

COMMONWEALTH OF MASSACHUSETTS

TOWN OF NANTUCKET



September 21, 2009
Special Town Meeting

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

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**TOWN OF NANTUCKET
September 21, 2009
SPECIAL TOWN MEETING**

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

ARTICLE 1

(Fiscal Year 2010 General Fund Operating Budget Adjustments)

To see what action the Town will take to adjust the fiscal year 2010 budget voted at the 2009 annual town meeting by increase, decrease or other adjustments to appropriations voted pursuant to Article 8 for expenditures or sources of funds, and to raise and appropriate, borrow pursuant to any applicable statute, or transfer into various line items of the fiscal year 2010 operating budget from other line items of said budget or transfer from any other available funds, for the purpose of such operating budget adjustments; or to take any other action as related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the amounts listed below be transferred between the various Fiscal Year 2010 General Fund accounts and expenditures as follows:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Our Island Home, Salaries	Adult Community Day Care, Salaries	\$ 2,500
Police Department, Salaries	Building Department, Salaries	\$ 8,300
Council for Human Svcs, Salaries	Commission on Disability, Salaries	\$ 650
Council for Human Svcs, Salaries	Council on Aging, Salaries	\$ 200
Ambulance Reserve Fund	Fire Department, Expense	\$ 60,000
Police Department, Salaries	Fire Department, Salaries	\$ 19,500
Police Department, Salaries	HDC, Salaries	\$ 2,600
Police Department, Salaries	Health Department, Salaries	\$ 33,400
Planning Office, Salaries	IS/GIS, Salaries	\$ 4,100
Police Department, Salaries	Contractual Allowances	\$ 200,000
Planning Office, Salaries	Parks & Recreation, Salaries	\$ 7,300
Police Department, Salaries	Public Works, Salaries	\$ 10,300
Public Works, Expense	Public Works, Salaries	\$ 10,200
Planning Office, Salaries	Town Clerk, Salaries	\$ 1,100
Planning Office, Salaries	Visitor Services, Salaries	\$ 7,300
School Fuel Tank Grant Proceeds	Reserve Fund	\$ 61,000
TOTAL		\$ 428,450

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

ARTICLE 2

(Fiscal Year 2010 Enterprise Fund Operating Budgets Adjustments)

To see if the Town will vote to amend the appropriations voted pursuant to Article 12 of the 2009 Annual Town Meeting by increase, decrease or other adjustment to appropriations for expenditures or sources of funds, for the operations of the Enterprise Funds of the Town; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Motion to be provided at the Town Meeting.

ARTICLE 3

(Appropriation: FY 2010 Police and Fire Special Detail Fund)

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute, or transfer from any line item of the FY 2010 operating budget voted pursuant to Article 8 of the 2009 Annual Town Meeting, or from any other available funds, to fund the Police and Fire Special Detail Fund to be used for the purposes for which the fund was established pursuant to Chapter 44, Section 53C of the General Laws of the Commonwealth; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that no action be taken on the subject matter of the Article.

FINANCE COMMITTEE COMMENT: The purpose of this Article is to address legacy accounting matters pertaining to the off-duty detail accounts. Due to current economic conditions, as a Committee, we propose the Article be revisited at the Annual Town Meeting held in the spring.

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

ARTICLE 4

(Appropriation: Unpaid Bills)

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

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Motion to be provided at the Town Meeting.

ARTICLE 5

(Reappropriation: Prior Year Article)

To see if the Town will vote to amend the purpose of an appropriation of Thirty-five Thousand Dollars (\$35,000) pursuant to an affirmative vote of Article 23 of the 2007 Annual Town Meeting so that it is expanded from funding “a report of options for the operational structure of the municipal aggregate to be expended at the direction of the Town Administrator” to include funding “costs associated with the study, permitting, design and construