucket (represented by the Airport Commission) and the 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 General Laws of the Commonwealth, and to amend the Town's classification and compensation plan accordingly to reflect such contract, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 21

(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 2009 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Department of Public Works union employees (represented by the American Federation of State, County and Municipal Employees, Council 93, AFL-CIO, Local 2346) in accordance with Chapter 150E of the General Laws of the Commonwealth, and to amend the Town’s classification and compensation plan accordingly to reflect such contract, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 22

(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 2009 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Laborer’s union employees (represented by the Massachusetts Laborers’ District Council of the Laborers’ International Union of North America, AFL-CIO) in accordance with Chapter 150E of the General Laws of the Commonwealth, and to amend the Town’s classification and compensation plan accordingly to reflect such contract, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 23

(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 2009 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Police Department union employees (represented by the Massachusetts Coalition of Police, Nantucket Local Union 330, IUPA, AFL-CIO) in accordance with Chapter 150E of the General Laws of the Commonwealth, and to amend the Town’s classification and compensation plan accordingly to reflect such contract, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 24

(Appropriation: Collective Bargaining Agreement/Deputy Police Chief)

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 2009 in a collective bargaining contract between the Town of Nantucket (represented by

the Board of Selectmen) and the Deputy Police Chief (represented by Massachusetts Laborer's District Council, Nantucket Public Employees' Local Union Unit 1249) in accordance with Chapter 150E of the General Laws of the Commonwealth, and to amend the Town's classification and compensation plan accordingly to reflect such contract, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 25

(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 2009 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 General Laws of the Commonwealth, and to amend the Town's classification and compensation plan accordingly to reflect such contract, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 26

(Appropriation: Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2009 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>	
Maria Mitchell House	
Preservation of Historic components	\$21,775
Nantucket Town Clerk	
Cemetery Restoration Phase 2	\$123,000
South Church Preservation Fund	
Restoration and mitigation of water damage	\$250,000
Sconset Trust	
Preservation of Sankaty Head Lighthouse	\$250,000
First Congregational Church	
Restoration and repair of interior of church	\$200,000

Subtotal **\$844,775**

Community Housing

Nantucket Human Service Center
Creation of units of community housing \$300,000

Interfaith Council
Housing and Rental Assistance Program \$55,000

Nantucket Housing Authority
To develop RFP for 50 housing units \$10,000

Nantucket Planning & Economic Development Commission
Funding for Housing Planner/Specialist \$83,578

Nantucket Housing Office
2 Clarendon Street secondary dwelling \$245,000

Nantucket Housing Office
3 Norquarta Drive secondary dwelling \$235,000

Nantucket Housing Office
Nantucket Housing Office-Year Seven \$104,000

Nantucket Housing Office
Housing Resource Center & 2 affordable units \$350,000

Habitat for Humanity Nantucket, Inc.
Habitat for Humanity house \$100,000

Subtotal **\$1,482,578**

Open Space Conservation/Recreation

Nantucket Park and Recreation Commission
Youth fields, West \$500,000

Nantucket Conservation Foundation
University of Massachusetts Field Station purchase \$250,000

Open Space Reserves
Reserve for future years \$75,000

Subtotal **\$825,000**

Administrative

Community Preservation Committee
Administrative and operating expenses \$93,211

Subtotal **\$93,211**

TOTAL **\$3,245,564**

And amounts to be appropriated from the following sources:

<u>SOURCES</u>	<u>AMOUNT</u>
Raised and appropriated from FY2009 Community Preservation Surcharge	\$1,633,000
From State matching funds for FY2008, to be received in 2009	\$1,254,000
From undesignated reserve balance fund	\$358,564
Total Revenues	\$3,245,564

For Fiscal Year 2009 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.

Provided however, that the above expenditures are 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)

ARTICLE 27

(Appropriation: Construction of Sports Complex)

To see if the town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, including a borrowing contingent upon passage by ballot of a debt exclusion override referendum, Three Million Six Hundred Thousand Dollars (\$3,600,000), for use by the Park and Recreation Commission, with the approval of the Board of Selectman, for the purposes of constructing a 15 acre sports complex on Land Bank property, 81 Milestone Road (Map 61 Parcel 1).

(Stephen Theroux, et al)

Administrative Note: This article references Map 61 and was intended to reference Map 69

ARTICLE 28

(Zoning Bylaw Amendment: Commercial Uses)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket as follows:

1. To delete section 9 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*):

~~A. Permitted uses:~~

- ~~(1) Retail sales, including on-premises light manufacturing or fabrication clearly ancillary to the retail sales; except for formula business within the FBED. [Amended 4-4-2006 ATM by Art. 42, AG approval 10-26-2006]~~
- ~~(2) Offices, both public and private, including banking, brokers and other financial services.~~
- ~~(3) Transient residential facilities, except that transient residential facilities shall only be permitted in the RC District and not RC-2.~~
- ~~(4) Restaurants, except for formula business within the FBED. [Amended 4-4-2006 by Art. 42, AG approval 10-26-2006]~~
- ~~(5) Personal services.~~
- ~~(6) Theaters, auditoriums and other places of public assembly.~~
- ~~(7) Parking at grade in parking areas or in parking garages.~~
- ~~(8) Parks and playgrounds.~~
- ~~(9) Production, processing, building, cleaning, fueling, testing, repair, storage and servicing of boats.~~
- ~~(10) Maritime service stations for the retail sale of fuel, lubricants and accessories, and minor services incidental thereto.~~
- ~~(11) Yachting and sailing clubs, marinas and other maritime related recreational facilities.~~
- ~~(12) In the RCDT District only, up to four residential apartments containing a maximum of two bedrooms per apartment located on the second or third floor based upon the following density calculation:~~

Type of Apartment	Density Calculation
Apartments subject to Nantucket Housing Needs Covenant	One per 1,250 square feet of land of the subject lot. A maximum of four NHNC apartments are allowed on any lot.
An apartment not subject to a Nantucket Housing Needs Covenant	One per 2,500 square feet of land of the subject lot. A maximum of two apartments are allowed on any lot.

- ~~(a) Such apartment, if built, shall be the only dwelling unit(s) on the lot.~~
- ~~(b) Density calculations shall be cumulative so that a 2,500 square foot area lot would allow up to two NHNC units or one non-NHNC unit. A 3,750 square foot area lot would allow one NHNC apartments and one non-NHCN apartment. A 5,000 square foot area lot would allow four NHNC or two non-NHCN apartments or a combination thereof.~~

~~B. Exceptions. The Board of Appeals may grant a special permit to allow the following uses:~~

- ~~(1) Taverns and bars (which may also be permitted as accessory to a conforming restaurant use).~~

- ~~(2) The following commercial or municipal uses, provided that the Board of Appeals shall specifically find, in addition to the other requirements of this chapter as to the granting of a special permit, that the use will not inherently be in violation of § 139-7E(4):~~
- ~~(a) Light manufacturing.~~
 - ~~(b) Storage and warehousing, including properly screened open storage of goods and materials.~~
 - ~~(c) Fabrication and assembly of component parts for off-site construction or use.~~
 - ~~(d) Petrochemical storage and transfer facilities in properly constructed packaging containers.~~
 - ~~(e) Public utility production and distribution facilities.~~
 - ~~(f) Printing and publishing.~~
 - ~~(g) Garages for storage, repair, washing, painting or other servicing of motor vehicles.~~
 - ~~(h) Public transportation facilities.~~
 - ~~(i) Food processing, manufacturing and packaging.~~
 - ~~(j) Maritime research facilities.~~
 - ~~(k) Asphalt manufacturing facilities.~~
 - ~~(l) Rental or sale of bicycles, motorcycles, motor scooters, mopeds, automobiles, trucks and other such motorized land transports or means of conveyance.~~
 - ~~(m) Taxi business in which more than three licensed vehicles are used.~~
 - ~~(n) Licensed junkyards.~~
 - ~~(o) Take-out food establishment (which also may be allowed under § 139-15 as accessory to a permitted food establishment use).~~
 - ~~(p) Laundering and "dry" or other chemical type cleaning services, both public and non-public (but not including private on-site residential allowed as accessory uses).~~
 - ~~(q) A trailer or building-like container as a principal or accessory building or structure for storage required by the Nantucket Fire Department of equipment and/or chemicals.~~
 - ~~(r) Adult uses in the RC-2 District only, subject to conditions set forth in § 139-23.~~

2. To delete section 10 in its entirety 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*):

(See also §§ 139-7 and 139-8.)

~~A. Permitted uses:~~

- ~~(1) Rooming, lodging and guest houses.~~
- ~~(2) Nonprofit clubs.~~
- ~~(3) Recreational facilities.~~

~~B. Exceptions. The Board of Appeals may grant a special permit to allow the following uses:~~

- ~~(1) Nonprofit cultural and artistic facilities.~~
- ~~(2) Retail sales and personal services, except for formula business within the FBED. [Amended 4-4-2006 ATM by Art. 42, AG approval 10-26-2006]~~
- ~~(3) Business, professional, financial and public offices.~~
- ~~(4) Restaurants, hotels, motels and inns, except for formula business within the FBED. [Amended 4-4-2006 ATM by Art. 42, AG approval 10-26-2006]~~
- ~~(5) Marinas and other maritime-related recreation and commercial facilities, including maritime service stations for the retail sale of fuel, lubricants and accessories, and minor services incidental thereto.~~

C. ~~Elder housing facilities. The Planning Board may grant a special permit for an elder housing facility, subject to its making the finding set forth in Subsection C(1) below, and subject to the following provisions: [Added 4-15-2003 ATM by Art. 35, AG approval 8-27-2003]~~

- ~~(1) The grant of a special permit for an elder housing facility hereunder shall be based upon a finding by the Planning Board that the proposed use, as conditioned by the decision granting the special permit, will be of benefit to the Town and its residents, and will not be substantially more detrimental to the neighborhood than existing uses upon the property where the facility is proposed, or other uses which are permitted thereon as a matter of right.~~
- ~~(2) The Planning Board may impose such conditions as it deems appropriate upon the granting of a special permit hereunder.~~
- ~~(3) The off-street parking requirements under § 139-18 shall not be applicable to an elder housing facility hereunder. The Planning Board shall, as a part of the decision granting a special permit, establish the number of parking spaces required for a facility approved hereunder. One off-street loading space under § 139-20 shall be provided in each facility permitted hereunder.~~
- ~~(4) An elder housing facility permitted hereunder shall be subject to major site plan review under § 139-23.~~
- ~~(5) An elder housing facility may consist of multiple apartments in one or more buildings and separate cottages. The total number of units used in the elder housing facility shall not exceed one for each 2,500 square feet of lot area in the tract of land upon which the facility is situated.~~
- ~~(6) Included in the total number of dwelling units in the elder housing facility, there may be constructed upon the tract of land upon which the facility is situated employee housing for staff employed by the elder housing facility, containing no more than three dwelling units.~~
- ~~(7) All residents of the elder housing facility shall be either 62 years of age or older or shall be the spouse or physically or mentally disabled immediate family member of a resident who is 62 years of age or older.~~
- ~~(8) In determining whether a proposed elder housing facility will be of benefit to the Town and its residents, the Planning Board shall consider the provision of affordable housing units for some residents of the facility as being of such benefit.~~
- ~~(9) An elder housing facility permitted hereunder shall be exempt from the phased development provisions of § 139-24.~~

3. To insert in section 9 the following use table:

Commercial Uses By Zoning District									
Uses	Districts						RC	RC-2	LC
	CDT	CMI	CN	CTEC	CI				
Retail Sales	Y	Y	Y	A	A		Y	Y	Y
Restaurants									
Small (up to 70 seats)	Y	Y	SP	N	N		Y	Y	SP
Large (70 to 200 seats)	SP	SP	N	N	N		Y	Y	SP
Take-Out Food Establishment	Y	Y	SP/A	N	N		SP	SP	N
Tavern/Bar	Y	Y	SP	N	N		SP	SP	N
Formula Businesses									
Retail	N	Y	Y	N	N		Y/N in FBED	Y	SP/N in FBED
Restaurant									
Small (up to 70 seats)	N	SP	SP	N	N		Y/N in FBED	SP	SP/N in FBED
Large (70 to 200 seats)	N	SP	N	N	N		Y/N in FBED	SP	SP/N in FBED

Commercial Uses By Zoning District

Uses	Districts								
	CDT	CMI	CN	CTEC	CI	RC	RC-2	LC	
Take-Out Food Establishment	N	SP	SP	N	N	Y/N in FBED	SP	N	
Tavern/Bar	N	SP	SP	N	N	Y/N in FBED	SP	N	
Theatres, Auditoriums, or Other Places of Public Assembly	Y	SP	SP	N	N	Y	Y	N	
Offices	Y	Y	Y	A	A	Y	Y	SP	
Personal Services	Y	Y	Y	A	N	Y	Y	SP	
Laundromat or Dry-cleaning Establishment	SP	SP	SP	SP	N	SP	SP	N	
Bank	Y	Y	Y	N	N	Y	Y	SP	
Art Gallery	Y	Y	Y	N	N	SP	SP	SP	
Transient Residential Facilities									
Hotel or Inn	SP	SP	N	N	N	Y	N	SP	
Motel	N	N	Y	N	N	Y	N	SP	
Rooming, Lodging, or Guest House	Y	Y	Y	N	N	Y	N	Y	
Time-Sharing/Interval Dwelling Unit(s)	Y	Y	Y	N	N	Y	N	Y	
Elder Housing Facilities	N	Y	SP	N	N	N	N	SP	
Light Manufacturing	N	N	A	SP/A	Y	SP	SP	N	
Food Processing	N	N	SP	SP	Y	SP	SP	N	
Interior or Exterior Storage or Warehousing	N	N	A	SP/A	Y	SP	SP	N	
Asphalt/Batching Plant	N	N	N	N	Y	SP	SP	N	
Licensed Junkyards	N	N	N	N	SP	SP	SP	N	
Transfer Station	N	N	N	N	SP	N	N	N	
Petroleum Product Storage or Distribution Facility (i.e Tank Farm)	N	N	N	N	Y	SP	SP	N	
Utility Production/ Distribution	SP	SP	SP	SP	Y	SP	SP	N	
Print Shop	Y	Y	Y	Y	N	SP	SP	N	
Motor Vehicle Sales	N	SP	SP	N	SP	SP	SP	N	
Motor Vehicle Rental	Y	N	SP	N	N	SP	SP	N	
Motor Vehicle Repair or Painting	N	SP	SP	SP	Y	SP	SP	N	
Motor Vehicle Parking Lots or Structures	Y	Y	Y	SP	N	Y	Y	N	
Car Wash	N	SP	N	N	SP	SP	SP	N	

Commercial Uses By Zoning District

Uses	Districts								
	CDT	CMI	CN	CTEC	CI		RC	RC-2	LC
Taxi Cab Business	N	Y	Y	Y	N		SP	SP	N
Bicycle Rental or Sale	N	N	N	SP	N		SP	SP	N
Boat Related Storage	N	N	SP	Y	Y		Y	Y	N
Uses	Districts								
	CDT	CMI	CN	CTEC	CI		RC	RC-2	LC
Maritime Service Station	Y	Y	Y	Y	Y		Y	Y	SP
Yacht/Sailing Clubs and Marinas	Y	N	N	N	N		Y	Y	SP
Adult Uses	N	N	N	N	SP		N	SP	N
Arcade	N	SP/A	SP/A	N	N		A	A	A
Automated Teller Machine	Y/A	Y/A	Y/A	N	N		Y	Y	SP
Bakery	Y	Y	Y	Y	N		SP/A	SP/A	A
Catering	N	Y	Y	Y	N		SP/A	SP/A	A
Club	Y	Y	Y	N	N		Y	Y	Y
Contractor Shop	N	N	SP	Y	Y		SP	SP	N
Convenience Store	Y	Y	Y	N	N		Y	Y	SP
Crematorium	N	N	N	N	Y		A	A	A
Drive-Through Take-Out Food	N	N	SP	N	N		SP	SP	N
Funeral Home	Y	Y	Y	N	N		Y	Y	A
Health Spa	Y	Y	Y	N	N		Y	Y	Y
Landscape Contractor	N	N	SP	Y	Y		SP	SP	N
Alcohol Sales	Y	Y	SP/A	N	N		Y	Y	SP
Medical Clinic	N	SP	SP	N	N		Y	Y	SP
Mining	N	N	N	N	Y		SP	SP	N
Motor Vehicle Service Station	N	SP	SP	SP	N		SP	SP	N
Museum	Y	N	SP	N	N		Y	Y	N
Open Air Market	Y	Y	Y	N	N		Y	Y	N
Pharmacy	Y	Y	Y	N	N		Y	Y	SP
Supermarket	Y	Y	SP	N	N		Y	Y	SP
Truck/Bus Terminal	N	N	N	SP	Y		SP	SP	N

N = No
Y = Yes
SP = Special Permit
A = Accessory Use as defined in 139-15
FBED = Formula Business Exclusion District

4. To amend section 2 by inserting the following definitions to be inserted alphabetically:

ALCOHOLIC BEVERAGE SALES - A facility for the retail sale of beer, wine, or other alcoholic beverages for off-premise consumption.

ARCADE - A place or facility where any electric or electronic machine, such as pinball or other similar electronic games, are played for amusement only. Shall not be construed so as to include bingo games, juke boxes, children's mechanical rides (e.g., horses, rocket ships), or machines that sell merchandise nor shall it be construed so as to include gambling devices or any other devices prohibited by law.

AUTOMOBILE SERVICE STATION - Any building, structure or land used primarily for the dispersal, sale, or offering for sale of automotive fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories, but not including major repair work, such as motor replacement or rebuilding, body and fender repair, or painting.

CATERING SERVICE - An establishment in which food, meals, and incidental services are prepared and then delivered to another location for consumption.

CLINIC, MEDICAL OR DENTAL - Offices organized as a unified facility by one or more physicians, dentists, chiropractors or other licensed practitioners to provide medical or dental treatment and examination, but not including bed-patient care.

CLUB - Buildings and facilities, owned or operated by a corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business.

CONTRACTORS SHOP - An establishment used for the indoor repair, maintenance, or storage of a contractor's vehicles, equipment, or materials, and may include the contractor's business office but which does not use any exterior storage area.

CONVENIENCE STORE - A retail store offering for sale groceries and household items intended for the convenience of the neighborhood with a floor area of less than 2,500 square feet; does not include automotive service stations or vehicle repair shops.

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

HEALTH SPA - A place or building where massage, beauty treatment, cosmetic procedures, and related activities take place.

LANDSCAPE CONTRACTOR - A business engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground.

LIGHT MANUFACTURING - An establishment engaged in the indoor manufacturing, processing, or fabrication of materials or products.

OPEN AIR MARKET - An occasional or periodic market held in an open area or in a structure where groups of individual sellers licensed by the Board of Selectmen offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site

PERSONAL SERVICES ESTABLISHMENT - Establishments providing frequent or recurrent needed specialized non-medically related services, including beauty and barber shops; clothing rental, garment repair, shoe repair shops, tanning salons, photographic studios, psychic readers, tattoo or body piercing studio. These uses may also include accessory retail sales of products related to the services provided.

PHARMACY - An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, home and personal care products, and related supplies.

PRINT SHOP - A retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment and may include the collating and binding of booklets and reports.

TAXICAB BUSINESS - A service that offers transportation utilizing three (3) or more motor vehicles to persons, including those who are handicapped, in return for remuneration.

SUPERMARKET - Store where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores or pharmacies.

TRUCK/BUS TERMINAL - A facility for the receipt, transfer, short-term storage, or dispatching of goods transported by truck or the storage, service, or maintenance of buses not in active transport of passengers. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Post Office.

5. To amend section 7, subsection F(8)(d)(1) by deleting the following and renumbering subsection F(8)(d)(2) accordingly:

As part of the MRD special permit application, an applicant may request designation of a lot within the MRD subdivision for a nonresidential use. Said nonresidential use shall be limited to 2,000 gross square feet of small-scale, neighborhood-oriented retail or office use ~~as allowed in § 139-10B(1), (2) or (3)~~. As part of the MRD submission, an applicant must provide information which supports the need or necessity of the proposed nonresidential use. Proposed nonresidential uses shall be appropriately scaled for a village setting, and shall be designed to complement the overall function and architecture of the immediate area as determined by the Planning Board.

6. To amend section 8 as follows:

§ 139-8. Residential Districts R-1, R-10, SR-2 and ROH and Residential Commercial Districts RC, RC-2, RCDT, CN, CTEC and LC. [Amended 4-9-2001 ATM by Art. 25, AG approval 8-24-2001]

(See also §§ 139-7, 139-9 and 139-11.)

A. Permitted uses: **[Amended 4-10-2002 ATM by Art. 45, AG approval 7-31-2002; 4-15-2003 ATM by Art. 26, AG approval 8-27-2003]**

- (1) In the R-1, R-10, RC, RC-2, RCDT, **CN, CTEC** and LC (but not SR-2 or ROH) Districts, one duplex dwelling containing two dwelling units; provided that: **[Amended 10-19-2004 STM by Art. 11, AG approval 2-22-2005]**
 - (a) Any lot on which the two dwelling units are located shall not contain any additional dwellings or dwelling units; and
 - (b) One of the two dwelling units shall be a secondary dwelling unit.
 - (c) In the R-1 and LC Districts, the two dwelling units shall be in the same ownership.
Editor's Note: Former Subsection A(1)(d), regarding duplexes in the R-10 District, which immediately followed this subsection, was repealed 4-4-2006 ATM by Art. 46, AG approval 8-2-2006.

- (2) Any municipal use, including, but not limited to, offices, schools, parks, libraries and recreational uses.

7. To amend section 8 as follows:

B. Exceptions. The Board of Appeals may grant a special permit to allow the following uses:

- ~~(1) Commercial profit-making businesses operating community recreational facilities, such as golf courses, tennis, paddle and racquet courts, bowling alleys, fitness centers or the like; provided they are not substantially more detrimental to the neighborhood nor the environment than existing or permitted alternative uses of the lot.~~
- ~~(2) Neighborhood service establishments such as barber, beauty, shoe repair, tailor~~
- (1) shops, funeral homes, photographer's studios, art gallery, art salon, antique/craft shop,**

and upholsterers' shops. No service establishment shall exceed 3,000 square feet of floor area, and the aggregation of such service establishments on a lot (or on contiguous lots in one ownership) shall not exceed 4,000 square feet of floor area [Amended 4-12-1999 ATM by Art. 34, AG approval 8-10-1999]

- (3) A multibed hospital with any ancillary doctors' and dentists' offices.
- (2)

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 29

(Zoning Bylaw Amendment - Intensity Regulations Reorganization and New Districts)

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

1. To amend section 16A, "Intensity regulations", as follows

		Yard Setback					
		District Defined in § 139-3	Minimum Lot Size (sq. feet)	Front (feet)	Side/Rear (feet)**	Frontage (feet)*	Ground Cover Ratio
Town Overlay Residential Districts	ROH	5,000	None	5	50	50%	
	R-1	5,000	10	5 ¹	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%	
	R-20	20,000	30	10	75	12.50%	
	R-40	40,000	30	10	75	10.0%	
	Country Overlay Residential Districts	SOH	5,000	None	5	50	50%
SR-1		5,000	10	5 ¹	50	30%	
SR-10		10,000	15	5	75	25%	
SR-20		20,000	30	10	75	12.50%	
V-R		20,000	30	15	100	10.0%	
LUG-1		40,000	35	10	100	7%	

	LUG-2	80,000	35	15	150	4%
	LUG-3	120,000	35	20	200	3%
	MMD	10 acres	50	50	300	0.50%
Town Commercial Districts	RC CDT	3,750	None	Side: none Rear: 5	35	75%
	RC	5,000	None	5	40	50%
	RC-2	5,000	20	5 ¹	40	50%
	LC	5,000	None	5	40	50%
	CMI	5,000	None	0	50	50%
	CN	7,500	10	Side: 5 Rear: 10	50	40%
	CTEC	10,000	10	Side: 5 Rear: 10	50	40%
	CI	15,000	20	10	75	50%
Country Commercial Districts	VN	10,000	10	10	50	30%
	VTEC	40,000	30	20	100	7%

NOTES:

See § 139-33E for nonconforming lots

¹ For lots abutting two or more streets or ways, whether constructed or not, the required front yard setback shall be maintained from one street or way, and the required side yard setback shall be maintained from each other lot line except in the R-1 and RC-2 Districts where a minimum 10 foot side yard setback shall be maintained from any other street or way, whether constructed or not.

2. To amend section 16C, "Exceptions for yards", 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 final text*):

(1) The Board of Appeals may grant a special permit to reduce the ten-foot side yard setback in R-5 and the ten-foot side and rear yard setback distance in Districts R-10 and SR-10, R-20 and SR-20 from 10 feet to five feet.

3. To amend section 3 as follows:

A.B. ~~Limited Use~~ Country Overlay District Residential

District	Abbreviation
Sconset Old Historic	SOH
Sconset Residential-1	SR-1
Sconset Residential-10	SR-10
Sconset Residential-2	SR-2

Village Residential	VR
Limited Use General 1	LUG-1
Limited Use General 2	LUG-2
Limited Use General 3	LUG-3

B.A. **Town Overlay District Residential. [Amended 4-12-2004 ATM by Art. 25, AG approval 9-3-2004]**

District	Abbreviation
Residential Old Historic	ROH
Residential-1	R-1
Residential-5	R-5
Residential-10	R-10
Residential-20	R-20
Sconset Old Historic	SOH
Sconset Residential-1	SR-1
Sconset Residential-10	SR-10
Sconset Residential-2	SR-2

C. **Town Overlay District Commercial. [Amended 4-15-2003 ATM by Art. 31, AG approval 8-27-2003]**

District	Abbreviation
Residential Commercial	RC
Residential Commercial 2	RC-2
Residential Commercial Downtown	RCDT
Limited Commercial	LC
Commercial-Mid-Island	CMI
Commercial-Neighborhood	CN
Commercial Trade, Entrepreneurship and Craft	CTEC
Commercial Industrial	CI

D. **Country Overlay District Commercial.**

District	Abbreviation
Village Neighborhood	VN
Village Trade, Entrepreneurship and Craft	VTEC

And to re-letter existing D to E and E to F.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 30

(Zoning Map Change: Commercial Industrial)

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

1. Placing the following properties, currently located in the Residential Commercial-2 (RC-2) district to the Commercial Industrial (CI) district:

Map	Lot	Number	Street
69	Portion of 3.1	10	Sun Island Road
69	Portion of 3.3	0	Sun Island Road
69	105	14	Sun Island Road
69	29.8	15	Sun Island Road
69	29.7	13	Sun Island Road
69	29.6	11	Sun Island Road
69	29.5	7	Sun Island Road
69	3.5	0	Sun Island Road
69	29.2	9	Sun Island Road
69	29.1	5	Sun Island Road
69	10	3	Arrowhead Drive
69	10.2	19	Arrowhead Drive
69	10.3	13	Arrowhead Drive
69	10.4	0	Arrowhead Drive
69	108	109	Hinsdale Road
69	51	30	Arrowhead Drive
69	52	14-18	Arrowhead Drive
69	55	12	Arrowhead Drive
69	56	10	Arrowhead Drive
69	57	8	Arrowhead Drive
69	58	6	Arrowhead Drive
69	64	144-148	Old South Road
69	66	150-152	Old South Road
68	310	10	Airport Road
78	1	14	Airport Road

Map	Lot	Number	Street
78	Portion of 2		Macys Lane
78	Portion of 3		Airport Property
78	1.1	143	Old South Road
78	1.2	36R	Bunker Road
78	2.1	30	Bunker Road
78	2.2	44	Bunker Road
78	2.3	36	Bunker Road
78	2.4	35	Bunker Road
78	2.5		Old South Road
78	2.6		Old South Road
78	2.7	32	Bunker Road
78	2.8	40	Bunker Road
78	2.9	42	Bunker Road

2. Placing the following property, currently located in the Limited Use General-3 (LUG-3) district to the Commercial Industrial (CI) district:

Map	Lot	Number	Street
69	6		Bunker Road
70	3		Hinsdale Road
78	Portion of 2		Macys Lane
78	Portion of 3		Airport Property
78	Portion of 4		South Pasture
78	Portion of 5		Madequecham Valley Road
79	Portion of 12		Airport Property
78	Portion of 16		Airport Property
78	Portion of 17		Airport Property

3. Placing the following parcels currently located in the RC-2 district to LUG-3

Map	Parcel	Number	Street
69	Portion of 1	81	Milestone Road
69	Portion of 3.1	10	Sun Island Road
69	9	0	Hinsdale Road
69	10.1	154	Old South Road
79	Portion of 12		Airport Property

4. Amend the map entitled “Town and Country Designations” of the Town of Nantucket by placing the following the following properties currently located in the Town Overlay District in the Country Overlay District:

Map	Lot	Number	Street
69	Portion of 3.1		Airport Property
69	9		Airport Property
69	10.1		Airport Property
69	3.2		Airport Property
69	30		Airport Property
69	31		Airport Property
69	8		Airport Property
69	7		Airport Property
78	Portion of 16		Airport Property
78	Portion of 17		Airport Property
79	Portion of 12		Airport Property

5. Amend the map entitled “Town and Country Designations” of the Town of Nantucket by placing the following the following properties currently located in the Country Overlay District in the Town Overlay District:

Map	Lot	Number	Street
69	6		Bunker Road
70	3		Hinsdale Road
78	Portion of 4		South Pasture
78	Portion of 5		Madequecham Valley Road

Or, to take any other action related thereto.

All as shown on a map entitled “Warrant Article 30, 41-81 Master Plan Development: Commercial Industrial Rezoning - Vicinity of Airport” dated January 2008 and filed herewith at the Office of the Town Clerk.

(Board of Selectmen for Planning Board)

ARTICLE 31

(Zoning Map Change: Technical Correction - Airport)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Limited Use General-3 (LUG-3) district in the Residential Commercial-2 (RC-2) district:

Map	Lot	Number	Street
78	Portion of 2		Macys Lane
78	Portion of 2.7	32	Bunker Road
78	Portion of 3		Airport Property
78	Portion of 16		Airport Property

Or to take all such other actions as may be related thereto.

All as shown on a map entitled "Warrant Article 31, Technical Correction" dated January 2008 and filed herewith at the Office of the Town Clerk.

(Board of Selectmen for Planning Board)

ARTICLE 32

(Zoning Map Change: Hatch Circle and Raceway Drive)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties, currently located in the Residential Commercial-2 (RC-2) district in the Residential 10 (R-10) district:

Map	Parcel	Number	Street
66	277	1	Hatch Circle
66	276	3	Hatch Circle
66	275	5	Hatch Circle
66	274	4	Hatch Circle
66	273	8	Raceway Drive
66	272	6	Raceway Drive

All as shown on a map entitled "Warrant Article 32, 41-81 Master Plan Development: RC-2 to R-10 - Hatch Circle and Raceway Drive" dated January 2008 and filed herewith at the Office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 33

(Zoning Map Change: Raceway Drive)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties, currently located in the Residential Commercial-2 (RC-2) district in the Residential 10 (R-10) district:

Map	Parcel	Number	Street
66	278	9	Raceway Drive
66	279	7	Raceway Drive
66	280	5	Raceway Drive

All as shown on a map entitled “Warrant Article 33, 41-81 Master Plan Development: RC-2 to R-10 - Raceway Drive” dated January 2008 and filed herewith at the Office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 34

(Zoning Map Change: Clara Drive)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties, currently located in the Residential Commercial-2 (RC-2) district in the Residential 10 (R-10) district:

Map	Lot	Number	Street
66	283	6	Clara Drive
66	284	8	Clara Drive
66	285	10	Clara Drive
66	286	12	Clara Drive
66	287	14	Clara Drive
66	288	15	Clara Drive
66	289	13	Clara Drive
66	290	11	Clara Drive
66	291	9	Clara Drive

All as shown on a map entitled “Warrant Article 34, 41-81 Master Plan Development: RC-2 to R-10 - Clara Drive” dated January 2008 and filed herewith at the Office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 35

(Zoning Map Change: Somerset Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties, currently located in the Residential Commercial-2 (RC-2) district in the Residential 10 (R-10) district:

Map	Parcel	Number	Street
66	147	97	Somerset Road
66	146	99	Somerset Road
66	145	101	Somerset Road
66	144	103	Somerset Road
66	143	1	Golfview Drive
66	142	2	Golfview Drive
66	141	109	Somerset Road
66	140	111	Somerset Road
66	139	113	Somerset Road
66	138	115	Somerset Road
66	137	117	Somerset Road

All as shown on a map entitled “Warrant Article 35, 41-81 Master Plan Development: RC-2 to R-10 - Somerset Road” dated January 2008 and filed herewith at the Office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 36

(Zoning Map Change: Madaket Area Open Space)

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-2 (R-2) district to the Limited Use General-3 (LUG-3) district concerning property in the vicinity of Smith’s Point/Esther’s Island in Madaket:

Map	Lot	Number	Street
36.2.2	21		Texas Street
36.2.3	1 through 30		New York Avenue
36.2.3	47 through 69		New York Avenue
36.2.3	71 through 96		New York Avenue
36.3.2	1		Shore Reservation
36.3.2	4 through 28		New York Avenue
36.3.2	29 through 61		Esther Island

Map	Lot	Number	Street
59.3	47		Starbuck Road
60	1		Esther Island Road
60	3		New Jersey Avenue
60	19	3	Baltimore Street
60	27	30	Starbuck Road
60	35	39	Starbuck Road
60	41		North Carolina Avenue
60	44	10	Chicago Street
60	46 through 48	351	Madaket Road
60	49 through 53 & 126	361	Madaket Road
60	54 through 62		Alabama Avenue
60	63		Hither Creek Bed
60	64 through 74		California Avenue
60	122	8	Chicago Street
60	123	7	Chicago Street
60	126		Madaket Road
60	127 through 129		Midland Avenue
60	145	4	Baltimore Street
60.3.1	23		Rhode Island Avenue
60.3.1	34 through 41	55-57	New Hampshire Avenue
60.3.1	42 through 50	52,54,56,58,60	New Hampshire Avenue
60.3.1	52 through 58		Vermont Avenue
60.3.1	198 through 203		New Hampshire Avenue
60.3.1	226 through 285		Vermont/Maine Avenue
60.3.1	286	31	Maine Avenue
60.3.1	287 through 290	30	Maine Avenue
60.3.1	291 through 297	28	Maine Avenue
60.3.1	298 through 303	20-24	Maine Avenue
60.3.1	304 through 310		California Avenue
60.3.1	427	18	Maine Avenue
60.3.1	429	16	Maine Avenue
60.3.1	465		California Avenue
60.3.1	467		California Avenue
60.3.4	1 through 10		New Hampshire Avenue
60.3.4	12 through 48		Rhode Island Avenue
60.3.4	52 through 58		Massachusetts Avenue
60.3.4	65 & 66		Esther Island

Map	Lot	Number	Street
60.3.4	71		Esther Island
60.3.4	75		Esther Island
60.3.4	78		Esther Island
60.3.4	80 through 82	71	Massachusetts Avenue
60.3.4	83 & 85		Madaket
60.3.4	89 through 92	59	Massachusetts Avenue
60.3.4	93 through 96	57	Massachusetts Avenue
61	2		Esther Island Road
61.1.1	11 through 32		Maryland Street
61.1.1	67 through 92		Esther Island
61.1.1	93 through 144		Nevada Street
61.1.1	145 through 184		Missouri Avenue
61.1.1	185 through 214		Wisconsin Avenue
61.1.1	215 through 220		Illinois Avenue
61.1.1	221 through 225		Point Street
61.1.4	1 through 11		Missouri Avenue
61.1.4	12 through 14		Nevada Street
61.1.4	15 through 38		Missouri Avenue
61.1.4	39 through 61		Wisconsin Avenue
61.1.4	62 through 69		Missouri Avenue
61.1.4	70 through 85		Wisconsin Avenue
61.1.4	86 through 98		Illinois Avenue
61.1.4	99 through 122		Wisconsin Avenue
61.1.4	123 through 146		Illinois Avenue
61.1.4	147 through 158		Wisconsin Avenue
61.1.4	159 through 191		Illinois Avenue
61.1.4	192 through 215		Virginia Avenue
61.1.4	216 through 246		Illinois Avenue
61.1.4	247 through 289		Virginia Avenue
61.4.1	1 through 26		Virginia Avenue
62	1 & 2		Chicago Street
62	3 & 4		Minnesota Avenue
62	7		Long Pond
62	8		Sheep Pond Road
62	9		Minnesota Avenue
62	10		Madaket

All as shown on a map entitled "Warrant Article 36, 41-81 Master Plan Development: R-2 to LUG-3 - Madaket Area Open Space" dated January 2008 and filed herewith at the Office of the Town Clerk.

Or, to any other actions related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 37

(Zoning Map Change: Mid-Island Greenbelt)

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

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

Map	Lot	Number	Street
67	172	80	Fairgrounds Road
67	79	3	Scott's Way
67	78	5	Scott's Way
67	77	7	Scott's Way
67	75	20	Scott's Way
79	1		Scott's Way
79	30		Scott's Way
80	7		Scott's Way
80	8		Scott's Way
80	217		Scott's Way
68	70		Lover's Lane
68	71		Lover's Lane
68	72		Lover's Lane
68	82	45	Old South Road

(2) Placing the following property, currently located in the Residential Commercial -2 (RC-2) district to the Limited Use General-3 (LUG-3):

Map	Lot	Number	Street
68	Portion of 18.1	50	Old South Road

All as shown on a map entitled "Warrant Article 37, 41-81 Master Plan Development: Mid-Island Greenbelt" dated January 2008 and filed herewith at the Office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 38

(Zoning Map Change: Weweeder Pond 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. Placing the following properties, currently located in the Limited Use General-2 (LUG-2) district to the Limited Use General-3 (LUG-3):

Map	Lot	Number	Street
80	39		Weweeder Pond
80	105		Pochick Avenue
80	106		Weweeder Pond
80	107		Pochick Avenue
80	146		Pochick Avenue
80	147		Pochick Avenue
80	148		Pochick Avenue
87	Portion of 36		Western Avenue
87	Portion of 84	40	Western Avenue
87	4	51	Western Avenue
87	134		Weweeder Pond
80	219	"2"	South Shore Road

- 2. Placing the following property, currently located in the Residential-2 (R-2) district to the Limited Use General-3 (LUG-3):

Map	Lot	Number	Street
68	Portion of 84	40	Western Avenue

All as shown on a map entitled "Warrant Article 38, 41-81 Master Plan Development: Weweeder Pond Open Space" dated January 2008 and filed herewith at the Office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 39

(Zoning Map Change: Southwestern Town/Country Border-Miacomet)

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

- 1. Placing the following properties, currently located in the Residential Commercial-2 (RC-2) district to the Limited Use General-3 (LUG-3):

Map	Lot	Number	Street
66	66.4		Mizzenmast Road
66	432		Mizzenmast Road
66	501	24	Mizzenmast Road
66	433	30	Mizzenmast Road
66	Portion of 67	70	Bartlett Road
66	63	81	Miacomet Avenue
66	66.1		Smooth Hummocks
66	66.2		Smooth Hummocks
66	66.3		Smooth Hummocks
66	69.1	123	Somerset Road
66	456	38	Bartlett Farm Road
81	148		Smooth Hummocks
81	149		Smooth Hummocks
81	64		West Miacomet Road
81	65		West Miacomet Road
81	70		West Miacomet Road
81	71	34	West Miacomet Road
82	89		Smooth Hummocks

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

Map	Lot	Number	Street
81	1		West Miacomet Road
81	Portion of 2	3	West Miacomet Road

All as shown on a map entitled "Warrant Article 39, 41-81 Master Plan Development: Southwestern Town/Country Border-Miacomet" dated January 2008 and filed herewith at the Office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 40

(Zoning Map Change: Surfside Road and Vesper Lane)

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

1. By placing all or part of the following properties currently located in the Residential-1 (R-1) district in the Commercial-N (C-N) district:

Map	Lot	Number	Street
55	3	57	Prospect Street
55	130	61	Prospect Street
55	132	3	Vesper Lane
55	632		R. Vesper Lane

2. By placing all or part of the following properties currently located in the Residential-10 (R-10) district in the Commercial Neighborhood (C-N) district:

Map	Lot	Number	Street
55	249	10	Vesper Lane
55	275		Vesper Lane
55	250	8	Vesper Lane
55	251	4	Vesper Lane
55	252	2	Vesper Lane
55	253	5	Surfside Road
55	254	7	Surfside Road
55	258	11	Surfside Road
55	Portion of 256	15	Surfside Road
55	259	17	Surfside Road
55	265	19	Surfside Road
55	245.5	4	Anna Drive

All as shown on a map entitled "Warrant Article 40, 41-81 Master Plan Development: Vesper Lane and Surfside Road" dated January 2008 and filed herewith at the Office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 41

(Zoning Map Change: Surfside Road and Miacomet Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing all or part of the following properties currently located in the Residential-10 (R-10) district in the Commercial Neighborhood (C-N) district.

Map	Lot	Number	Street
67	Portion of 345	1	Miacomet Road
67	Portion of 679	7	Miacomet Road
67	Portion of 680	5	Miacomet Road
67	681	3	Miacomet Road
67	237	78	Surfside Road
67	238	13	Surfside Drive
67	194.1	14	Surfside Drive
67	194	80	Surfside Road

All as shown on a map entitled “Warrant Article 41, 41-81 Master Plan Development: R-10 to CN - Miacomet Road, Surfside Road, and Surfside Drive” dated January 2008 and filed herewith at the Office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 42

(Zoning Map Change: Raceway Drive and Clara Drive)

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

Map	Lot	Number	Street
66	300	1	Clara Drive
66	281	3	Raceway Drive
66	271	4	Raceway Drive

All as shown on a map entitled “Warrant Article 42, 41-81 Master Plan Development: R-10 to CN - Raceway Drive and Clara Drive” dated January 2008 and filed herewith at the Office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 43

(Zoning Map Change: Clara Drive and Todd Circle)

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

Map	Lot	Number	Street
66	282	4	Clara Drive
66	299	3	Clara Drive
66	298	1	Todd Circle
66	297	3	Todd Circle
66	296	5	Todd Circle
66	295	7	Todd Circle
66	294	6	Todd Circle
66	293	4	Todd Circle
66	292	2	Todd Circle

All as shown on a map entitled "Warrant Article 43, 41-81 Master Plan Development: R-10 to CTEC or CN - Clara Drive and Todd Circle" dated January 2008 and filed herewith at the Office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 44

(Zoning Map Change: LUG-2 to CTEC - 67 and 69 Surfside Road)

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

Map	Lot	Number	Street
67	Portion of 229	69R	Surfside Road
67	230	69	Surfside Road
67	231	67	Surfside Road
67	232	67	Surfside Road

All as shown on a map entitled "Warrant Article 44 41-81 Master Plan Development: LUG-2 to CTEC - 67 and 69 Surfside Road" dated January 2008 and filed herewith at the Office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 45

(Zoning Map Change: Miller Lane)

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

Map	Lot	Number	Street
68	128	77	Old South Road
68	129	73	Old South Road
68	465	79	Old South Road
68	n/a "WAY"	n/a	Miller Lane

All as shown on a map entitled "Warrant Article 45 R-2 to RC-2 -Miller Lane" dated January 2008 and filed herewith at the Office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 46

(Zoning Map Change: Rezoning - Kelley Road)

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

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

Map	Lot	Number	Street
43	Portion of 12.2	67	Polpis Road
54	Portion of 21	49	Polpis Road
54	Portion of 27	7	Kelley Road
54	Portion of 28	4	Kelley Road
54	29	6	Kelley Road
54	30	8	Kelley Road

54	31	10	Kelley Road
54	32	12	Kelley Road
54	Portion of 95	28	Kelley Road
54	Portion of 96	13	Kelley Road
54	Portion of 97	11	Kelley Road
54	Portion of 98	9	Kelley Road
54	99	14	Kelley Road
54	100	16	Kelley Road
54	101	18	Kelley Road
54	104	28	Kelley Road

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

Map	Lot	Number	Street
54	Portion of 19	45	Polpis Road
54	Portion of 33	71	Polpis Road
43	221	1	Moors End Lane
43	Portion of 220	3	Moors End Lane
43	Portion of 219	5	Moors End Lane

All as shown on a map entitled “Warrant Article 46 - Kelley Road Neighborhood Rezoning” dated January 2008 and filed herewith at the Office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 47

(Zoning Map Change: Kelley 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 to the Limited Use General 1 (LUG-1) district:

Address	Map	Parcel
15 Kelley Road	54	95
28 Kelley Road	54	104

All as shown on a map entitled “Proposed Rezoning for 15 and 28 Kelley Road” filed herewith at the office of the Town Clerk.

(Patricia C. Myers, et al)

ARTICLE 48

(Zoning Bylaw Amendment: Multi-Family Overlay District)

To see if the Town will vote to amend the “Zoning Map of the Town of Nantucket, Massachusetts” prepared by the GIS Department dated February 11, 2004 as amended, by placing the following parcel of land in the Multi-Family Overlay District:

Assessor’s Map 69, Parcel 270 at 3A Sun Island Road

(Paul S. Jensen, et al)

ARTICLE 49

(Zoning Bylaw Amendment: Establishment of Harbor Overlay (HOD) Zoning 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):*

1. **§ 139-12. Overlay Districts Flood Hazard FHD, Public Well Recharge PWR, Multifamily (MF), Neighborhood Employee Housing (NEHOD), Dormitory Overlay District (DOD), Country Overlay District (COD) and Town Overlay District (TOD), Harbor Overlay District (HOD).**

H. Harbor Overlay District (HOD).

- (1) The Harbor Overlay District shall be located as depicted on the map entitled “Harbor Overlay District,” dated **January 2008** incorporated by reference and made a part hereof. The district as shown on said map shall be considered an overlay district to be superimposed on the Zoning Map of Nantucket, Massachusetts.
- (2) The purposes of the Harbor Overlay District are to ensure that (1) existing water-dependent uses are not displaced by nonwater-dependent uses; (2) harbor waters and the immediate shoreline and pier areas are dedicated to water-dependent uses; (3) commercial uses allowed by the underlying district regulations are compatible with, support, or otherwise do not interfere with water-dependent uses of the site; and (4) conversion of commercial space to residential use is limited.
- (3) Uses allowed or permitted in this overlay district are the same as those uses allowed or permitted in the underlying zones except as may be modified by the following:
 - (a) No new use or expansion of an existing use shall
 - (1) displace or significantly disrupt an existing water-dependent use with a nonwater-dependent use;
 - (2) locate a nonwater-dependent use on shorefront land so as to unreasonably diminish the capacity of the site to accommodate water-dependent use
 - (3) impede or infringe upon existing public access.

- (b) new residential uses will be allowed only on upper floors of new structures and not on pile-supported structures over coastal waters or in structures within 25 feet of the mean high water line.
- (c) new structures on shorefront land shall consist of or include the following water-dependent uses and/or uses accessory to these water-dependent uses as appropriate to the site.
- (d) subsections (c) and (d) above do not pertain to structural alterations or reconstruction of existing residences as long a such alteration or reconstruction does not increase the structure's footprint or provide for the structure's use for a different purpose.

Recreational boating-related: commercial marina; boat ramp or other public boating access facilities; boat haul-out facilities; boat repair and maintenance or waterfront facilities associated with inland sites providing these services; launch service; fuel and pump-out services; upland boat storage; services such as ice, laundry, bait, provisions; businesses such as ship chandlery, fishing outfitter; parking.

Commercial fishing related: berthing; loading/unloading areas; gear storage facilities; parking; seafood wholesaler, retail fish market.

Commercial charter boat: berthing, support facilities.

Waterfront public access and amenities (as an enhancement to all other uses, except where water-dependent operations would present a safety concern): public restrooms, seating.

Passenger and cargo ferry pier and facilities

4. Additional requirements within the HOD

- (a) Notwithstanding the provisions of § 139-23H(3) and 139-23I, all new commercial uses or expansions of commercial uses that entail an expansion of the building footprint or parking and circulation improvements (excluding handicap ramps and signage), and which are not otherwise subject to major site plan review, shall be subject to minor site plan review by the Director of Planning designated by the Planning Board for site plan review purposes, and such professional planning staff to whom the Director of Planning shall delegate this responsibility, for all uses and expansions up to, and including, 3,999 square feet of gross commercial floor area (including roofed over area).
- (b) The Planning Board shall be the special permit granting authority for all commercial uses requiring a special permit within the HOD.
- (c) In reviewing a use or expansion requiring either a minor or major site plan review within the HOD, the Planning Board and/or the Director of Planning or his designee shall make a determination that the proposed use or improvements are generally consistent with site plan review standards contained in § 139-23, and with the standards set forth in § 139-12H.

45. On shorefront land, new structures for nonwater-dependent uses shall not be located within 25 feet of the mean high water line or cover more than 50 percent of the parcel.

56. The following uses are prohibited in the Harbor Overlay District:

Cruise ship terminals or support facilities
 Personal watercraft rental
 Private docks

2. §139-3E. Overlay districts.

District	Abbreviation
Public Wellhead Recharge	PWR
Flood Hazard	FHD
Multifamily	MF
Neighborhood Employee Housing	NEHOD
Dormitory	DOD
Country	COD
Town	TOD
Harbor	HOD

3. §139-2. Definitions and word usage.

Water-dependent Use – Uses and facilities that require direct access to or location in coastal waters and which therefore cannot be located inland, including uses that provide general public access to those waters.

Personal Watercraft – A small vessel of less than 16 feet in length which uses an inboard motor powering a waterjet pump or a propeller as its primary source of motive power and that is designed to be operated by a person sitting, standing or kneeling on the vessel rather than the conventional manner of sitting or standing inside a vessel. This term includes jet skis, wet bikes and surf jets.

(Board of Selectmen for Harbor Plan Implementation Committee)

ARTICLE 50

(Zoning Map Change: Harbor Overlay District - Vicinity of Nantucket Harbor)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties into the Harbor Overlay District:

MAP	A	B	PARCEL	NUMBER	STREET
42	4	2	17	29	EASY ST
42	2	3	21	90	WASHINGTON ST
42	2	3	2	34	WASHINGTON ST
42	2	3	11	56	WASHINGTON ST
42	2	3	15	68	WASHINGTON ST
42	2	3	16	70	WASHINGTON ST
42	2	3	1	32	WASHINGTON ST
42	2	3	3	36	WASHINGTON ST

MAP	A	B	PARCEL	NUMBER	STREET
42	2	3	4	38	WASHINGTON ST
42	2	3	5	40	WASHINGTON ST
42	2	3	6	42	WASHINGTON ST
42	2	3	7	44	WASHINGTON ST
42	2	3	9	54	WASHINGTON ST
42	2	3	38	60	WASHINGTON ST
42	2	3	14	66	WASHINGTON ST
42	2	3	17	72	WASHINGTON ST
42	2	3	18	74	WASHINGTON ST
42	2	3	19	76	WASHINGTON ST
42	2	3	20	80B	WASHINGTON ST
42	2	3	22	92	WASHINGTON ST
42	2	4	1		STRAIGHT WF
42	2	4	15		STRAIGHT WF
42	2	4	9	15	COMMERCIAL WF
42	2	4	10	13	COMMERCIAL WF
42	2	4	6	21	COMMERCIAL WF
42	2	4	7	17	COMMERCIAL WF
42	2	4	4	25	COMMERCIAL WF
42	2	4	5	23	COMMERCIAL WF
42	2	4	8		NEW WHALE ST
42	2	4	2		OLD SOUTH WF
42	2	4	14	11	NEW WHALE ST
42	2	4	11	12	NEW WHALE ST
42	2	4	3	29	COMMERCIAL WF
42	3	1	257	24	OLD NORTH WF
42	3	1	256	22	OLD NORTH WF
42	3	1	255	20	OLD NORTH WF
42	3	1	262	25	OLD NORTH WF
42	3	1	254	18	OLD NORTH WF
42	3	1	253	16	OLD NORTH WF
42	3	1	252	14	OLD NORTH WF
42	3	1	225	23	OLD NORTH WF
42	3	1	251	12	OLD NORTH WF
42	3	1	23	10	OLD NORTH WF
42	3	1	20	8	OLD NORTH WF
42	3	1	17	7	EASY ST
42	3	1	19	6	OLD NORTH WF
42	3	1	18	4	OLD NORTH WF
42	3	1	35	1	NEW WHALE ST
42	3	1	38	3	COMMERCIAL ST
42	3	2	23.3	30B	WASHINGTON ST
42	3	2	22	24	WASHINGTON ST

MAP	A	B	PARCEL	NUMBER	STREET
42	3	2	23	26	WASHINGTON ST
42	3	2	23.1	28	WASHINGTON ST
42	3	2	23.2	30A	WASHINGTON ST
42	4	1	23	50	EASTON ST
42	4	2	101	1	STEAMBOAT WF
42	4	2	20	21	EASY ST
42	4	2	18	27	EASY ST
42	4	2	13	27	STEAMBOAT WF
42	4	2	10	1	S BEACH ST
42	4	2	11	1	S BEACH ST
42	4	2	9	15	HARBOR VIEW WY
42	4	2	8	3	HARBOR VIEW WY
42	4	2	12	1	S BEACH ST
42	4	2	14	1	STEAMBOAT WF
42	4	2	15	3	BROAD ST
42	4	2	16	31	EASY ST
55	1	4	8	96	WASHINGTON ST

All as shown on the map entitled "Proposed Overlay District in Nantucket Harbor," Appendix 2, Revised Nantucket & Madaket Harbors Action Plan, dated 29 December 2006 and on file at the office of the Town Clerk; or, to take any other action as may be related thereto.

(Board of Selectmen for Harbor Plan Implementation Committee)

ARTICLE 51

(Zoning Map Change: Harbor Overlay District - Vicinity of Madaket Harbor)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties into the Harbor Overlay District:

MAP	A	B	PARCEL	NUMBER	STREET
60			17	20	LITTLE NECK WY
59	4		2		MADAKET
38			15	20	N CAMBRIDGE ST
38			14	16	N CAMBRIDGE ST

All as shown on the map entitled "Proposed Overlay District in Madaket Harbor," Appendix 2, Revised Nantucket & Madaket Harbors Action Plan, dated 29 December 2006 and on file at the office of the Town Clerk; or, to take any other action as may be related thereto.

(Board of Selectmen for Harbor Plan Implementation Committee)

ARTICLE 52

(Zoning Bylaw Amendment: Island Perimeter Restrictions)

To see if the Town will vote to amend Chapter 139 (Zoning) § 22 (Island perimeter restrictions) 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*):

§ 139-22. Island perimeter restrictions.

- B. ~~In all districts except the Residential Commercial District~~ Except as otherwise provided in paragraphs C, D and E of this Section 139-22, the construction of new docks and piers and wharves, including extensions of new or enlarged docks, piers or wharves, the extension of existing docks, piers or wharves, and the addition or creation of new appurtenant structures (defined as floats or ramps) for existing docks, piers or wharves is prohibited for shorefront land in all districts, except those docks, wharves and piers approved by the Nantucket Conservation Commission in the former Residential Commercial District as of April 30, 1992 July 31, 2005, and where a private pier previously existed on the premises. ~~and/or future docks, wharves and piers of governmental or public entities.~~ Nothing in this section 139-22 shall prohibit nor regulate the repair, maintenance or replacement of any lawfully existing dock, pier or wharf lawfully existing as of April 30, 1992, so long as such dock, pier or wharf is not extended nor any new appurtenant structures are added thereto.
- C. ~~Temporary moratorium on new docks, piers, and wharves in the RC District.~~ Notwithstanding the provisions of Subsection B above, no new docks, piers, and wharves, including extensions of new or enlarged docks, piers and wharves, the extension of existing docks, piers or wharves, and the addition or creation of new appurtenant structures (defined as floats or ramps) for existing docks, piers or wharves shall be constructed in the RC District, except those docks, wharves and piers approved by the Nantucket Conservation Commission as of April 11, 2005, and/or future docks, wharves and piers of governmental or public entities. Nothing herein shall prohibit nor regulate the repair, maintenance or replacement of any dock, pier or wharf lawfully existing or permitted by the Nantucket Conservation Commission as of April 11, 2005, so long as such dock, pier or wharf is not extended nor any new appurtenant structures are added thereto. This moratorium shall remain in effect until December 31, 2006, while the Town of Nantucket updates its Harbor Plans for both Nantucket and Madaket Harbors.
- In the Harbor Overlay District only, new docks, piers or wharves for commercial or industrial water-dependent use and the extension and addition of new appurtenant structures to any lawfully existing dock, pier or wharf for purposes of commercial or industrial water-dependent uses are permitted uses.
- D. Any proposed extension or reconfiguration of or addition or creation of new appurtenant structures to a preexisting legally nonconforming dock, pier or wharf must be reviewed

and approved by the special permit granting authority in accordance with §139-33.A(4). In addition to the findings required by that section, the special permit granting authority shall find that the proposed extension, reconfiguration or addition does not result in a net increase of the structure's existing footprint. Such applications shall be referred by the special permit granting authority to the Department of Marine and Coastal Resources for comment and recommendation in accordance with the procedures of §139-30.

- E. In all districts new docks, wharves and piers of municipal, county, state, or federal agencies or public docks as defined below, and/or community docks serving areas that are not accessible by land-based transportation are permitted uses. The words 'public docks' as used in this section shall be defined as 'a dock, pier or wharf that is open to the public at large, or at which services or goods for vessels are made available directly to the public.

Or, to take any other action as may be related thereto.

(Board of Selectmen for Harbor Plan Implementation Committee)

ARTICLE 53

(Zoning Bylaw Amendment: Island Perimeter Restrictions)

To see if the Town will vote to amend Section 139-22 of the Code of Nantucket, Island perimeter restrictions, section C.

As is:

Temporary moratorium on new docks piers and wharves in the RC District. Notwithstanding the provision of Subsection B above, no new docks, piers and wharves, including extensions of new or enlarged docks, piers and wharves, the extension of existing docks, piers or wharves and the addition or creation of new appurtenant structures (defined as floats or ramps) for existing docks, piers or wharves shall be constructed in the RC District, except those docks, wharves and piers approved by the Nantucket Conservation Commission as of April 11, 2005, and / or future docks, wharves and piers of governmental or public entities. Nothing herein shall prohibit nor regulate the repair, maintenance or replacement of any dock, pier or wharf lawfully existing or permitted by the Nantucket Conservation Commission as of April 11, 2005, so long as such dock, pier or wharf is not extended nor any new appurtenant structures are added thereto. This moratorium shall remain in effect until December 31, 2006 while the town of Nantucket updates Harbor Plans for both Nantucket and Madame Harbors.

Replace with the following:

Temporary moratorium on new docks, piers and wharves in the RC District. Notwithstanding the provision of Subsection n B above, no new docks, piers and wharves, including extension of new or enlarge docks, piers and wharves, the extension of existing docks, piers or wharves, and the addition or creation of new appurtenant structures (defined as floats and ramps) for existing docks piers or wharves shall be constructed in the RC District except those docks, wharves and piers permitted by Massachusetts General Laws, Chapter 91 or approved by the

Nantucket Conservation Commission of July 31, 2005 and where a private pier previously existed on the premise. Nothing herein shall prohibit nor regulate the repair, maintenance or replacement of any dock, pier or wharf lawfully existing so long as such dock, pier or wharf is not extended nor any new appurtenant structures are added thereto. This Moratorium shall remain in effect until April 2009, while the town of Nantucket updates its Harbor Plans for both Nantucket and Madaket Harbors.

(Leo Asadoorian, et al)

ARTICLE 54

(Zoning Bylaw Amendment: Disaster Rebuild Bylaw)

To see if the Town will vote to amend Chapter 139 (Zoning) § 33 of the Code of the Town of Nantucket by adding the following subsection *(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)*:

M. Disaster Rebuild. Pre-existing non-conforming structures, damaged or destroyed by accidental cause, including fire, or otherwise damaged or destroyed without the consent of the owner, may be repaired or reconstructed, provided that:

- (1) The non-conforming nature of the repaired or reconstructed structure is not increased in any respect;
- (2) The repaired or reconstructed structure shall be used in the same manner as the structure being replaced or otherwise used in compliance with the use limitations of the applicable zoning district; and
- (3) A building permit for the repair or reconstruction shall be issued within two (2) years from the date of the damage or destruction; time incurred in resolving an appeal or other court action necessary for issuance of a building permit shall not be counted as part of the two (2) year limit. The Zoning Board of Appeals may extend the two (2) year period for good cause, provided that a request has been filed prior to expiration of the time period outlined above.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 55

(Zoning Bylaw Amendment: Dormitory Housing Overlay District)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket as follows:

1. By deleting section 12D in its entirety *(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):

~~D. Dormitory Overlay District. The purpose of the Dormitory Overlay District (DOD) is to provide for large-scale developments in order to provide decent and affordable housing for employees working in the Town of Nantucket, both seasonal and year-round, in a manner that removes these potentially incompatible uses from existing neighborhoods of predominant single-family residential character, but places them close to transit, bike paths, public sewer, and water, and in places readily accessible to employment centers. It is the intent of this section to encourage employee housing that consists, in large part, of a mix of single-family, duplex, and dormitory-style housing types, predominantly in smaller structures, rather than in "barracks-style" conventional dormitory structures. [Added 4-9-2001 ATM by Art. 38, AG approval 8-2-2001]~~

~~(1) Allowed uses:~~

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

~~(2) Permitted uses:~~

~~(a) All uses permitted on the lot requiring a special permit, with or without major or minor site plan review, in the underlying district in which the lot is located.~~

~~(b) The special permit granting authority may grant a special permit with minor site plan review pursuant to the requirements of § 139-23 to permit dormitory housing, also subject to the following standards:~~

~~[1] Density within the Dormitory Overlay District shall not exceed 100 persons per acre of land, and no more than two dwelling units per lot or leasehold area as may be established by the Nantucket Airport Commission, provided such leasehold area meets the minimum lot size requirements of the underlying zone;~~

~~[2] In addition to the standards for buffering and screening required under § 139-23, Site plan review, the special permit granting authority may require additional landscaping and screening as deemed necessary by the special permit granting authority to screen the facilities adequately from neighboring properties, particularly those DOD facilities that may abut or be visible from single-family residential properties;~~

~~[3] Vehicular and bicycle parking shall be located on the side or rear of the proposed structure and screened from view from the street to the extent possible;~~

~~[4] Occupancy shall be limited to employees of those employers who own or lease space in such housing, together with their spouses, domestic partners, or dependents of such employees;~~

~~[5] The applicant shall provide evidence that with the housing, there is an entitlement to prepaid NRTA shuttle bus passes for all occupants for the duration of each occupancy;~~

~~[6] The Zoning Enforcement Officer and Health Officer shall conduct an annual review of the compliance of the facility on the anniversary of the issuance of the permit, or more often as may be required by the special permit granting authority;~~

~~[7] Each special permit application under this Subsection D(2)(b) shall be conditional on submission of a dormitory overlay district management plan prepared in accordance with guidelines or rules and regulations adopted by the special permit granting authority.~~

2. By modifying section 2 as follows:

~~DORMITORY HOUSING — Housing for employees consisting of a mix of single family, duplex, and dormitory style housing types developed in accordance with § 139-12D, at a density not to exceed 100 persons per acre.~~

~~EMPLOYER DORMITORY – A dwelling on a lot occupied by a legally permitted or nonconforming commercial or nonprofit recreational use, or on an adjoining lot under the same ownership, all located outside of the NEHOD and DOD Overlay Districts in which sleeping accommodations for more than five persons are provided by one or more employers, with occupancy limited solely to their employees.~~

3. By modifying section 3 as follows:

E. Overlay Districts
~~Dormitory — DOD~~

4. By modifying section 4 as follows:

~~a. The DOD shall be located as depicted on a map entitled “Dormitory Overlay District,” dated February 1, 2001, prepared by the Nantucket Planning and Economic Commission, incorporated by reference and made a part hereof. A copy of the map is on file with the Town Clerk and the Building Commissioner.~~

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 56

(Alteration of Neighborhood Employee Housing Overlay District Map)

To see if the Town will vote to amend the map entitled “Neighborhood Employee Housing Overlay District” of the Town of Nantucket by modifying section 4E of the Zoning Bylaw as follows:

~~“The NEHOD shall be coterminous with the Town Overlay District (139-12E) as shown on a map entitled “Town and Country Designations” as may be amended from time to time located as depicted on a map entitled “Nantucket Employee Housing Overlay District” dated February 1, 2001, revised March 6, 2001, prepared by the Nantucket Planning and Economic Development Commission, incorporated by reference and made a part hereof. A copy of the map shall be placed on file with the Town Clerk and the Building Commissioner upon adoption.~~

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 57

(Zoning Bylaw Amendment: Definition Change for Affordable Housing)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket § 2, "Definitions and word usage," 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 final text)*:

AFFORDABLE HOUSING – Housing units whose sale or resale price is regulated to be occupied by households with annual incomes less than ~~80%~~ 150% of the median annual household income for Nantucket County as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.

~~ELIGIBLE HOUSEHOLD – A household whose total annual income is not more than 80% 150% of the median income for Nantucket County as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974, as amended, or a comparable standard as established by the Planning Board if these regulations are no longer in effect.~~ of the median annual household income for Nantucket County as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.

~~MODERATELY PRICED HOUSING – Housing units whose sale or resale price is regulated to be occupied by households with annual incomes between 100% and 125% of the median annual household income for Nantucket County as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.~~

(Board of Selectmen for Planning Board)

ARTICLE 58

(Zoning Bylaw Amendment: Major Residential Development Special Permit)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket § 7, subsection F, "Major Residential Development Special Permit," 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 final text)*:

(7) (b) Affordable Housing Contribution

[1] Any MRD may provide affordable ~~and/or moderately~~ priced housing units as allowed in Subsection F(8)(a).

8 (b) Affordable ~~and moderately priced~~ housing bonus.

[1] For every ~~affordable~~ housing unit provided, serving those below 100% of the median annual household income for Nantucket County as determined by the most recent calculation of the U.S. Department of Housing and Urban Development, one additional market-rate unit may be provided.

[2] For every two ~~moderately priced housing~~ units of affordable housing provided, as defined in Article I, § 139-2 of this chapter, one additional market-rate housing unit may be provided.

[3] ~~See Article I, § 139-2 of this chapter for definitions of affordable housing.~~

(Board of Selectmen for Planning Board)

ARTICLE 59

(Zoning Bylaw Amendment: Major Residential Development Special Permit)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket § 7, subsection H, "Special Permit to create secondary residential lots for year-round residents," 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 final text*):

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

(1) Purpose: to create, make available and maintain housing that is affordable to those who earn at or below ~~80%~~ **150%** of the Nantucket County median household income; to help those people or households to continue to reside on Nantucket if they wish to do so; to generate and preserve affordable housing in the Town of Nantucket in perpetuity, all in order to maintain Nantucket's diversity and unique sense of community.

(2) Definitions:

NANTUCKET HOUSING NEEDS COVENANT-OWNERSHIP FORM – Shall mean a covenant affecting the title to real property, created pursuant to Chapter 100 of the Code of the Town of Nantucket, which relates to and regulates the terms of the purchase, sale and ownership of real property not held as a condominium (the "NHNC-Ownership Form").

ORIGINAL LOT – Shall mean an existing lot, conforming to the dimensional requirements of Subsection H(3)(e) hereof, and other applicable requirements hereof, dividable into a primary lot and a secondary lot pursuant to this § 139-7H.

PRIMARY LOT – Shall mean the larger of the lots created by the division of the original lot under this § 139-7H.

SECONDARY LOT – Shall mean the smaller of the lots created by the division of the original lot under this § 139-7H. The secondary lot shall be subject to an NHNC-Ownership Form.

(3) 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 § 139-7H, 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:

- (a) The original lot shall not be subject to any covenants, restrictions or similar encumbrances, whether appearing in a deed, easement, land-use permit or any other instrument, pertaining to the placement, use or occupancy of second dwellings on said original lot.
- (b) The secondary lot shall be subject to an NHNC-Ownership Form, which shall provide, without limitation that the owner of the secondary lot, and any occupant of any dwelling erected thereon, shall earn at or below ~~80%~~ **150%** of the Nantucket County median household income.
- (c) No more than one dwelling shall be permitted on the primary lot.
- (d) No more than one dwelling shall be permitted on the secondary lot.
- (e) 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-10	10,000	4,000	6,000
R-2/SR-2	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

- (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, with the exception that the ground cover ratio solely for a secondary lot in the R-1 Zoning District shall be 36%.

- (g) The primary lot and the secondary lot each must have a minimum of 20 feet of frontage.
 - (h) Neither the primary lot nor the secondary lot shall have a separate vehicular access driveway, but shall share a single access driveway to a roadway. No more than one primary lot and one secondary lot shall share a single access driveway with any other primary lot or secondary lot. The Planning must be provided with an instrument, in recordable form, evidencing the common access rights to said access in accordance with this subsection.
 - (i) Where a primary lot and a secondary lot derive from the same original lot, the relationship of the dwelling situated on that primary lot and the dwelling situated on that secondary lot shall be maintained in accordance with the intent of § 139-7A(2), and the specific requirements of § 139-7A(2)(a), (b), (d), (e), and (h) with regard to the use and appearance of those respective dwellings.
 - (j) A certificate of appropriateness required in § 139-26C(1) of the Code of the Town of Nantucket shall be an application requirement for a special permit under this § 139-7H.
- (4) This § 139-7H shall not apply to major commercial developments, (§ 139-11); cluster developments (§ 139-7B); major residential developments (§ 139-7D); and are not permitted in the following zoning districts: Multi-family Overlay (MF); Residential Commercial Downtown (RCDT); Moorlands Management (MMA); 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 § 139-7H.
- (6) No more than 12 secondary lots may be approved by the Planning Board within each calendar year, of which no more than two shall be approved for a single applicant.

(Board of Selectmen for Planning Board)

ARTICLE 60

(Zoning Bylaw Amendment: Mixed-income Residential Development (MIRD) Special Permit)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket §7, subsection I, "Mixed-income residential development (MIRD) special permit," 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 final text. All numbered elements shall be renumbered to agree with those elements deleted or added):*

- I. Mixed-income residential development (MIRD) special permit.

(1) The purpose of this subsection is to encourage the creation of affordable housing ~~houses on Nantucket by giving landowners through~~ the option of subdividing two or more lots shown on a conventional or cluster subdivision plan ~~so as to create a mixed-income residential development (MIRD)~~. For each lot brought into the MIRD subdivision, the second-dwelling right can be converted into an additional, separately owned "bonus" lot carrying an affordable housing covenant. (All affordable lots are "bonus" lots.) The affordable lots and an equal number of market-rate lots are restricted to one dwelling per lot. The total number of houses allowed in the MIRD subdivision is the same as the total number allowed on the land being subdivided.

(2) The following definitions apply to this § 139-7I:

~~AFFORDABLE 80 COVENANT — A Nantucket Housing Needs Covenant — Ownership Form, as defined in Chapter 100 of the Code of the Town of Nantucket, with a provision in perpetuity that the subject lot with dwelling thereon shall be owned and occupied by a household earning no more than 80% of the Nantucket County median household income adjusted for family size.~~

~~AFFORDABLE 80 LOT — A buildable lot on a MIRD Plan that is subject to an Affordable 80 Covenant.~~

~~AFFORDABLE 150 COVENANT — A Nantucket Housing Needs Covenant — Ownership Form, as defined in Chapter 100 of the Code of the Town of Nantucket, with a provision in perpetuity that the subject lot with dwelling thereon shall be owned and occupied by a household earning no more than 150% of the Nantucket County median household income.~~

~~AFFORDABLE 150 LOT — A buildable lot on a MIRD Plan that is subject to an Affordable 150 Covenant cluster development; a subdivision created pursuant to § 139-7B.~~

CONVENTIONAL SUBDIVISION – A subdivision that conforms or once conformed to the intensity regulations of § 139-16 or preexists the enactment of the Nantucket Zoning Bylaw.

MARKET-RATE LOT – A buildable lot on a MIRD Plan that is not an affordable lot.

MIRD PLAN – A subdivision plan that is created by subdividing land pursuant to this § 139-7I.

NANTUCKET HOUSING NEEDS COVENANT-OWNERSHIP FORM – Shall mean a covenant affecting the title to real property, created pursuant to Chapter 100 of the Code of the Town of Nantucket, which relates to and regulates the terms of the purchase, sale and ownership of real property not held as a condominium (the "NHNC-Ownership Form").

NHNC PROGRAM – The Nantucket Housing Needs Covenant Program set forth in Chapter 100 of the Code of the Town of Nantucket and regulations thereunder.

ORIGINAL LOTS – The lots on an original plan that comprise the land being subdivided to create a MIRD Plan.

ORIGINAL PLAN – An AR or ANR plan endorsed or otherwise approved by the Planning Board showing a conventional subdivision or a cluster development, but neither a previously created MIRD Plan nor a plan created pursuant to § 139-7F (major residential development) shall qualify as an original plan.

TWO-DWELLING LOT – A lot on which two dwellings legally can be built, such determination to be made with regard to the provisions of this Zoning Bylaw, applicable special permits and variances, deed restrictions and other documents of record, health regulations, and restrictions mandated by the Planning Board.

- (3) By grant of special permit the Planning Board may allow creation of a MIRD subdivision as provided in this § 139-7I in all districts except ~~the MMD~~; the following zoning districts: Multi-family Overlay (MF); Residential Commercial Downtown (RCDT); Moorlands Management (MMA); and shall not apply to major commercial developments, (§ 139-11); major residential developments (§ 139-7D).
- (4) Any two or more two-dwelling lots on an ~~original plan~~ Original Plan, whether or not in common ownership, may be subdivided to create a MIRD Plan. Lots on an ~~original plan~~ Original Plan that do not qualify as two-dwelling lots shall not be included in the land being subdivided on the MIRD Plan. (~~The lots on an original plan that comprise the land on the MIRD Plan are referred to herein as "original lots."~~)
- (5) The number of market-rate lots shall equal the number of original lots. Market-rate lots shall be designated as such on the MIRD Plan.
- (6) The number of affordable lots shall be a number that is at least 25% but not more than 100% of the number of original lots. (A fraction of a lot shall be counted as a whole lot.) Each affordable lot shall be so designated on the MIRD Plan.
- ~~(7) At least 25% of the affordable lots shall be designated as Affordable 80 Lots. (A fraction of a lot shall be counted as a whole lot.) The remaining affordable lots shall be designated as Affordable 150 Lots.~~
- (8) (7) Affordable lots shall be restricted as follows: Each affordable lot shall be made subject to the ~~appropriate affordable covenant~~ NANTUCKET HOUSING NEEDS COVENANT-OWNERSHIP FORM prior to the issuance of a building permit for construction of a dwelling on that lot; except that an affordable lot on which there is a dwelling existing at the time of the Planning Board's endorsement of the MIRD Plan, or for which a building permit was issued prior to such endorsement, shall be made subject

to the covenant **NANTUCKET HOUSING NEEDS COVENANT-OWNERSHIP FORM** at or before the time of such endorsement.

~~(a) Each affordable lot shall be made subject to the appropriate affordable covenant prior to the issuance of a building permit for construction of a dwelling on that lot; except that an affordable lot on which there is a dwelling existing at the time of the Planning Board's endorsement of the MIRD Plan, or for which a building permit was issued prior to such endorsement, shall be made subject to the covenant at or before the time of such endorsement.~~

~~(b) The Planning Board, after consulting with the Nantucket Housing Authority or its designee, shall impose conditions in the MIRD special permit as necessary to ensure that each affordable lot will meet the requirements of the NHNG Program.~~

(9) (8) All affordable lots and an equal number of market-rate lots shall be restricted to one dwelling per lot. Each affordable and market-rate lot that is restricted to one dwelling shall be so designated on the MIRD Plan.

(10) (9) No office or studio, other than an office or studio within a dwelling, shall be built in a MIRD subdivision on a lot that is restricted to one dwelling.

(11) (10) Dimensional requirements for buildable lots on the MIRD Plan are as follows:

(a) Frontage requirements:

[1] The total frontage of buildable lots on the MIRD Plan shall be not less than the total frontage of the original lots.

[2] The frontage requirement for two-dwelling lots on the MIRD Plan shall be as follows:

[a] If the original plan is a conventional subdivision, the frontage requirement is ~~that 80% of the frontage requirement~~ provided by the intensity regulations of § 139-16, or the average frontage of the original lots, whichever is less.

[b] If the original plan is a cluster development, the frontage requirement is 20 feet.

[3] There shall be no frontage requirement for one-dwelling lots on the MIRD Plan. However, when a proposed MIRD Plan shows one or more one-dwelling lots with less frontage than the frontage requirement for a two-dwelling lot (as defined in Subsection I(11)(a)[2] above), the following shall apply: The Planning Board shall impose easements and/or other conditions as necessary to ensure adequate access and utility service to such one-dwelling lots; ~~and the Planning Board also may impose building envelopes and/or other conditions that will result in an appropriate placement of dwellings in the subdivision.~~

(b) The Planning Board also may impose building envelopes and/or other conditions that will result in an appropriate placement of dwellings in the subdivision.

(b)(c) The maximum ground cover ratio for lots on the MIRD Plan shall be the same as that for the original lots.

(e)(d) If the original plan is a conventional subdivision, the lots on the MIRD Plan shall conform to the dimensional requirements in the following table:

	One-Dwelling Minimum Lot Size	Two-Dwelling Minimum Lot Size	Front Setback	Side/Rear Setback
LUG-3	36,000	96,000	15	10
LUG-2	24,000	64,000	15	10
LUG-1	14,000	32,000	15	10
R-2	8,000	16,000	15	5
R-10	4,000	8,000	15	5
R-1, ROH, RC, RC-2, LC	2,000	4,000	10	5

(e) If the original plan is a cluster development, the lots on the MIRD Plan shall conform to the dimensional requirements in the following table; except that the Planning Board may reduce side or rear setbacks by up to 100% pursuant to § 139-7B(3)(a).

	One-Dwelling Minimum Lot Size	Two-Dwelling Minimum Lot Size	Front Setback
LUG-3	4,500	9,000	15
LUG-2	4,500	9,000	15
LUG-1	4,500	9,000	15
R-2	2,250	4,500	15
R-10	2,000	3,600	15
R-1, ROH, RC, RC-2	2,000	3,200	10

(12) (11) The Planning Board, in its discretion, may require that a MIRD subdivision shall have common driveways subject to the requirements of § 139-20.1B(3).

(13) ~~Market rate lots on the MIRD Plan shall be subject to any provisions of § 139-24A (phased development) that may apply to the original lots. Affordable lots shall be exempt from such provisions.~~

(14) (12) Lots on a MIRD Plan shall not be further subdivided except for minor lot-line adjustments, and such limitation on subdivision shall be noted on the MIRD Plan.

(15) (13) Nothing in this subsection shall be construed to affect the applicability of the Planning Board's Rules and Regulations Governing the Subdivision of Land.

(16) (14) Nothing in this subsection shall be construed to prohibit the voluntary imposition of a Nantucket Housing Needs Covenant on a market-rate lot.

(17) (15) Except as stated above, all other provisions of this Zoning Bylaw shall be applicable to a MIRD subdivision.

(18) (16) The provisions of the § 139-7I shall expire on ~~December 31, 2007~~. April 30, 2009.

(Board of Selectmen for Planning Board)

ARTICLE 61

(Zoning Bylaw Amendment: Open Air Markets)

NOTE: The following article addresses the "farmers' market" concerns of the Town by adding a new use under "definitions" for "Open Air Markets" and then allows a new use in those districts listed in Section 139-8 and adds "Open Air Markets" as a new allowed by right use, subsection (3), under Section 139-8A permitted uses with Site Plan Review by the Planning Board per Section 139-23E.

Sections 139-2; 139-8A; and 139-23E(2) would be amended as shown below:

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket as follows:

1. To amend Section 139-2 by adding in the appropriate alphabetical listing the following definition:

"Open Air Markets: An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second hand goods) dispensed from booths located on site."

2. To amend Section 139-8A by adding the following new use and language:

"(3) Open Air Markets with minor Site Plan Review under Section 139-23 by the Planning Board."

3. To amend Section 139-23E (2) by adding the following language to the last sentence:

“...and for minor site plan review for Open Air Markets.”

(Heather Coffin, et al)

ARTICLE 62

(Zoning Bylaw Amendment: Definition of Transfer Station)

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

1. To amend section 2, paragraph A by adding the following definition:

Transfer Station - a handling facility where solid waste is brought, stored and transferred from one vehicle or container to another vehicle or container for transport off-site to a solid waste treatment, processing or disposal facility.

2. To amend section 9, paragraph B by adding the following use:

B(2)(s) Transfer Station in the RC-2 and CI Districts only.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 63

(Zoning Bylaw Amendment: Definition of Structure)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket § 2, paragraph A 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*):

~~STRUCTURE — Material or materials sited, erected or assembled at a fixed location to give support to shelter, such as a building, antenna tower, tank, tent, stadium, steel storage container, lighthouse, dock, retaining wall, deck, platform, steps, chimney, game court, or a swimming pool in ground or above of more than 1,000 gallons, or the like.~~

STRUCTURE - Anything constructed or erected, the use of which requires a fixed location on the ground. “Structure” shall be construed, where the context allows, as though followed by the words “or part thereof” and shall include, but not be limited to, buildings, retaining walls which support buildings, antenna towers, steel storage containers, lighthouses, docks, decks, chimneys, in or above ground swimming pools containing 1000 gallons or more, tents, and game courts. “Structure” shall not include retaining walls not exceeding four (4) feet in height

for landscaping purposes, fences, rubbish bins, and a maximum of two (2) above ground propane tanks not to exceed 120 gallons each.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 64

(Zoning Bylaw Amendment: RCDT)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket as follows:

1. By deleting the letter "R" from the acronym "RCDT" throughout the Zoning Bylaw so that the new acronym will read as "CDT" in the following Sections:

Section 139-3 C. Districts Enumerated

Section 139-7 E. (1) All Districts - Prohibited Uses

Section 139-7 H (4) All Districts - Special Permits

Section 139-8 Residential Districts and Residential Commercial

Section 139-8 A (1) Residential Districts and Residential Commercial

Section 139-9 Residential Commercial

Section 139-9 A (12) Residential Commercial

Section 139-11 A (12) MCD

Section 139-16 A Intensity Regulations

Section 139-17 C (4) Height Limitations

Section 139-18 D Off-Street Parking Requirements

2. By deleting the word "Residential" from the title "Residential Commercial Downtown" throughout the Zoning Bylaw so that the new title will read as "Commercial Downtown" in the following Sections:

Section 139-3 C. Districts Enumerated

Section 139-7 H. (4) All Districts - Special Permits

3. By amending the Zoning Map of the Town of Nantucket to reflect this nomenclature change.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

NOTE: The article removes the letter "R" from the acronym "RCDT" and the word "Residential" from the "Residential Commercial Downtown" zoning district title throughout the Zoning Bylaw since the district is really a commercial downtown area as opposed to a residential commercial downtown area; as a result thirteen (13) bylaw sections need to be amended.

ARTICLE 65

(Zoning Bylaw Amendment: Wind Energy Conversion Systems (WECS) Technical Correction)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket § 20, paragraph F 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*):

- (5) If maximum readings are exceeded, the installation shall be considered a public nuisance in violation of ~~§139-20A~~ **139-7E** of this chapter. The violation shall be corrected within 90 days form the date of notification, and if the noise violation cannot be remedied, the WECS shall be removed or relocated.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 66

(Bylaw Amendment: Peddlers, Solicitors and Transient Vendors)

To see if the Town will vote to amend Chapter 107 (Peddlers, Solicitors and Transient Vendors) of the Code of the Town of Nantucket as follows (*NOTE: new language is shown by highlighted text; language to be deleted is shown by strike-out; these methods to denote changes are not meant to become part of the final text*):

§ 107-1. Definitions.

TRANSIENT OR TEMPORARY BUSINESS -- Any exhibition, sale, renting, leasing or offering for hire, or offering for sale or for contribution or otherwise, **by any person or persons for any period of time**, of any goods, wares, merchandise, entertainment or services carried on, in or at a place not being a fixed and permanent structure or building, including but not limited to **any open-air market, farmers' market or other organized or group sale or exhibition event**.

TRANSIENT VENDORS -- Any person, either principal or agent, who engages in a transient or temporary business in the Town of Nantucket, selling or soliciting or offering for sale or accepting contributions for the offering, renting, leasing or offering for hire or selling or providing goods, wares, merchandise, entertainment or services **for any period of time**.

§ 107-2. License required; investigation; bond.

No person, **persons, group or organization** shall engage in the business of a transient vendor or conduct or maintain a transient or temporary business until such person(s) shall make application to the Selectmen **and receive from the Selectmen** a license to conduct the business. The Selectmen shall, prior to issuing said license, make such investigation or inquiry as they may deem necessary and shall determine whether the transient or temporary business for which a license is sought would be beneficial to the best interest of the Town of Nantucket and its inhabitants and, in so determining, shall consider the financial responsibility of the

applicant, the place where the applicant proposes to conduct his business and the effect that said business would have on the neighborhood properties, vehicular and pedestrian traffic and the safety of the persons in the vicinity. The Selectmen may require the filing of a bond in an amount deemed by the Selectmen to be sufficient to protect the interest of the Town of Nantucket.

§ 107-4. Exceptions.

Nothing contained herein shall prohibit the sale from trucks or stalls of vegetables, fruits and flowers grown locally by the owner of the farm or premises where such vegetables, fruits or flowers are grown or of fish and shellfish taken by a transient vendor, except however, no transient vendor shall participate in any open-air market, farmers' market or other planned, organized or impromptu group sale, exhibition or event, and none shall be permitted, unless first licensed by the Selectmen consistent with § 107-2 above.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 67

(Bylaw Amendment: Management of Coastal Properties owned by the Town of Nantucket)

To see if the Town shall vote to amend the Code of the Town of Nantucket to include a new section of the general bylaws Chapter 67, entitled: "MANAGEMENT OF COASTAL PROPERTIES OWNED BY THE TOWN OF NANTUCKET," providing as follows:

Section AA-BBB. Management of coastal properties owned by the Town.

(a) Moratorium

There shall be a temporary moratorium on the use of Town properties for new coastal engineering structures, bluff armoring projects, hard or soft erosion control devices, bulkheads, and the like, on public lands owned by the Town of Nantucket such that no new coastal engineering structures, bluff armoring projects, hard or soft erosion control devices, bulkheads, and the like, including extensions of new or enlarged coastal engineering structures, bluff armoring projects, hard or soft erosion control devices, bulkheads, and the like, and the addition or creation of new appurtenant structures for existing coastal engineering structures, bluff armoring projects, hard or soft erosion control devices, bulkheads, and the like shall be hereafter constructed on land owned by the Town of Nantucket, except those coastal engineering structures, bluff armoring projects, hard or soft erosion control devices, bulkheads and the like, already approved by the Nantucket Conservation Commission for Town-owned properties prior to July 1, 2007.

(b) Maintenance of existing projects.

Nothing herein shall prohibit nor regulate the repair, maintenance or replacement of any coastal engineering structures, bluff armoring projects, hard or soft erosion control devices, bulkheads, and the like, on Town lands as may be lawfully existing or permitted by the Nantucket Conservation Commission prior to July 1, 2007, provided however any land access needed in order to undertake the work to do such repair, maintenance, or replacement shall be with the written permission of all legal landowners, including the Town of Nantucket whose land is necessary for such access.

(c) Duration of moratorium.

This moratorium shall remain in effect until December 31, 2010, or until such date as a comprehensive Coastal Management Plan for the Town of Nantucket has been established. This moratorium shall not prohibit emergency armoring measures necessary to protect public roads, public buildings, or other public assets from imminent destruction.

Or to take any other action thereto.

(Catherine Flanagan Stover, et al)

ARTICLE 68

To see if the Town shall vote to amend the Charter of the Town of Nantucket to include a new section providing as follows:

Chapter/Section XXX, Management of coastal properties owned by the Town.

(a) Moratorium

There shall be a temporary moratorium on the use of Town properties for new coastal engineering structures, bluff armoring projects, hard or soft erosion control devices, bulkheads, and the like, on public lands owned by the Town of Nantucket such that no new coastal engineering structures, bluff armoring projects, hard or soft erosion control devices, bulkheads, and the like, including extensions of new or enlarged coastal engineering structures, bluff armoring projects, hard or soft erosion control devices, bulkheads, and the like, and the addition or creation of new appurtenant structures for existing coastal engineering structures, bluff armoring projects, hard or soft erosion control devices, bulkheads, and the like shall be hereafter constructed on land owned by the Town of Nantucket, except those coastal engineering structures, bluff armoring projects, hard or soft erosion control devices, bulkheads, and the like, already approved by the Nantucket Conservation Commission for Town-owned properties prior to July 1, 2007.

(b) Maintenance of existing projects.

Nothing herein shall prohibit nor regulate the repair, maintenance or replacement of any coastal engineering structures, bluff armoring projects, hard or soft erosion control devices, bulkheads, and the like, on Town lands as may be lawfully existing or permitted by the

Nantucket Conservation Commission prior to July 1, 2007, provided however any land access needed in order to undertake the work to do such repair, maintenance, or replacement shall be with the written permission of all legal landowners, including the Town of Nantucket whose land is necessary for such access.

(c) Duration of moratorium.

The moratorium shall remain in effect until December 31, 2010, or until such date as a comprehensive Coastal Management Plan for the Town of Nantucket has been established. This moratorium shall not prohibit emergency armoring measures necessary to protect public roads, public buildings, or other public assets from imminent destruction.

Or, to take any other action thereto.

(Catherine Flanagan Stover, et al)

ARTICLE 69

(Bylaw Amendment: Animals)

Original: 55-4.D

Leash law. No person within the confines of the Town shall at any time permit a dog owned or kept by such keeper run at large beyond the confines of the property of the owner or keeper unless the dog is held firmly on a leash.

Revision: 55-4.D

Leash law. No person within the confines of the Town shall at any time permit a dog owned or kept by such keeper run at large unless the dog is under the control of the owner or keeper and such owner or keeper is indicating responsibility for the dog's behavior.

(John West, MD, et al)

ARTICLE 70

(Bylaw Amendment: Signs, Satellite Dishes, Rooflines)

To see if the Town will vote to:

Amend the Historic District Commission (HDC) Abutter Notification Policy by changing the section entitled "Applications Requiring Abutter Notification" as follows: (Note: new language is shown as highlighted text; language to be deleted is shown by strike-out; these methods to denote changes are not meant to become part of the final text):

"Abutters shall be notified of all HDC applications which would result in a change of ~~one thousand square feet (1,000)~~ one hundred square feet (100) or more of floor area (including new construction, demolition, moving, etc.)"

(Charity Benz, et al)

ARTICLE 71

(Bylaw Amendment: Parking)

To see if the Town will vote to: amend Section 103-6 (Parking Permits) of the Code of the Town of Nantucket as follows:

Add a new paragraph at the end of Section A, reading as follows:

“Resident Parking Permits shall also be issued to Nantucket Registered voters who own a residence on Nantucket upon the following conditions:

- a. The application for the Permit shall be submitted between January 15 and April 15 of each year.
- b. The fee for said Permit shall be \$100.00 per year.
- c. Applicant must submit proof that he/she is a registered voter and lives in a Nantucket home as his/her residence.
- d. Permits shall be limited to one (1) vehicle per residence and limited to vehicles owned or leased by the Nantucket resident.

(James Lydon, et al)

ARTICLE 72

(Bylaw Amendment: Streets and Sidewalks)

To see if the Town will vote to amend Chapter 127 (STREETS AND SIDEWALKS) of the Code of the Town of Nantucket as follows (NOTE: language to be deleted is shown by strike-out; these methods to denote changes are not meant to become part of the final text):

§ 127-19. Limitations on road improvements and construction. [Amended 4-12-2004 ATM by Art. 61, approved 9-3-2004]

- A. The Town will preserve the historic character of its road system by prohibiting the following improvements or construction for any publicly owned way or street on Nantucket unless an exception of any of the following standards is expressly authorized by a vote of Town Meeting:
- (1) The installation of automated traffic signals;
 - (2) Road widenings for the purpose of increasing motor vehicle travel capacity;
 - (3) The construction of travel lanes dedicated as turning lanes for motor vehicles;
 - (4) The construction of new public streets; and

(5) Paving of any unimproved publicly owned streets, ways or roads.

B. This section shall not apply to state roads, ways pursuant to the Subdivision Control Law, and common driveways.

§ 127-20. Exceptions.

Exceptions to the above prohibitions are:

- A. ~~Areas located within the Town Overlay District (not including traffic signals or road widenings for vehicle capacity) as depicted on the map entitled "Town and County Overlay District," dated January 2, 2002, Nantucket Planning and Economic Development Commission (Article 37, 2002 ATM as duly amended and on file at the Town Clerk's office. [Amended 4-12-2004 ATM by Art. 61, approved 9-2-2004]~~
- B. Reconstruction of road beds and resurfacing of paved roads in existence prior to the effective date of this article.
- C. ~~Road improvements (not including traffic signal systems) as required by the Planning Board in conjunction with the approval of subdivision plans.~~
- D. Reconstruction of existing road drainage systems or construction of new drainage systems, provided that such systems are equipped with petroleum separation and capture per Massachusetts Department of Environmental Protection standards.
- E. Bike paths and bike lanes. [Amended 4-12-2004 ATM by Art. 61, approved 9-3-2004]
- F. (Reserved) Editor's Note: Former Subsection F, excepting works pursuant to Town or county road construction under state grant, as amended, was repealed 4-12-2004 ATM by Art. 61, approved 9-3-2004.
- G. ~~Road improvements on First Way required by the Planning Board or the Board of Selectmen to support affordable housing, such housing defined herein as that housing intended primarily for year-round residents earning up to 150% of median family income, as determined by the U.S. Department of Housing and Urban Development, and sponsored by a municipal entity, the Housing Authority or its designated nonprofit; housing required in connection with §139 11J (MCD); or housing on lots subject to a Nantucket Housing Needs Covenant. [Added 4-15-2003 ATM by Art. 71]~~

(Grant Sanders, et al)

ARTICLE 73

(Bylaw Amendment: Street Numbers, Regulating)
Amend Chapter 126 of the Town Bylaws:

Chapter 126

STREET NUMBERS, REGULATING

126-1. Street numbers required.

Current: “ Every *improved lot* on a public or private way within the Town and County of Nantucket shall be provided by the owner and/or *occupant* with clear and legible street numbers no smaller than 2 ½ inches and in contrasting color placed in such a manner as to be clearly visible from such ways”.

Amendment: Change as follows; “ Every *building serving as a dwelling or place of business* on a public way within the Town and County of Nantucket, shall be provided by the owner with clear and legible street numbers no smaller than 2 ½ inches in height, and in contrasting color placed in such a manner as to be clearly visible from such ways. *Buildings setting more than 15 feet from a public way shall display numbers no smaller than 4 inches in height. Numbers shall be of contrasting color from their background, and placed in such a manner as to be visible from such ways”.*

126-3. Display.

Current: “All street numbers shall be affixed to or be displayed in a prominent position on the street side of the property. *Improved lots* erected or located in the Town and county must have street numbers affixed within six months of the date of adoption of this chapter and/or issuance of a building permit”.

Amendment: “All street numbers shall be affixed to or be displayed in a prominent position on the street side of the property. *Buildings* erected or located in the Town and County must have *a* street number affixed within six months of the date of the adoption of this chapter and/or issuance of a building permit. *Buildings set back more than 50 feet from a public way shall display numbers no smaller than 4 inches in height at the intersection of the driveways and said public way. These numbers shall be displayed so as to be seen in both directions of vehicular traffic and shall be maintained unobstructed by plantings. Numbers as described in this chapter shall be displayed in addition to those described in chapter 126-1”.*

126-4. Violations and penalties.

Current: “Any person who willfully fails to comply with the provision of this chapter or who unlawfully removes, defaces or changes a number affixed to an improved lot under this chapter shall be punished by a fine of not more than **\$20** for each offense. *Each day is a separate offense*. This chapter shall be enforced by the Building Inspector or by such enforcement agent that the Board of Selectmen may designate”.

Amendment: "Any person who willfully fails to comply with the provision of this chapter or who unlawfully removes, defaces or changes a number affixed to an improved lot under this chapter shall be punished by a fine of not more than **\$50** for each offense. This chapter shall be enforced by the Building Inspector or by such enforcement agent that the Board of Selectmen may designate.

(Francis Spriggs, et al)

ARTICLE 74

(Bylaw Amendment: Motorized Passenger Devices)

To see if the Town will vote to amend by-law §98-1 to read: No person shall operate a motorized scooter, motorized skateboard, ~~Segway~~, or other similar device (hereinafter referred to as "personal motorized passenger devices") on any Town-owned or controlled public way, sidewalk, park, playground or beach without the express written permission to do so from the Town official(s) or officer having jurisdiction over the use of said Town property or their respective designee (hereinafter referred to as the "authorizing official"). The following vehicles shall be exempt from the provisions of this chapter.

- A. (Shall remain the same)
- B. (Shall remain the same)
- C. (Shall remain the same)
- D. (Shall remain the same)
- E. (Shall remain the same)
- F. (Shall remain the same)
- G. Segways; to the extent authorized by the Town of Nantucket.

(Heather Peroni, et al)

ARTICLE 75

(Bylaw Amendment: Wharves and Waterways)

To see if the Town will vote to amend Chapter 137 (Wharves and Waterways) § 1, § 3 and § 5 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*):

§ 137-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DIVER – Includes swimmers using fins and/or masks and/or snorkel tubes or self-contained underwater breathing devices and may include those diving without aids, where the circumstances are appropriate.

GRAY WATER – In Nantucket waters as defined above, gray water is a vessel’s water/soap discharge, which is derived from galley, bath, showers, dishwashing and laundry equipment.

HARBOR MASTER (MARINE SUPERINTENDENT) – Chief Harbor Master, duly empowered by the General Laws of the commonwealth.

IMMEDIATE FAMILY – Parents, grandparents, children, sister, brother, and spouse.

MOORING – Any space wherein a vessel is confined by wet slip, float, mooring, rack, sling, haul-out, trailer or other type of docking facility.

NANTUCKET WATERWAYS or WATERWAYS – Includes all of the navigable waters within the boundaries of the Town, which shall include all harbors, rivers, bays or ponds, including waterways which, from time to time, may be temporarily nonnavigable by reason of low tides, drought or seasonal weather and water conditions.

OFFICIAL WAITING LIST - The official list of names of mooring permit applicants managed by the Town and maintained in the office of the Harbor Master.

PERSONS – Includes individuals, corporations, societies, associations, partnerships and trusts.

RESCUE PERSONNEL – State and federal law enforcement officials, Nantucket Fire Department, Police Department, Marine and Coastal Resources Department personnel and Nantucket Sheriff’s Department Dive Team members.

TOWN – the Town and County of Nantucket, Massachusetts.

§ 137-3. Additional use regulations.

- A. The Board of Selectmen shall have the power to establish standard contracts and contract terms and fees for the rental of wharves, slips, docks and moorings, and any other administrative costs.

§ 137-5. Mooring permits.

- A. Permits for the use of mooring spaces shall be for a period of one year, or any fraction thereof, terminating on December 31 of each year, unless revoked by the Harbor Master for good cause, and shall be renewable annually for one year. Payment for mooring permits shall be made in full before the permit will be issued.
- B. In areas where no additional spaces are available, applicants therefor shall be placed on an ~~continuing~~ official waiting list maintained at the office of the Harbor Master and actively managed by the Town. The official waiting list shall be a public document and shall be posted conspicuously. The official waiting list shall include the names of all applicants for moorings in chronological order of application, regardless of the applicants' preferences for particular

mooring locations. The person at the top of the official waiting list shall have priority to obtain the next available location, but may waive the right to the next available location if it is not in a place convenient for him or her without losing his or her place at the top of the waiting list. In the event of a waiver, the next person on the list shall be offered the location, and if that person waives the right to the location, the next successive person shall be offered the location, et cetera, until someone in succession on the list takes the location and registers a mooring there. Notice to the person entitled to the next available mooring shall be in writing or by any reasonable method. The official waiting list as of January 8, 2008 shall serve as the initial reference document such that applicants listed thereon shall retain seniority unless and until such time any applicant request removal from said the list or declines to respond as necessary to the Town regarding remaining on the official waiting list.

- C. It shall be incumbent upon all applicants to ensure that the official waiting list contains any and all information necessary to enable the Harbor Master to immediately contact them should he deem appropriate.
- D. A fee set by the Board of Selectmen or its designee shall be payable at the time of application and annually by those applicants wishing to remain on the official waiting list.
- E. All boats 10 feet or under, without power, shall be exempt from this section.
- F. All dinghies not in use between October 15 and April 1 on property controlled by the Town, shall be removed to the owner's property.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 76

(Bylaw Amendment: Board of Sewer Commissioners)

To see if the Town will amend Chapter (Board of Sewer Commissioners) Section 41-3A of the code of the Town of Nantucket Sewer District Map by adding the following parcels of land to the map.

Address	Map/Parcel
69 Hummock Pond Road	56/320
71 Hummock Pond Road	56/320.1
76 Hummock Pond Road	56/123
77 Hummock Pond Road	56/311
78 Hummock Pond Road	56/125
79 Hummock Pond Road	56/122
80 Hummock Pond Road	56/124
81 Hummock Pond Road	56/121
82 Hummock Pond Road	56/116.1
83 Hummock Pond Road	56/310.2

84 Hummock Pond Road	56/116
86 Hummock Pond Road	56/117
87 Hummock Pond Road	56/310.1
89 Hummock Pond Road	56/120
91 Hummock Pond Road	56/118
93 Hummock Pond Road	56/119
95 Hummock Pond Road	56/309
97 Hummock Pond Road	56/308

(Martin McGowan, et al)

ARTICLE 77

(Bylaw Amendment: Board of Sewer Commissioners)

To see if the Town will vote to amend the Town of Nantucket Sewer District Map by including the following parcels within the Sewer District: (a) 22 Brewster Road (aka Boston Ave) - Tax Map 54, Parcel 169.1; (b) 24 Brewster Road - Tax Map 54, Parcel 169.3; (c) 26 Brewster Road - Tax Map 54, Parcel 169.2;

(Comment: These parcels abut a swampy area that flows to the harbor. Including them within the Sewer District will have a positive effect on Nantucket Harbor water quality.)

(Deborah E. Nicholson, et al)

ARTICLE 78

(Bylaw Amendment: Board of Sewer Commissioners)

To see if the Town will vote to amend Chapter 41, Board of Sewer Commissioners, Section 41-3A, Town Sewer District, of the Code of the Town of Nantucket by adding the following parcels to the Town Sewer District Map:

Map and Parcel	Address
41 480	21 Crooked Lane
41 336 and 336.1	20 Crooked Lane
41 337	106 West Chester Street
41 338	102 West Chester Street
41 339	98 West Chester Street
41 340	94 West Chester Street
41 533	90 West Chester Street
41 533.1	86 West Chester Street
41 343	84 West Chester Street
41 343.1	82 West Chester Street
41 210	121 West Chester Street
41 211	117 West Chester Street
41 806	109 West Chester Street
41 805	Street Address Unknown

41 93.1
41 93.2

95 West Chester Street
95R West Chester Street
Lot 30, 31, 32

(Matthew J. Capozza, et al)

ARTICLE 79

(Bylaw Amendment: Board of Sewer Commissioners)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-B (Siasconset Sewer District) of the Code of the Town of Nantucket Sewer District Map by adding the following parcel(s) to said map:

SIASCONSET SEWER DISTRICT:

Map/Parcel	Address
74-37.5	25 Low Beach Road
74-37.4	27 Low Beach Road
74-37.3	29 Low Beach Road
74-37	3 Hawks Circle
74-37.6	5 Hawks Circle
74-37.7	7 Hawks Circle
74-37.2	8 Hawks Circle
74-37.1	9 Hawks Circle
73-49.2	12 Hawks Circle
73-49.1	13 Hawks Circle
73-49	14 Hawks Circle

(Richard Glidden, et al)

ARTICLE 80

(Charter Amendment: Town Administration)

To see if the Town will vote to amend the Charter of the Town of Nantucket, Chapter 289 of the Acts of 1996, to provide that the Planning Director report directly to the Town Manager, as is the current practice with all other Town department heads.

(Curtis Barnes, et al)

ARTICLE 81

(Home Rule Petition: Establishing a Post-Employment Benefits Trust Fund in the Town of Nantucket)

To see if the Town will vote to petition the General Court for the enactment of a Home Rule special act set forth below and to request the Town of Nantucket’s representatives to the

General Court to introduce a Special Act set forth below, and further to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage, and to take other action related thereto.

AN ACT ESTABLISHING A POST-EMPLOYMENT BENEFITS TRUST FUND
IN THE TOWN OF NANTUCKET

SECTION 1. As used in this act, the following words shall have the following meanings:

“GASB 43 and 45”, Statements 43 and 45 of the Governmental Accounting Standards Board and its successors.

“Other post-employment benefits” or “OPEB”, post-employment benefits other than pensions as that term is defined in GASB 43 and 45 including post-employment healthcare benefits, regardless of the type of plan that provide them, and all post-employment benefits provided separately from a pension plan, excluding benefits defined as termination offers and benefits.

SECTION 2. (a) There shall be in the town of Nantucket an OPEB Trust Fund, which shall be under the supervision and management of the Nantucket Finance Director in consultation with the town administrator. The town treasurer shall be the custodian of the OPEB Trust Fund and may employ an outside custodial service.

(b) Beginning in fiscal year 2009, the OPEB Trust Fund shall be credited with all amounts appropriated or otherwise made available by the town for the purposes of meeting the current and future OPEB costs payable by the town. The OPEB Trust Fund shall be credited with all amounts contributed or otherwise made available by employees of the town for the purpose of meeting future OPEB costs payable by the town. Amounts in the OPEB Trust Fund, including any earnings or interest accruing from the investment of these accounts, shall be expended only for the payment of the costs payable by the town for OPEB and for the costs of the actuarial study provided for in Section 3. Subject to the approval of the town administrator, the town treasurer shall invest and reinvest the amounts in the OPEB Trust Fund not needed for current disbursement consistent with the prudent investor rule. The OPEB Trust Fund shall be subject to the public employee retirement administration commission’s triennial audit.

(c) The town treasurer may employ any qualified bank, trust company, corporation, firm or person to advise it on the investment of the fund and may pay from the OPEB Trust Fund for this advice and other services as determined by the town’s finance director in consultation with the town administrator.

SECTION 3. (a) An actuary, who shall be a member of the American Academy of Actuaries, shall perform an actuarial evaluation of the town’s OPEB liabilities and funding as of January 1, 2008, and no less frequently than every second year thereafter. The determination shall be made in accordance with generally accepted actuarial standards and shall conform to the requirements of GASB 43 and 45 and the actuary shall make a report of the determinations to

the town meeting. The report shall, without limitation, detail the demographic and economic actuarial assumptions used in making the determinations, and each report after the first report shall also include an explanation of the changes, if any, in the demographic and economic actuarial assumptions employed and the reasons for the changes.

(b) Beginning in fiscal year 2009, payments for the purposes of meeting the town's costs of OPEB under this act shall be made from the OPEB Trust Fund. Funds in the OPEB Trust Fund shall be segregated from other funds. Disbursements from the OPEB Trust Fund including earnings or interest accruing from the investment of the amounts may only be made based on Section 1 to 3, inclusive.

SECTION 4. The act shall take effect upon its passage.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 82

(Home Rule Petition: Community Housing Bank)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act set forth below and to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in perfecting the language of this proposed legislation in order to secure passage, such legislation to read substantially as follows:

AN ACT ESTABLISHING A NANTUCKET COMMUNITY HOUSING BANK

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

"Community Housing", rental and home ownership housing units for use by those residents of Nantucket earning 150 per cent or less of the median household income for Nantucket county, as calculated and adjusted for household size annually by the federal Department of Housing and Urban Development (HUD); this percentage of median income, should economic conditions warrant a change, can be adjusted by a majority vote of the housing bank commission.

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

"Housing Bank", the Nantucket Community Housing Bank, established by section 2.

"Housing Bank Commission", the Nantucket Community Housing Bank Commission, established by section 3.

"Legal representative", with respect to any person, shall mean any other person acting under a written power-of-attorney executed by that person, but any affidavit attesting to the true and complete purchase price of real property, submitted to the housing bank commission under section 9, may also be signed on behalf of that person by an attorney admitted to practice in the commonwealth.

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

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

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

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

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

SECTION 2. There shall be a Nantucket Community Housing Bank, to be administered by a housing bank commission established by section 3, for the purpose of providing funding for community housing as set forth in section 5. The Housing Bank shall be a body politic and corporate and a public instrumentality, and the exercise of the powers conferred upon the

Housing Bank by this act shall be considered to be the performance of an essential governmental function.

SECTION 3.

(a) The Nantucket Community Housing Bank shall be administered by a housing bank commission consisting of five (5) members who are legal residents of Nantucket, each person to be elected to a three (3) year term, in the same manner as other elected town officials. The Nantucket board of selectmen shall appoint the initial five members to serve from the effective date of this act until the first elections of the regular members at the town's regular or special town election after the effective date of this act. The initial terms, which will be drawn by lot by the initial five appointed members, shall be staggered so that two members are elected each year, and in the third year, one member elected, such elections following the initial election.

(b) Vacancies: Should a vacancy occur during the term of any elected town member, the housing bank commission and the board of selectmen shall jointly appoint an interim member to serve until the next scheduled town election.

(c) Administration: Members shall serve without compensation. The initial appointed members shall adopt temporary rules and regulations to the extent necessary to conduct business until the regular members are elected. The housing bank commissions shall elect a chairman and a vice chairman from among their regular members and shall elect a secretary and a treasurer who may be the same person, and who need not be members of the housing bank commission. The members of the housing bank commissions shall adopt, after holding a public hearing, rules and regulations for conducting its internal affairs and procedural guidelines for carrying out its responsibilities under this act.

(d) Quorum: A quorum for the Nantucket Community Housing Bank Commission shall be three or more members. Decisions of the Housing Bank Commission shall be by majority vote at a meeting where a quorum is present. The Housing Bank Commission may make rules regarding attendance. The Housing Bank Commission shall keep accurate records of its meetings and actions and shall file annual reports that shall be distributed with the annual report of the Town of Nantucket. The Housing Bank Commission shall be classified as a municipal agency for purposes of chapter 268A of the General Laws, and be subject to the open meeting law (chapter 39, sections 23A, 23B and 23C of the General Laws).

SECTION 4A. The housing bank commission shall (a) provide funding as has been first approved by an annual or special town meeting of the town of Nantucket, in the form of grants, loans, loan guarantees, lines of credit, interest subsidies, rental assistance or any other means determined to further the goals of the housing bank for eligible community housing activities under section 5, (b) accept gifts of funds to further the purposes of the housing bank; (c) prepare an annual budget, provided however no more than 5% of all funds received by the housing bank during any fiscal year may be spent for administration purposes without approval by an annual or special town meeting of the town of Nantucket, (d) hire staff and obtain professional services that are necessary in order to perform its duties; (e) adopt regulations and procedures that it considers necessary or appropriate, subject to this act, regarding the use and investment of its funds and the keeping of records and accounts; (f) adopt procedures in the form of rules and regulations that it considers necessary or appropriate setting forth its programmatic goals, policies and recommendations to serve as standards for decisions to provide funding for programs under section 5, provided however, such procedures shall not

take effect until approved by an annual or special town meeting of the town of Nantucket; and (g) enter into and enforce contracts that it considers necessary to achieve the goals of this legislation.

SECTION 4B. The Town of Nantucket may appropriate money to be deposited in the Nantucket Housing Fund as provided in said section 7A. The Town of Nantucket is hereby further authorized to provide funds to repay any notes or bonds of the town issued pursuant to this section and, when authorized by a two thirds vote of town meeting as defined in G.L. Chapter 44. section. 1, to incur debt of the town for such purposes in accordance with the provisions of G. L. Chapter 44, section 7(3).

SECTION 4C. The housing bank may issue bonds and notes to further the purposes of the housing bank but only if the issuance of these bonds or notes has been approved by a two thirds majority vote at a Nantucket town meeting. The proceeds of such bonds or notes may be used to pay, in whole or in part, for the purposes set forth in section 4A of this act, reserves for debt service and other expenses, to pay consulting appraisal advisory and legal fees and costs incidental to the issuance and sale of such bonds and notes, to purchase, refund or renew bonds or notes previously issued and to pay an other costs and expenses of the housings bank commission necessary for the accomplishment of its purposes. Bonds or notes issued pursuant to this act shall be authorized by the commission which shall have full power and authority to determine the amount, form, terms, conditions, provisions for payment of interest and all other details thereof and to provide for the sale and issuance at such price and in such manner as the Commission shall determine subject only to any limitation set forth in this Act. Unless the town of Nantucket shall have authorized by two-thirds vote of a town meeting the pledging of the full faith and credit of the town or county of Nantucket to secure an issue of bonds or notes of the housing bank, all bonds or notes issued hereunder shall be payable solely from the fees and other revenues of the housing bank pledged to their payment and shall not be deemed a pledge of the full faith and credit of the Town or County of Nantucket, the Commonwealth of Massachusetts or any political subdivision thereof. The Housing Bank Commission may enter into any agreements, including without limitation a loan agreement and a trust agreement, necessary to effectuate and to secure any bonds or notes issued by the housing bank. Such agreements may pledge or assign, in whole or in part, the revenues and other money held or to be received by the housing bank. Such agreements may contain such provisions for protecting and enforcing the rights, security and remedies of the holders of such bonds or notes, including, without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event thereof which may include the acceleration of maturities and covenants setting forth the duties of, and limitations on, the housing bank in relation to the custody, safeguarding, investment and application of money, the issuance of additional debt obligations, the use of any surplus proceeds of the borrowing, including any investment earnings thereon, and establishment of special funds and reserves. The pledge of any such agreement shall be valid and binding and shall be deemed continuously perfected for the purposes of the Uniform Commercial Code from the time when the pledge is made; the revenues, money, rights and proceeds so pledged and then held or thereafter acquired or received by the housing bank shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act; and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort,

contract or otherwise against the town or county, irrespective of whether such parties have notice thereof. No document by which a pledge is created need be filed or recorded except in the records of the housing bank and no filing need be made under the Uniform Commercial Code.

The trustee with respect to any such trust agreement entered into pursuant to this section shall be a trust company or a bank having the powers of a trust company within the commonwealth. Any such trust agreement may provide that any money received thereunder may be held, deposited or invested by the trustee, notwithstanding the provisions of section 7A pending the disbursement thereof, in any deposits or investments which are lawful for the funds of savings banks and shall provide that any officer with whom or any bank or trust company with which such money shall be deposited shall act as trustee of such money and shall hold and apply the same for the purposes hereof and thereof, subject to such regulation or limitation as this act or such trust agreement may provide.

It shall be lawful for any bank or trust company within the Commonwealth to act as depository of the proceeds of bonds or notes, revenues or other money hereunder and to furnish such indemnifying bonds or to pledge such security, if any, as may be required by the Commission. Any trust agreement entered into pursuant to this section may set forth the rights and remedies of the holders of any bonds or notes and of the trustee and may restrict the individual rights of action by any such holders. In addition to the foregoing, any such trust agreement may contain such other provisions as the Commission may deem reasonable and proper. All expenses incurred in carrying out the provisions of such trust agreement may be treated as part of the cost of operation of the housing bank and paid from the revenues or other funds pledged or assigned to the payment of the principal of and the premium, if any, and interest on the bonds or notes or from any other funds available to the housing bank. In addition to other security provided herein or otherwise by law, bonds or notes issued under this section may be secured, in whole or in part, by insurance or by letters or lines of credit or other credit facilities issued to the housing bank by any bank, trust company or other financial institution, within or without the Commonwealth, and the housing bank may pledge or assign any of its revenues as security for the reimbursement by the housing bank to the issuers of such letters or lines of credit, insurance or credit facilities of any payments made thereunder.

SECTION 4D. If at any time any principal or interest is due or about to come due on any bonds or notes of the housing bank to secure which the full faith and credit of the town of Nantucket or Nantucket county shall have been pledged and funds to pay the same are not available, the Commission shall certify to the town treasurer and selectmen of the town or to the county treasurer and county commissioners of the county, as appropriate, the amount required to meet such obligations and the town treasurer or the county treasurer shall thereupon pay over to the housing bank the amount so certified from any funds in the treasury. For the purpose of providing or restoring to the treasury the sums so paid over to the housing bank, the town treasurer, with the approval of the selectmen, is authorized to incur debt outside the town's debt limit and issue notes therefore for a period not exceeding two years and to renew or refund the same from time to time until the town shall have received from the housing bank sufficient funds to repay such notes and the interest thereon in full. Whenever the town or the county shall have been required to pay over any sums of money to the housing bank under this section, the housing bank shall be precluded from issuing any grants or purchasing, constructing or making improvements to land or housing, or issuing any of its bonds or notes

for purposes other than repaying the town, until the housing bank shall have repaid the town in full for all sums paid to the housing bank hereunder, including interest on any notes issued for such purpose, unless the town shall have appropriated sufficient funds for such purpose at a town meeting.

SECTION 4E. Bonds and notes issued under the provisions of this act are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments, savings banks, cooperative banks, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds and notes are hereby made securities that may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations of the Commonwealth is now or may hereafter be authorized by law.

SECTION 4F. Notwithstanding any of the provisions of this act or any recitals in any bonds or notes issued under this act, all such bonds and notes shall be deemed to be investment securities under the Uniform Commercial Code.

SECTION 4G. The Housing Bank's revenues and income will be used solely for the furtherance of its public purposes and shall be exempt from taxation. The Housing Bank and all its revenues, income and real and personal property used solely by the Housing Bank in furtherance of its public purposes from the date of acquisition thereof, shall be exempt from taxation and from betterments and special assessments and the Housing Bank shall not be required to pay any tax, excise or assessment to or for the Commonwealth or any of its political subdivisions. Bonds and notes issued by the Housing Bank, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be exempt from taxation within the Commonwealth.

SECTION 4H. With authorization of an annual or special town meeting of the town of Nantucket as provided for in section 4C of this Act, bonds and notes may be issued under this act without obtaining the consent of any department, division, commission, board, bureau or agency of the town or county of Nantucket, except that the full faith and credit of the town or county of Nantucket shall not be pledged for the payment of such bonds or notes unless such pledge shall have been authorized by a two-thirds vote as provided in this Act, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required therefore by this act. The validity of and security for any bonds and notes issued by the housing bank shall not be affected by the existence or nonexistence of any such consent or other proceedings, conditions or things.

SECTION 5. The Nantucket Community Housing Bank shall be a funding agency only, but may acquire by purchase, lease or gift offices for its operation, and may enter into leasebacks, mortgages or other loans for this purpose. Upon receiving applications from eligible applicants in a competitive process which will include public notice of funding availability, and in a form prescribed by the commission, and upon compliance with the provisions of section 4A of this

Act, the housing bank will provide funding for eligible community housing activities as defined below, while respecting special Nantucket habitats and rural character. The housing bank shall, wherever possible, give preference to (a) the reuse of existing buildings, and (b) construction of new buildings on previously developed sites.

Eligible community housing activities for receipt of funding shall include, but not be limited to, the following:

- (a) Purchase and rehabilitation of existing structures for rental or home ownership;
- (b) Construction of rental or home ownership housing and necessary on-site or off site infrastructure, including mixed use development;
- (c) Purchase of land, and any and all improvements including easements;
- (d) Down payment assistance, grants and soft second loans;
- (e) Rental assistance programs;
- (f) Modernization and capital improvements of existing rental and ownership housing;
- (g) Creation of apartments and other ancillary housing;
- (h) Housing counseling, predevelopment costs and technical assistance associated with creating community housing projects and programs; and
- (i) Mixed -use development projects.

SECTION 6. All housing units created by funding from a housing bank under this act shall be deed restricted in perpetuity for use as community housing as defined in section 1 of this act, except in cases when the housing bank commission determines that a deed restriction is not feasible, and except in cases when the housing bank commission makes a finding that such a deed restriction would delay, prevent or otherwise defeat the purpose of developing and making available to the public Community Housing.

SECTION 7A. The Housing Bank Commission shall meet its financial obligations by drawing upon a fund to be set up as a revolving or sinking account of the housing bank commission in the treasury of the Town of Nantucket. Deposits into the Nantucket Housing Fund shall include (a) funds appropriated, borrowed or transferred to be deposited into the fund by vote of the county commissioners of Nantucket county or of the town meeting; (b) voluntary contributions of money and other liquid assets to the fund; and (c) revenues from fees imposed upon the transfer of real property interests under section 9 occurring on Nantucket after the effective date of this act as set forth in section 15. Grants or gifts of money or other assets to the housing bank shall be subject to any restrictions or limitations imposed by the grantor or donor. All expenses lawfully incurred by the Housing Bank Commission in carrying out this act shall be evidenced by proper vouchers and shall be paid by the treasurer of the town of Nantucket only upon submission of warrants duly approved by the housing bank commission. The housing bank commission treasurer shall prudently invest available assets of the fund under the regulations and procedures adopted by the housing bank commission under clause (f) of section 4A, and all income from investments shall accrue to the fund.

SECTION 7B. The Housing Bank Commission is authorized to enter into one or more agreements with the Nantucket Land Bank Commission established by chapter 669 as amended of the acts and resolves of 1983 by which agreements the housing bank may delegate to the Nantucket Land Bank Commission the administration and management of collection of the fee described in section 9 of this act, including but not limited to the record

keeping duties pursuant to section 8 of this act, the receipt of money pursuant to section 9 of this act, the processing of applications for exemptions pursuant to section 11 of this act or processing applications for refunds pursuant to section 10 of this act, the imposition of interest or penalties pursuant to section 12 of this act, and the sending of notices and conduct of hearings pursuant to section 13 of this act, and provide for compensation or reimbursement of costs incurred by such Nantucket Land Bank Commission from funds so collected.

SECTION 8. The housing bank commission shall keep a full and accurate account of its actions including a record of when, from or to whom, and on what account money has been paid or received under this act. These records shall be subject to examination by the director of accounts or the director's agent under section 45 of chapter 35 of the General Laws. There shall be an annual audit conducted by a duly recognized accounting firm, and a copy of that audit shall be distributed to the Board of Selectmen of the Town of Nantucket. However, schedules of beneficiaries of trusts, lists of stockholders of corporations, lists of partners, partnership agreements, tax returns, and other materials deemed by the Commission to be private to a particular entity or individual, which are filed with the Commission for the purposes of determining or fixing the amount of fee imposed by this Act for any transfer or for the purpose of determining the existence of any exemption pursuant to this act shall not be public records for the purposes of section 10 of chapter 66 of the General Laws.

SECTION 9. There is hereby imposed a fee equal to one per cent of the purchase price upon the transfer of any interest in real property located within the Town of Nantucket. The fee shall be the liability of the seller of the real property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing this fee shall not affect the liability of the seller. This fee shall be paid to the Nantucket Community Housing Bank Commission or its designee. Fees shall be accompanied by a copy of the deed or other instrument evidencing the transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the seller or the seller's legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed. The Housing Bank Commission, or its designee, shall promptly execute and issue a certificate stating that the appropriate fee has been paid or that the transfer is exempt from the fee and stating the basis for the exemption. The register of deeds for Nantucket county, and the assistant recorder for the registry district of Nantucket county, shall not record or register, or receive or accept for recording or registration, any deed, except a mortgage deed, for any real property interest located in Nantucket unless this certificate is attached. Failure to comply with this requirement shall not affect the validity of any instrument. The Housing Bank commission shall deposit all fees received under this section with its treasurer as part of the fund established by section 7A. The fee imposed under this section shall be due at the time of transfer of the real property interest.

SECTION 10. At any time within seven days after the issuance of the certificate of payment of the fee imposed by section 9, the seller or the seller's legal representative may return the certificate to the Housing Bank Commission or its designee for cancellation, together with an affidavit signed under oath or under the pains and penalties of perjury that the transfer has not

been consummated. After receiving this certificate and affidavit, the housing bank commission shall in due course return the fee to the seller or the seller's legal representative.

SECTION 11. The following transfers of real property interests shall be exempt from the fee established by section 9. Except as otherwise provided, the seller shall have the burden of proof that any transfer is exempt under this section and any otherwise exempt transfer shall not be exempt in the event that such transfer (by itself or as part of a series of transfers) was made for the primary purpose of evading the fee imposed by Section 9.

(-a-) Transfers to the government of the United States , the commonwealth, and any of their instrumentalities, agencies or subdivisions, including but not limited to transfers to the Town of Nantucket, the County of Nantucket, and/or the Nantucket Land Bank Commission established pursuant to chapter 669 of the Acts of 1983 as amended or the Housing Bank established by this Act.

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

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

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

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

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

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

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

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

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

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

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

(-m-) The first \$2 million of the sale price of any transfer or series of transfers of real property interests in a single parcel. Said exemption may be adjusted for inflation as determined tri-annually by vote of the majority of the Nantucket Community Housing Bank commission. For purposes of this subsection, "inflation" shall mean the increases, if any, in the total of prices paid for real property transfers year to year for real property within the Town of Nantucket.

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

SECTION 11A. To be consistent with the Nantucket Community Housing Bank Act, the Nantucket Islands Land Bank Act (being chapter 669 of the Acts of 1983, as amended by chapter 407 of the Acts of 1984, by chapter 202 of the Acts of 1985, by chapter 666 of the Acts of 1987, by chapter 392 of the Acts of 1991, by chapter 309 of the Acts of 1994, by chapter 370 of the Acts of 2002, and by chapter 130 of the Acts of 2006, referred to collectively as the "Land Bank Act") is hereby amended as follows:

(a) The definition of "Real property interest" appearing in Section 1 of the Land Bank Act shall be restated in its entirety to the following:

"Real property interest", any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property; the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a buyer or seller under a contract for purchase and sale of real property, and the transferable development rights created under Massachusetts General Laws chapter 183A; but shall not include any interest which is limited to any of the following: the dominant estate in any easement or right of way; the right to enforce any restriction; any estate at will or at sufferance; any estate for years

having a term of less than thirty years; any reversionary right, condition, or right of entry for condition broken; and the interest of a mortgagee or other secured party in any mortgage or security agreement.

(b) Section 10A of the Land Bank Act is hereby repealed in its entirety.

(c) The following sentence shall be inserted at the end of the preamble to Section 12 of the Land Bank Act: "Any otherwise exempt transfer shall not be exempt in the event that such transfer (by itself or as part of a series of transfers) was made for the primary purpose of evading the fee imposed by Section 10."

(d) Section 12 (-i-) of the Land Bank Act shall be amended by deleting the portion thereof commencing with "provided, however, that such . . ." through the end of subsection (-i-), and the following shall be inserted in lieu thereof:

provided, however, that such transfer shall be exempt only in the event that (i) with respect to a corporation, the transferor retains an interest in the newly formed corporation which is equivalent to the interest the transferor held prior to the transfer, or (ii) with respect to a partnership or limited liability company, the transferor retains after such formation rights in capital interests and profit interests within such partnership or limited liability company which are equivalent to the interest the transferor held prior to the transfer.

(e) Section 12 (-j-) of the Land Bank Act shall be entirely restated as follows:

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

(f) Delete from Section 12 (-m-) of the Land Bank Act the words "The first" from the beginning of the subsection, and capitalize the word "an", which becomes the first word of the subsection.

(g) Add new subsection (-n-) to Section 12 of the Land Bank Act, as follows:

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

(h) Add new subsection (-d-) to Section 14 of the Land Bank Act, as follows:

(-d-) If the Commission has determined that a fee is due by asserting the application of the evasion of fee doctrine described in Section 12 of this Act, then the transferee shall have the burden of demonstrating by clear and convincing evidence as determined by the Commission that the transfer, or series of transfers, possessed both: (i) a valid, good faith business purpose other than avoidance of the fee set forth in Section 10 of this Act and (ii) economic substance apart from the asserted fee avoidance benefit. In all such cases the transferee shall also have the burden of demonstrating by clear and convincing evidence as determined by the Commission that the asserted non-fee-avoidance business purpose is commensurate with the amount of the fee pursuant to Section 10 to be thereby avoided.

SECTION 12. A seller who fails to pay all or any portion of the fee established by section 9 on or before the time when the fee is due shall be liable for the following additional payments in addition to the fee:

(a) Interest. The seller shall pay interest on the unpaid amount of the fee to be calculated from the time of transfer at a rate equal to prime rate at the time of transfer plus 1 per cent per annum, adjusted each year in accordance with changes in prime rate.

(b) Penalties. Any person who, without fraud or willful intent to defeat or evade a fee imposed by section 9, fails to pay all or a portion of the fee within 30 days after the time of transfer, shall pay a penalty equal to five per cent of the outstanding fee as determined by the housing bank commission for each month or portion of a month that the fee is not paid in full, but in no event shall the amount of any penalty imposed under this paragraph exceed 25 per cent of the unpaid fee due at the time of transfer. Whenever the housing bank commission determines that all or a portion of a fee due under section 9 was unpaid due to fraud with intent to defeat or evade the fee, a penalty equal to the amount of the fee as determined by the housing bank commission shall be paid by the seller in addition to the fee.

SECTION 13A. (a) The Housing Bank Commission shall notify a seller by registered or certified mail of any failure to discharge in full the amount of the fee due under section 9 and any penalty or interest assessed. The Housing Bank Commission shall grant a hearing on the matter of the imposition of the fee, or of any interest or penalty assessed, if a petition requesting a hearing is received by the Housing Bank Commission within 30 days after the mailing of the notice. If the Commission has determined that a fee is due by asserting the application of the evasion of fee doctrine described in section 11 of this Act, then the seller shall have the burden of demonstrating by clear and convincing evidence as determined by the Commission that the transaction possessed both: (i) a valid, good faith business purposes other than avoidance of the fee set forth in section 9 of this Act and (ii) economic substance apart from the asserted fee avoidance benefit. In all such cases the seller shall also have the burden of demonstrating by clear and convincing evidence as determined by the commission that the asserted non-fee-avoidance business purpose is commensurate with the amount of the fee pursuant to section 9 to be thereby avoided. The Housing Bank Commission shall notify the seller in writing by registered or certified mail of its determination concerning the deficiency, penalty or interest within 15 days after the hearing. Any party aggrieved by a determination of the Housing Bank Commission concerning a deficiency, penalty or interest may, after payment of the deficiency, appeal to the district or superior court within 3 months after the mailing of notification by the Housing Bank Commission.

Upon the failure to timely petition for a hearing, or appeal to the court, within the time limits established in this paragraph, the seller shall be bound by the terms of the notification, assessment or determination, and shall be barred from contesting the fee or any interest and penalty, as determined by the Housing Bank Commission. All decisions of these courts shall be subject to appeal. Every notice to be given under this section by the Housing Bank Commission shall be effective if mailed by certified or registered mail to the seller at any available legal address of the seller, or at the address stated in a recorded or registered instrument by virtue of which the seller holds any real property interest, the transfer of which gives rise to the fee which is the subject of the notice; and, if no address is stated or if the transfer is not evidenced by an instrument recorded or registered in the public records of

Nantucket County, the notice shall be effective when mailed to the seller in care of any person appearing of record to have had a fee interest in the land at the time of the transfer, at the address of that person as set forth in an instrument recorded or registered in Nantucket County.

(b) All fees, penalties and interest required to be paid under this act shall constitute a personal debt of the seller and may be recovered in an action of contract or in any other appropriate action, suit or proceeding brought by the housing bank commission subject to chapter 260 of the General Laws.

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

The Housing Bank Commission, without waiving any of its rights, may direct a civil action to be filed in the appropriate district or superior court division of the department of the trial court sitting in the Nantucket county to enforce the agreement of the housing bank commission under this section with respect to this liability or to subject any property of the delinquent seller, or in which the delinquent seller has any legal or beneficial right, title or interest, to the payment of this liability.

The Housing Bank Commission may issue a waiver or release of any agreement imposed by this section. Such waiver or release shall be conclusive evidence that the agreement is extinguished.

SECTION 13B. This act, being necessary for the welfare of the town and county of Nantucket and its inhabitants, shall be liberally construed to effect its purposes.

SECTION 14. Any time after five years from the effective date of this act, the town may dissolve the housing bank by vote of the majority of the town members at town meeting, but the fee imposed by section 9 shall continue to be imposed until all funding commitments, including repayment of any bonds or notes, have been paid in full, and the Nantucket housing bank shall continue in existence during this time for the sole purpose of collecting and administering these fees. Upon dissolution of the Nantucket housing bank, title to all funds and other properties held by the housing bank shall vest in the town of Nantucket after provision is made for payment of all bonds, notes and other obligations of the housing bank. The Nantucket housing bank commission shall not submit an amendment of this act to the general court unless the amendment has been approved by the affirmative vote of a majority of the voters at a town meeting.

SECTION 15. Acceptance of this act shall be by the affirmative vote of a majority of the voters at any regular or special town election, or a state election, at which the question of acceptance

has been placed on the ballot. This act shall become effective on the date on which acceptance by the town has been effected.

Or, to take any other action related thereto.

(Board of Selectmen)

NOTE: The above home rule petition was approved as Article 22 of the October 23, 2006 Special Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2008, will expire unless renewed by a confirmatory town meeting vote.

ARTICLE 83

(Home Rule Petition: Sewer Act)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act set forth below and to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in perfecting the language of this proposed legislation in order to secure passage, such legislation to read substantially as follows:

AN ACT ESTABLISHING THE NANTUCKET SEWER ACT

SECTION 1. The Town of Nantucket, acting by and through the Nantucket Sewer Commission described in Section 3, may layout, plan, construct, maintain and operate a system or systems of common sewers for a part or whole of its territory, as may be from time to time defined and established by adoption by town meeting of one or more bylaws as a designated Sewer District under the jurisdiction and control of the Sewer Commission, with such capacity limitations, connections, pumping stations, treatment plants and other works, as may be allocated in such bylaw to such Sewer District as required for a system or systems of sewage treatment and disposal, and may construct such sewers and related works in said Sewer Districts defined and established by bylaw as may be necessary. No other sewers shall be constructed in any public roads or ways of the Town which are not within the limits of such designated Sewer Districts and which are not under the control of the Sewer Commission.

SECTION 2. Said town may make and maintain, within Sewer Districts defined and established as set forth in section 1 of this Act in any way therein where common sewers are constructed, such connecting sewers within the limits of such way as may be necessary to connect any estate which abuts upon the way within such District.

SECTION 3. Notwithstanding the provisions of Sessions Law, Chapter 169 of the Acts of 1965 as amended by Sessions Law Chapter 359 of the Acts of 1987 entitled "An Act Authorizing the Town of Nantucket to Establish a Board of Public Works Exercising the Powers of certain other Boards, Commissions, Departments and Town Officers", said town may, at any town meeting, by a two-thirds vote, vote that the board of selectmen shall act as a Nantucket Sewer Commission, or that there shall be a separate Nantucket Sewer Commission the members of which shall be appointed by the Board of Selectmen or elected by popular vote for three year

terms. The number, constitution and the choice of elected or appointed commissioners of a separate Sewer Commission shall also be determined by a two-thirds vote of Town Meeting. If a separate Nantucket Sewer Commission is established by Town Meeting, any Selectman shall be eligible to serve as a member thereof. Town Meeting shall be authorized to change the method of establishment of the Nantucket Sewer Commission described herein without any limitation on the number of times such Commission may be established or re-established as the case may be, by a two-thirds vote. Whenever the phrase "Nantucket Sewer Commissioners" occurs in the Act, such phrase shall include within its meaning either the Board of Selectmen acting as Nantucket Sewer Commissioners, or the separate appointed or elected Nantucket Sewer Commission.

SECTION 4. The Nantucket Sewer Commission, acting for and on behalf of said town, shall have charge of and shall be responsible for the policies, finances, and overall goals of the sewer system, but shall be subject to the Town Charter, S.L. 289 of the Acts of 1996 as to the administration and management of the systems operation and maintenance, and shall be responsible for the good order of all sewers, pipes, pumping stations, treatment and disposal works, and the like. The operations of the Nantucket Sewer Commission shall be governed by, and any staff or employees shall be considered part of Town Administration within the meaning of, the Charter of the Town of Nantucket, S. L. Ch. 289 of the Acts of 1996, unless changed or modified pursuant to said Charter.

SECTION 5. The Board of Selectmen acting for and on behalf of said town, after being duly authorized to do so by town meeting, may take by eminent domain pursuant to chapter seventy-nine of the General Laws of the Commonwealth, or otherwise may, utilizing the procedures described in the Nantucket Charter, S. L. Ch. 289 of the Acts of 1996, acquire by purchase, or gift any lands, rights of way easements public or private in said town necessary for accomplishing any purpose mentioned in this Act and may construct such sewers under or over any state road, any bridge, pier, tidelands, boulevards or other public way, or within the location of any state land, without the necessity for any formal filings in the registry of deeds, and may enter upon and dig up any private land or any public land or public way, for the purpose of laying such sewers and of maintaining and repair of the same, and may do any other thing properly or necessary for the purposes of this Act.

SECTION 6. The financial operations of the sewer system shall be an Enterprise Fund within the meaning of G. L. Ch. 44, s. 53F½, except as modified herein, and any expenditure from such Fund shall be only upon authorization of the Nantucket Sewer Commission. The town shall, by vote at town meeting, determine whether it shall pay the whole or a portion of the cost of said system or systems of sewerage and sewage disposal, and if a portion, what proportion. If the town votes to pay less than the whole cost, in providing for the payment of the remaining portion of the cost of said system or systems, the town, acting through the Nantucket Sewer Commission, may avail itself of any or all of the methods permitted by the general laws; and the provisions of said general laws relative to the assessment, apportionment, division, reassessment, abatement and collection of sewer assessments or the additional methods set forth in Section 8 of this Act, and as to liens therefore and to interest thereon, shall apply to assessments made pursuant to this Act by the Nantucket Sewer Commission, except that

interest shall be at the rate as may be established by the Nantucket Sewer Commission from time to time.

At the same meeting at which town meeting determines that any portion of the cost is to be borne by the town, it may by vote determine by which of such methods the remaining portion of said cost shall be provided for.

The collector of taxes of said town shall certify the payment or payments of any such assessment or apportionments thereof to the Sewer Commission or to the Selectmen acting as such, who shall preserve a record thereof.

SECTION 7. The revenues received by the Fund described in section 6 of this Act from sewer assessments, fees, charges, contributions from the Town towards the costs of such sewer system as described in section 6, and the like as receipts or revenues, shall be applied to the payment of charges and expenses incident to the design, construction, maintenance, and operation of said system or systems of sewerage and sewage disposal or to the extensions thereof, to the payment of principal or interest upon bonds or notes issued for sewer purposes, or to the payment or redemption of such bonds or notes.

SECTION 8. The Nantucket Sewer Commission may, in its discretion, prescribe for the users of said sewer systems and disposal works such annual charges, connection fees, assessments, privilege fees, and the like, based on the benefits derived therefrom as such Sewer Commission may deem proper, subject however, to such Bylaws as may be adopted by vote of the town, or as may be provided for in the general laws. Notwithstanding any law to the contrary, the Commission is authorized to impose and collect such charges, fees, or assessments prior to connection or operation of such system of sewers, and may enter into agreements for the payment thereof over such time as the Sewer Commission shall determine. In fixing the charges to be imposed for said system, the Nantucket Sewer Commission is authorized to make use of any fee, charge, assessment or betterment provided for by the general laws and further in addition thereto may take into consideration all costs for on going removal of infiltration and inflow of non-wastewater into the system as part of the normal operating costs of the system; may include in setting privilege fees, capital costs and interest charges applicable thereto; may impose late fees for unpaid billings; may assess a capacity utilization fee to new estates and properties added to a Sewer District authorized by this Act from outside a designated needs area in addition to any privilege fee; may charge betterments, special assessments, or any other charge to the estates and properties being served by collection system improvements and extensions to pay for all costs for sewer line extensions to serve new connections, both within the Sewer Districts authorized by the Act, and in any areas added to such sewer district, and may impose such charges on properties within a Sewer District authorized by the Act whether or not such estates and properties are then connected to the sewer system.

SECTION 9. The Nantucket Sewer Commission may, from time to time, adopt and prescribe rules and regulations for the means of connection of estates and buildings with sewers and for inspection of the materials, the construction, alteration, and use of all connections entering to such sewers, but not including the expansion of districts except as provided in section 1 and

10, and may prescribe penalties, not exceeding three hundred dollars for the violation of any such rule or regulation. Such rules and regulations shall be available for public review at the Sewer Commission's designated office during regular office hours. Any changes, deletions, additions or revisions to said rules and regulations deemed necessary by the Nantucket Sewer Commission from time to time shall take full effect after a notice of change has been published at least once a week for two successive weeks in a newspaper of general circulation in the Town of Nantucket, which notice shall detail where and when such revised rules and regulations may be viewed by the general public.

SECTION 10. Notwithstanding any provision of law to the contrary, owners of land not within the Sewer Districts defined and established pursuant to Section 1 of this Act shall not be permitted to connect to the town's sewer system except as is set forth in this Act. The territory covered by said Sewer Districts may be amended from time to time by the board having charge of sewers, after a public hearing conducted to consider such amendment, upon approval of the department of environmental protection if otherwise required by law and upon enactment by Town Meeting of a bylaw defining or establishing a new or expanded Sewer District. In the event that the Board having charge of sewers votes not to amend the territory of any Sewer District in accordance with the foregoing sentence, the amendment may nevertheless be enacted in a form of a bylaw upon a two-thirds vote of town meeting.

Any bylaw adopted pursuant to the authority granted to the Town of Nantucket by this Act may include authorization to the Nantucket Sewer Commission without a Town Meeting vote to add to the Sewer Districts created pursuant to this Act properties located within "needs areas" as defined by Nantucket's Comprehensive Wastewater Management Plan prepared by Earth Tech dated March 2004, approved by the Massachusetts Secretary of Environmental Affairs on May 14, 2004, with such conditions and limitations with respect to such authorization as such bylaw may provide.

SECTION 11. Notwithstanding anything to the contrary contained herein, the board having charge of the maintenance and repair of sewers may at any time permit extensions, new connections or increases in flow to the sewer system, subject to capacity, to serve municipal buildings or public restrooms without thereby creating any entitlement on the part of any person to connect to such sewer system, and subject to capacity, in order of application, may permit or if in the public interest, may require, extensions, new connections or new flow to the sewer system within such districts.

SECTION 12. This Act shall take effect on the first day of July, first following passage.

Or, to take any other action related thereto.

(Board of Selectmen)

NOTE: The above home rule petition was approved as Article 60 of the 2007 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2008, will expire unless renewed by a confirmatory town meeting vote.

ARTICLE 84

(Home Rule Petition: 1975 Roads)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act set forth below and to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in perfecting the language of this proposed legislation in order to secure passage, such legislation to read substantially as follows:

AN ACT AMENDING CHAPTER 434 OF THE ACTS OF 1975 REGARDING ROADS ON NANTUCKET

SECTION 1: The existing text of Chapter 434 of the Acts of 1975 allowing for the validity of the laying out, alteration, relocation, discontinuance, or acceptance of certain ways despite any failure to comply with final recording requirements as provided in Chapter 82 of the General Laws, is hereby amended inserting the words "Section One" in front thereof;

SECTION 2: There is hereby added a new section 2 to Chapter 434 of the Acts of 1975 that reads as follows:

The ways listed in Section 1 are to be deemed to include the entire width of the layout as approved by the Board of Selectmen and voted by the Town on Nantucket in Article 17 ("Article") of the Annual Town Meeting in the year 1975 and any reference therein to "Paved Sections" for those ways listed below is now established to be only for the purpose of identifying the length of those ways, as each existed in 1975, which were to have the benefit of Chapter 434 to correct any failure to comply with final recording requirements. In the event the Paved Sections of those ways differed in width from the layout plans of record at that time, the Article and Chapter 434, are deemed not to alter any street layout as to width. If a Paved Section, as each existed in 1975, was not paved to the full width of the corresponding dimensional plan of record laying out said street, the Article and Chapter 434 are deemed not to exclude the unpaved shoulders of that way, if such were included in the corresponding layout plan. The term "Paved Sections" in the Article was used only to identify the length of the street subject to Chapter 434.

"Paved Sections" of the following ways: Bartlett Road; Beach Walk; Cambridge Street (North of Madaket Road); Cato Lane; Coffin Way; Cornish Street; Eel Point Road; Henry Street; James Street; Johnson Street; Low Beach Road; Macy Lane; Somerset Road; Vestal Street Extension; Washington Avenue; Washington Street Extension; Wesco Place (plus 40).

SECTION 3: This act to 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 2006 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2008, will expire unless renewed by a confirmatory town meeting vote.

ARTICLE 85

(Home Rule Petition: Real Estate Conveyance by County)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act set forth below and to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in perfecting the language of this proposed legislation in order to secure passage, such legislation to read substantially 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 land owned by the County of Nantucket to the Town of Nantucket without any consideration therefore and to take whatever actions are necessary to transfer ownership of the following parcels:

(1) A parcel of land, formerly part of a County roadway known as Sherburne Turnpike at its intersection with Hamblin Road, as shown on a plan entitled "Proposed Modification of Sherburne Turnpike" dated February 2007 on file with Nantucket Planning Office; and

(2) A parcel of land, formerly part of a County roadway known as Milestone Road at its intersection with Polpis Road, as shown on a plan entitled "Proposed Modification of Milestone Road" dated February 2007 on file with Nantucket Planning Office.

SECTION 2. A majority of the voters at an Annual or Special Town Meeting shall approve acceptance of any and all transfers authorized in Section 1, prior to such conveyances taking effect.

SECTION 3. The provisions of Chapter 30B General Laws and any rights of first refusal in the Commonwealth under the provisions Section 14 of Chapter 34 of 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 related thereto.

(Board of Selectmen)

NOTE: The above home rule petition was approved as Article 64 of the 2007 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2008, will expire unless renewed by a confirmatory town meeting vote.

ARTICLE 86

(Home Rule Petition: Nantucket Islands Land Bank Act Amendment)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act set forth below and to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in perfecting the

language of this proposed legislation in order to secure passage, such legislation to read substantially as follows:

AN ACT TO FURTHER CLARIFY THE NANTUCKET ISLANDS LAND BANKACT
REGARDING REAL PROPERTY INTERESTS SUBJECT TO THE LAND BANK ACT'S
TRANSFER FEE

SECTION 1. The Nantucket Islands Land Bank Act (being chapter 669 of the Acts of 1983, as amended by chapter 407 of the Acts of 1984, by chapter 202 of the Acts of 1985, by chapter 666 of the Acts of 1987, by chapter 392 of the Acts of 1991, by chapter 309 of the Acts of 1994, by chapter 370 of the Acts of 2002, and by chapter 130 of the Acts of 2006, referred to collectively as the "Land Bank Act") is hereby amended as follows:

(a) The definition of "Real property interest" appearing in Section 1 of the Land Bank Act shall be restated in its entirety to the following:

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

(b) Section 10A of the Land Bank Act is hereby repealed in its entirety.

(c) The following sentence shall be inserted at the end of the preamble to Section 12 of the Land Bank Act: "Any otherwise exempt transfer shall not be exempt in the event that such transfer (by itself or as part of a series of transfers) was made for the primary purpose of evading the fee imposed by Section 10."

(d) Section 12 (-i-) of the Land Bank Act shall be amended by deleting the portion thereof commencing with "provided, however, that such . . ." through the end of subsection (-i-), and the following shall be inserted in lieu thereof:

provided, however, that such transfer shall be exempt only in the event that (i) with respect to a corporation, the transferor retains an interest in the newly formed corporation which is equivalent to the interest the transferor held prior to the transfer, or (ii) with respect to a partnership or limited liability company, the transferor retains after such formation rights in capital interests and profit interests within such partnership or limited liability company which are equivalent to the interest the transferor held prior to the transfer.

(e) Section 12 (-j-) of the Land Bank Act shall be entirely restated as follows:

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

(f) Delete from Section 12 (-m-) of the Land Bank Act the words "The first" from the beginning of the subsection, and capitalize the word "an", which becomes the first word of the subsection.

(g) Add new subsection (-n-) to Section 12 of the Land Bank Act, as follows:

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

(h) Add new subsection (-d-) to Section 14 of the Land Bank Act, as follows:

(-d-) If the Commission has determined that a fee is due by asserting the application of the evasion of fee doctrine described in Section 12 of this Act, then the transferee shall have the burden of demonstrating by clear and convincing evidence as determined by the Commission that the transfer, or series of transfers, possessed both: (i) a valid, good faith business purpose other than avoidance of the fee set forth in Section 10 of this Act and (ii) economic substance apart from the asserted fee avoidance benefit. In all such cases the transferee shall also have the burden of demonstrating by clear and convincing evidence as determined by the Commission that the asserted non-fee-avoidance business purpose is commensurate with the amount of the fee pursuant to Section 10 to be thereby avoided.

Or, to take any other action related thereto.

(Board of Selectmen)

NOTE: The above home rule petition was approved as Article 61 of the 2007 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2008, will expire unless renewed by a confirmatory town meeting vote.

ARTICLE 87

(Home Rule Petition - 7 Miacomet Road)

To see if the Town will vote to petition the General Court for enactment of a Home Rule special act set forth below and to request the Town of Nantucket’s representatives to the General Court to introduce a Special Act set forth below, and further to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage.

AN ACT APPROVING THE TOWN OF NANTUCKET TO USE, SELL, CONVEY OR OTHERWISE DISPOSE OF CERTAIN LAND SITUATED IN THE TOWN OF NANTUCKET FOR ANY LAWFUL PURPOSE

Section 1. Pursuant to Article XCVII of the Amendments to the Constitution of the Commonwealth of Massachusetts, notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may use for any lawful general municipal purpose, or may sell, convey or otherwise dispose of that certain property being part of the parcel of land identified as Town of Nantucket Assessor Map 67, Parcel 345, addressed 7 Miacomet Road and shown as “Lot A 20,806 s.f.” on that certain plan entitled “Exhibit A Plan in Nantucket, Mass., Prepared for Town of Nantucket” and dated January 18, 2008, or any portion thereof.

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

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 88

(Acceptance of MGL Regarding Military Pay/Town Pay)

To see if the Town will vote to accept the provisions of c. 77 of the Acts of 2005, which provides as set forth below:

“An employee eligible under this section shall be paid his regular base salary as a public employee for each pay period of military leave of absence after September 11, 2001, reduced by any amount received from the United States as base pay for military service performed during the same pay period. For purposes of this section, base pay shall not include any allowances, overtime pay, shift differential pay, hazardous duty pay or any other additional compensation received for military service.”

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 89

(Acceptance of MGL Regarding Attendance of Municipal Board Members)

To see if the Town will vote to accept the provisions of c. 39, s. 23D(a) of the General Laws, which provides as set forth below:

“Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member’s absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.”

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 90

(Acceptance of MGL Regarding “Streamlined Permitting”)

To see if the Town will vote to accept the provisions of c. 43D of the General Laws, as amended pursuant to s. 11 of c. 205 of the Acts of 2006; and, to approve the filing of an application with the Interagency Permitting Board for the designation of land at “Proposed Downtown Redevelopment Sites” as a Priority Development Site and consisting of the following parcels:

Map	Lot	Number	Street
42.3.1	37	10	New Whale Street
42.3.1	91	5	Candle Street
42.3.1	92	1	Candle Street
42.3.1	230	6	Commercial Street
42.3.1	142	10	Washington Street
42.3.1	143	12	Washington Street
42.3.1	87	2	New Whale Street
42.3.1	88	4	New Whale Street
42.3.1	89	9	Salem Street
42.3.1	90	8	New Whale Street
42.3.1	140	15	Candle Street
42.3.1	141	7	Salem Street
42.3.1	228		Straight Wharf
42.3.1	229	9	Salem Street
42.3.1	11.1	17	S. Water Street

Map	Lot	Number	Street
42.3.1	11.2	18	Easy Street

All as shown on a map entitled “Warrant Article 90: Priority Development Site - Proposed Downtown Redevelopment Sites” dated January 2008 and filed herewith at the Office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 91

(Acceptance of MGL Regarding “Streamlined Permitting”)

To see if the Town will vote to accept the provisions of c. 43D of the General Laws, as amended pursuant to s. 11 of c. 205 of the Acts of 2006; and, to approve the filing of an application with the Interagency Permitting Board for the designation of land at “2 Fairgrounds Road Property” as a Priority Development Site and consisting of the following parcels:

Map	Lot	Number	Street
55	906		Fairgrounds Road
67	40	2	Fairgrounds Road
67	700	2	Ticcoma Way
67	701	4	Ticcoma Way
67	702	6	Ticcoma Way
67	703	8	Ticcoma Way
67	704	10	Ticcoma Way
67	705	12	Ticcoma Way
67	706	14	Ticcoma Way
67	707	16	Ticcoma Way
67	708	18	Ticcoma Way
67	709	1	Waitt Drive
67	710	16	Vincent Circle
67	711	14	Vincent Circle
67	712	12	Vincent Circle
67	713	10	Vincent Circle
67	714	8	Vincent Circle
67	715	6	Vincent Circle
67	716	4	Vincent Circle
67	717	2	Vincent Circle
67	718	3	Waitt Drive

Map	Lot	Number	Street
67	719	5	Waitt Drive
67	720	7	Waitt Drive
67	721	9	Waitt Drive
67	722	11	Waitt Drive
67	723	13	Waitt Drive
67	724	15	Waitt Drive
67	725	18	Waitt Drive
67	726	1	Vincent Circle
67	727	10	Waitt Drive
67	728	3	Vincent Circle
67	729	12	Waitt Drive
67	730	5	Vincent Circle
67	731	14	Waitt Drive
67	732	7	Vincent Circle
67	733	16	Waitt Drive
67	734	9	Vincent Circle
67	735	18	Waitt Drive
67	736	11	Vincent Circle
67	737	20	Waitt Drive
67	738	13	Vincent Circle
67	739	22	Waitt Drive
67	740	15	Vincent Circle
67	741	31	Waitt Drive
67	742	29	Waitt Drive
67	743	27	Waitt Drive
67	744	25	Waitt Drive
67	745	23	Waitt Drive
67	746	21	Waitt Drive
67	747	19	Waitt Drive
67	748	17	Pine Lands Drive
67	749	19	Pine Lands Drive
67	750	23	Pine Lands Drive
67	751	25	Pine Lands Drive
67	752	3	Pine Lands Drive
67	753	5	Pine Lands Drive
67	754	9	Pine Lands Drive
67	755	13	Pine Lands Drive

All as shown on a map entitled “Warrant Article 91: Priority Development Site - 2 Fairgrounds Road Property” dated January 2008 and filed herewith at the Office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 92

(Acceptance of MGL Regarding “Streamlined Permitting”)

To see if the Town will vote to accept the provisions of c. 43D of the General Laws, as amended pursuant to s. 11 of c. 205 of the Acts of 2006; and, to approve the filing of an application with the Interagency Permitting Board for the designation of land at “Proposed Industrial Development Area - Bunker Road” as a Priority Development Site and consisting of the following parcels:

Map	Lot	Number	Street
78	Portion of 1	14	Airport Road
78	Portion of 2		Macys Lane
78	Portion of 3		Airport Property
78	Portion of 4		Airport Property
78	Portion of 5		Airport Property
78	1.2	36R	Bunker Road
78	2.1	30	Bunker Road
78	2.2	44	Bunker Road
78	2.3	36	Bunker Road
78	2.4	35	Bunker Road
78	2.7	32	Bunker Road
78	2.8	40	Bunker Road
78	2.9	42	Bunker Road
69	6	22	Bunker Road
70	3		Hinsdale Road

All as shown on a map entitled “Warrant Article 92: Priority Development Site - Proposed Industrial Development Area - Bunker Road” dated January 2008 and filed herewith at the Office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 93

(Residency Requirement for Town Pier Slips)

This article would provide regulation limiting applications to the Nantucket Harbor Master for Town of Nantucket Dock boat slips to citizens using Nantucket as their primary residence. This would limit annual town boat slip applications to year-round residents of Nantucket.

(Daniel Balling, et al)

ARTICLE 94

(Requirement for Use of Cobblestones)

To see if the Town will vote to require the use of cobblestones in the Old Historic District whenever repaving any road is necessary.

(Catherine Flanagan Stover, et al)

ARTICLE 95

(Requirement for Renewable Energy Components)

To see if the Town will vote to require all new Town buildings and Town-sponsored buildings, including any buildings built on Town-owned property, started and built after the approval of this article, both residential and non-residential, to be outfitted with renewable energy components for heat, hot water and electricity, and that the buildings themselves be built with conservation and environmentally friendly materials and practices following LEED certification guidelines. That the Board of Selectmen appoint a committee to specifically deal with only this issue, to act as information and source gatherers and guides, to help the Town in its choice and selection from the different available types of renewable energy for each individual building.

(Deborah Timmermann, et al)

ARTICLE 96

(Requirement for Registration with Nantucket Historical Commission)

To see if the Town will vote to require Contractors to register with the Town via the Nantucket Historical Commission (NHC) before starting work on any structure predating 1900 anywhere on the Island of Nantucket, and be required to re-register monthly until completion of said project, to be required to file with the NHC copies of all permits and approvals from the Historic District Commission (HDC) and the Building Department before starting said project, including copies of their Worker's Compensation and Liability Insurance. The project should be subject to review at the discretion of the Nantucket Historical Commission. The fee to work on any structure predating 1900 should be charged at a rate of \$250 for every month of work on that project, payable monthly, not to exceed a period of two years. In review of the issued permits and approvals at any point in the building process, should the NHC find the contractor has wavered from those permits and approvals, the NHC would issue notice to the Building

Department to issue a cease and desist order to the Contractor. Should the Contractor not comply, a fine of \$1,000 per business day should be charged to the Contractor, with interest charged at 12% per year, compounded monthly. On-island-based Contractors should be subject to a waiver of the monthly fee only as long as they comply with all of the other aspects of this article.

(Deborah Timmermann, et al)

ARTICLE 97

(Separate Board of Health)

To see if the Town will vote to amend existing Town health regulations, as required, to establish a separate Board of Health for the Town of Nantucket, composed of 5 members, three of which must be in a health or health-related technical field (e.g., medical, nursing, lab technician, pharmacist, engineering, sanitation, surveying, etc.). Members of the Board of Health shall be appointed by the Board of Selectmen for staggered three-year terms, effective with passage of this Article.

(Curtis Barnes, et al)

ARTICLE 98

(Change of Term for Planning Board Members)

To see if the Town will vote by whatever means, including a by-law amendment, a charter change, or a legislative law change pursuant to Article 77 of the 1928 Town Meeting and Article 92 of the 1955 Town Meeting, under the provisions of Section 81-A of Chapter 41 of the General Laws, to amend the terms of the members of the five member Planning Board from five years to three years as follows: At the 2008 annual town election, there shall be elected one member to serve three years; at the 2009 annual town election, there shall be elected one member to serve three years; at the 2010 annual town election, there shall be elected two members to serve three years; at the 2011 annual town election, there shall be elected two members to serve three years; at the 2012 annual town election, there shall be elected two members for three years; at the 2013 annual town election, there shall be elected one member to serve three years; and thereafter, for two consecutive years, there shall be elected at the annual town election, two members of such board to serve the term of three years, and every third year shall be elected at the annual town election, one member of such board to serve for the term of three years.

(Joan S. Barnes, et al)

ARTICLE 99

(Establishment of Agricultural Commission)

To see if the Town will vote to establish an Agricultural Commission to represent the Nantucket farming community.

Said Commission once appointed shall develop a work plan to guide its activities. Such activities include, but are not limited, to the following: shall serve as facilitators for encouraging the pursuit of agriculture in Nantucket; shall promote agricultural-based economic opportunities in Town; shall act as mediators, advocates, educators, and/or negotiators on farming issues, shall work for preservation of prime agricultural lands; and shall pursue all initiatives appropriate to creating a sustainable agricultural community.

The Commission shall consist of seven members appointed by the Board of Selectmen. The Commission will consist of a minimum of four members whose prime source of income is derived from farming or agricultural-based enterprises in Nantucket and another three who are interested in farming. Three members for a term of three years; two members for a term of two years and three thereafter; and two members for a one year term, and three years thereafter.

The appointing authority shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments, based on recommendations of the Commission.

- | | |
|--|--|
| 1. Appointing Authority: | Board of Selectmen |
| 2. Establish number of members of Commission: | 7 plus 5 alternates |
| 3. Establish terms of service: | staggered, see article |
| 4. Establish whether members must be Town Residents: | No |
| 5. Method for filling vacancies: | Board of Selectmen |
| 6. Purpose of the Commission: | To represent the Nantucket farming Community |

7. Guiding Principles for Commission Appointment:
Members should: represent Town geographically, represent the diversity and scale of agricultural businesses, represent the diversity of the Town's population, encourage next generation of small growers and farmers. The overall intent is to be inclusive not exclusive.

Mission: Promote agricultural-based economic opportunities; preserve, revitalize and sustain the Nantucket agricultural industry, and encourage the pursuit of agriculture as a career opportunity and lifestyle.

(Heather Coffin, et al)

ARTICLE 100 (Naming of Cemeteries)

To see if the Town will vote to fix an official name for two historic Town Cemeteries:

- For the land set aside on Mill Hill:
- A) The Colored Cemetery

- B) The Black People's Cemetery
- C) The Mill Hill Cemetery

For the land set aside on The Cliff:

- A) The Founders Cemetery
- B) The Settlers Burial Ground
- C) Proprietors Burial Ground

(Cindy Clarkson, et al)

ARTICLE 101

(Historic District Commission: Solar Energy Systems Requirement)

To see if the town will vote, pursuant to Section 9 (g) of Chapter 395 of the Acts of 1970, as amended, to require the Historical District Commission to adopt a policy encouraging solar energy systems, consistent with public policy as reflected in Chapter 40 A: Section 3, Chapter 40 A: Section 9B and Chapter 184: Section 23 C of the Massachusetts General Laws, to the maximum extent feasible without having a significant adverse impact upon its purpose of the preservation and protection of historic buildings, places and districts of historic interest.

(Karen Alence, et al)

ARTICLE 102

(Real Estate Disposition: Long-term Lease Authorization/VFW)

To see if the Town will vote to:

Extend the current Ground Lease dated July 16, 2003, between the Town of Nantucket and Veterans of Foreign Wars, Post 8608, for 22 Bunker Road a.k.a New South Road for an additional term of 25 years, so that VFW Post 8608 can pursue mortgage financing to finish constructing their new building. All other terms and conditions shall remain the same.

(Leroy E. Anderson, et al)

ARTICLE 103

(Real Estate Conveyance)

To see if the Town will vote to authorize the Board of Selectmen to grant a conservation restriction upon, and to otherwise sell, convey or dispose of all or any interests the Town of Nantucket may have in, that certain parcel of land known as Assessor's Map 69, Parcel 6, located at 22 Bunker Road, or any portion thereof, subject to G.L. c. 30B.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 104

(Real Estate Disposition: Long-term Lease Authorization/58A Orange Street)

To see if the Town will vote to authorize the Board of Selectmen to lease for a lease term not to exceed twenty (20) years, all or any portion of the property, known as Town of Nantucket Assessor Map 55.4.1, Parcel 79.2 and addressed 58A Orange Street, subject to Massachusetts G.L. c. 30B.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 105

(Real Estate Acquisition: Miller Lane)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee title or lesser title interest in all or any portions of certain land known as Miller’s Lane and shown as Lot B2 on Land Court Plan numbered 16514-B or any lesser interest therein, including, but not limited to, all rights of passage over such rights of way, for general municipal purposes and affordable housing purposes.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 106

(Real Estate Conveyance: Miller Lane)

To see if the Town will vote to authorize the Board of Selectmen to convey, sell or otherwise lawfully dispose all or part of that certain land known as Miller’s Lane and shown as Lot B2 on Land Court Plan numbered 16514-B or any lesser interest therein, subject to G.L. c. 30B.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 107

(Real Estate Acquisition: Surfside)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee title or lesser title interest in all or any portions of those certain rights of way known as Woodbine Street, Holly Street, Pequot Street (formerly Orange Street) and Masquetuck Street and located between the southern sideline of Nonantum Avenue and the Atlantic Ocean, including but not limited to all rights of passage over such rights of way, for public ways and/or general municipal purposes.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 108

(Real Estate Conveyance: Surfside)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey, grant or otherwise transfer the fee title or lesser interest in portions of those certain rights of way known as Woodbine Street, Holly Street, Pequot Street (formerly Orange Street) and Masquetuck Street and located between the southern sideline of Nonantum Avenue and the Atlantic Ocean, or any portions thereof, subject to Massachusetts G.L. c. 30B.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 109

(Real Estate Acquisition: Surfside)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee title or lesser title interests, including but not limited to all rights of passage, in all or any of those portions of Poplar Street between Nonantum Avenue and Atlantic Avenue, Cherry Street (also known as Naushon Way Street) between Nonantum Avenue and Atlantic Avenue, Western Avenue from the sideline Western Avenue adjacent to Assessor Map 87, Parcel 59 (2 Western Avenue) to Atlantic Avenue, and Atlantic Avenue from the sideline of Atlantic Avenue adjacent to Assessor Map 87, Parcel 108 (3 Western Avenue) to Western Avenue, as shown on the plan entitled "Exhibit Plan in Nantucket, MA prepared for Town of Nantucket" dated January 23, 2008, prepared by Blackwell & Associates, Inc., P.L.S. and filed with the Town Planning Department, for general municipal purposes.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 110

(Real Estate Conveyance: Surfside)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of all or any interests the Town of Nantucket may have in Poplar Street between Nonantum Avenue and Atlantic Avenue, Cherry Street (also known as Naushon Way Street) between Nonantum Avenue and Atlantic Avenue, Western Avenue from the sideline Western Avenue adjacent to Assessor Map 87, Parcel 59 (2 Western Avenue) to Atlantic Avenue, and Atlantic Avenue from the sideline of Atlantic Avenue adjacent to Assessor Map 87, Parcel 108 (3 Western Avenue) to Western Avenue, as shown on the plan entitled "Exhibit Plan in Nantucket, MA prepared for Town of Nantucket" dated January 23, 2008 prepared by

Blackwell & Associates, Inc., P.L.S. and filed with the Town Planning Department, for general municipal purposes.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 111

(Real Estate Acquisition)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, the fee title or lesser title interests in the following parcels of land, together with any public and private rights of passage, for general municipal purposes, including but not limited to the use of the parcels for Surfside Beach public parking, and to confirm the Town’s title to such parcels: a certain parcel of land being part of the parcel known as Assessor’s Map 87, Parcel 105, having an area of approximately 2,500 square feet and being shown as Lot B on a certain plan entitled “Exhibit Plan in Nantucket, MA prepared for Town of Nantucket #160 Surfside Road, dated January 23, 2008”, prepared for Nonantum Nominee Trust, 160 Surfside Road, Assessor’s Map 87, Parcel 105 by Blackwell & Associates, Inc., P.L.S. and dated December 7, 2007; and that parcel of land known as Poplar Street from the southerly sideline of Nonantum Avenue to the northerly sideline of Atlantic Avenue.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 112

(Real Estate Acquisition: Old South Road)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain sewer and access easements over all or any portions of the following parcels located off Old South Road, as may be shown on that certain plan entitled “Right of Way Plan Old South Road Bike Path Land Located in Nantucket, Massachusetts (Nantucket County)”, dated December 31, 1999 and filed with the Nantucket County Registry of Deeds as Plan No. 19 of 2005 (“Plan”).

Map	Lot	Number	Street
68	430	7	Pine Crest Drive
68	424	27	Pine Crest Drive
68	422	35	Pine Crest Drive
68	434	102 ½	Old South Road

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 113

(Real Estate Disposition: 7 Miacomet Road)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey, dispose of or otherwise restrict to use as open space three sites located on portions of two parcels of land identified as Town of Nantucket Assessor's Map 67, Parcels 679 and 680, addressed 7 Miacomet Road, shown on that certain plan entitled "Exhibit A Plan in Nantucket, Mass., Prepared for Town of Nantucket" and dated October 11, 2007, and further described on such plan as Lot B, the "Wild Rose Pasture Site" containing about 9,410 square feet, Lot C, the "Valley View Site" containing about 7,899 square feet, and Lot D, the "Poison Meadow Site" containing about 8,652 square feet.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 114

(Real Estate Acquisitions: Madaket)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee title or lesser title interests, including, but not limited to, all rights of passage over such rights of way, in those certain parcels of land described below, or any portions thereof, for general municipal purposes or open space:

North Carolina Avenue between Starbuck Road and Oakland Avenue (a/k/a Goose Cove Avenue);

South Carolina Avenue between Columbus Avenue and Oakland Avenue (a/k/a Goose Cove Avenue);

Columbus Avenue between Starbuck Road and Midland Avenue (a/k/a Wyoming Avenue);

Midland Avenue between Columbus Avenue and the northwesterly sideline of Midland Avenue (e.g., where Midland Avenue crosses Midland Avenue/Wyoming Avenue and between Assessor Map 59.3, Parcels 93 and 163);

Midland Avenue between Columbus Avenue and South Carolina Avenue (e.g. between Assessor's Map 59.3, Parcel 186 and 187).

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 115

(Real Estate Conveyances: Madaket)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose the fee or lesser interests of all or any portions of the following parcels of land, subject to Massachusetts G.L. c. 30B:

North Carolina Avenue between Starbuck Road and Oakland Avenue (a/k/a Goose Cove Avenue);

South Carolina Avenue between Columbus Avenue and Oakland Avenue (a/k/a Goose Cove Avenue);

Columbus Avenue between Starbuck Road and Midland Avenue (a/k/a Wyoming Avenue);

Midland Avenue between Columbus Avenue and the northwesterly sideline of Midland Avenue (e.g., where Midland Avenue crosses Midland Avenue/Wyoming Avenue and between Assessor Map 59.3, Parcels 93 and 163);

Midland Avenue between Columbus Avenue and South Carolina Avenue (e.g. between Assessor's Map 59.3, Parcel 186 and 187);

Parcels known as Assessor Map 59.3, Lots 198 and 199 and shown as Lots 18 and 19 of Block 143 on Nantucket County Registry District of the Land Court Plan 3092-H;

Parcels known as Assessor Map 59.3, Lots 225 and 226 and shown as Lots 16 and 17 of Block 143 on Land Court Plan 3092-H;

Parcels known as Assessor Map 59.3, Lots 203, 204 and 205 and shown as Lots 10, 11 and 12 of Block 144 on Land Court Plan 3092-H;

Parcel known as Assessor Map 59.3, Lot 230 and shown as Lot 13 of Block 144 on Land Court Plan 3092-H and

Parcels known as Assessor Map 59.3, Lots 248, 249 and 250 and shown as Lots 50, 51 and 52 of Block 143 on Land Court Plan 3092-H.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 116

(Yard Sale Conveyances: Madaket)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or any portions of the following parcels of

land, subject to Massachusetts G.L. c. 30B and guidelines established under the "Nantucket Yard Sales" program on file with the Board of Selectmen's office:

Parcels known as Assessor Map 59.3, Lots 81, 82 and 83 and shown as Lots 20, 21 and 22 of Block 142 on Nantucket County Registry District of the Land Court Plan 3092-F;

Parcel known as Assessor Map 59.3, Lot 151 and shown as Lot 19 on Land Court Plan 3092-F;

Parcels known as Assessor Map 59.3, Lots 231 and 232 and shown as Lots 9 and 10 of Block 146 on Land Court Plan 3092-H); and

Portion of North Carolina Avenue between Starbuck Road and Oakland Avenue (A/K/A Goose Cove Avenue).

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 117

(Real Estate Acquisitions: Dionis)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee title or lesser title interests, including, but not limited to, all rights of passage over such rights of way, in those certain parcels of land described below, or any portions thereof, for general municipal purposes or open space:

West Tristram Avenue between North Swift Rock Road and Nantucket Sound;

The Proprietors Way (sometimes referred to as Ranger Road) between Eel Point Road and West Tristram Avenue;

The Proprietors Way (sometimes referred to as Alliance Lane) between Eel Point Road and West Tristram Avenue; and

The Proprietors Way (separating the parcels known as Assessor Map 32, Parcels 43 and 44 and addressed 85 and 79 Eel Point Road) between Eel Point Road and West Tristram Avenue.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 118

(Real Estate Conveyances: Dionis)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or any portions of the following parcels of land, subject to Massachusetts G.L. c. 30B:

West Tristram Avenue between North Swift Rock Road and Nantucket Sound;

The Proprietors Way (sometimes referred to as Ranger Road) between Eel Point Road and West Tristram Avenue;

The Proprietors Way (sometimes referred to as Alliance Lane) between Eel Point Road and West Tristram Avenue; and

The Proprietors Way (separating the parcels known as Assessor Map 32, Parcels 43 and 44 and addressed 85 and 79 Eel Point Road) between Eel Point Road and West Tristram Avenue.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 119

(Real Estate Acquisition: Hummock Pond Area)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, the land shown as Lots 47 and 78 on Land Court Plan 35893-H, also shown as Assessor's Parcels 82-94 and 65-71 respectively, now standing in the name of Hummock Pond of Nantucket as registered owner by virtue of Certificate of Title No. 10263 a the Nantucket Registry District of the Land Court, which Lots 47 and 78 were required to be dedicated as open land for a cluster subdivision, in accordance with the provisions of c. 40A, s. 9 of the General Laws, pursuant to approval of said plan as a cluster subdivision by the Nantucket Board of Appeals and the Nantucket Planning Board, to be held by the Town for park and open space purposes; or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 120

(Real Estate Conveyance: Hummock Pond Area)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of all or any interests the Town of Nantucket may have in those certain parcels of land known as Assessor's Parcels 82-94 and 65-71 and shown as Lots 47 and 78 on Land Court Plan 35893-H, subject to G.L. c. 30B.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 121

(Discontinuance of Fair Street and Real Estate Acquisition/Disposition)

To see if the Town will vote to take the following actions in regard to that portion of Fair Street containing approximately 1,250 square feet and located adjacent to Assessor Map 55.4.1, Parcel 128 (2 Eagle Lane), Parcel 130 (60 Fair Street), Parcel 131 (69 Orange Street), Parcel 79.1 (67 Orange Street) and Parcel 78 (65 Orange Street), as shown on the hatched area on a plan entitled "Proposed Discontinuance of a section of Fair Street," dated January, 2008, prepared by the Nantucket GIS Department and filed with office of the Town Clerk: 1) to discontinue that portion of Fair Street located easterly of Eagle Lane and as shown on the above-referenced plan; 2) to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee title or lesser title interests in that portion of Fair Street located easterly of Eagle Lane and as shown on the above-referenced plan, for general municipal purposes and to and to confirm the Town's title to such parcel; and 3) to authorize the Board of Selectmen to sell, convey, release or otherwise dispose of such portion of Fair Street, subject to Massachusetts G.L. c. 30B and guidelines established under the "Nantucket Yard Sales" program on file in the Nantucket Board of Selectmen's office.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 122

(Real Estate Conveyance: South Pasture)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey, release or otherwise dispose of all or a portion of that property known as Town of Nantucket Assessor Map 78, Parcels 4, 5 and 6 and located off Hinsdale Road and Madequecham Valley Road, subject to Massachusetts G.L. c. 30B.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 123

(Real Estate Acquisition: 80 Miacomet Avenue)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee title or lesser title interest in all or any portions of that certain parcel of land known Town of Nantucket Assessor Map 66, Parcel 126, numbered 80 Miacomet Avenue, Nantucket, Massachusetts and shown as lot 5 on the plan filed with the Nantucket County Registry District of the Land Court as Plan 38026-A for open space and general municipal purposes.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 124

(Real Estate Conveyance: 80 Miacomet Avenue)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey, grant or otherwise transfer the fee title or lesser interest in all or any portions of that certain parcel of land known Town of Nantucket Assessor Map 66, Parcel 126, numbered 80 Miacomet Avenue, Nantucket, Massachusetts and shown as lot 5 on the plan filed with the Nantucket County Registry District of the Land Court as Plan 38026-A, subject to Massachusetts G.L. c. 30B.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 125

(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, s. 5B of the 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 2009 tax levy.

Or, to take any other action related thereto.

(Board of Selectmen)

ARTICLE 126

(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 ensuing Fiscal Year and to authorize the Assessors to use in the fixing the rate, pass any vote, or take any other action relative thereto.

(Board of Selectmen)

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

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

Given under our hands this 23rd day of January in the year Two Thousand Eight.

Whitey Willauer, Chairman
Michael Kopko
Brian Chadwick
Allen Reinhard
Patricia Roggeveen

SELECTMEN OF NANTUCKET, MA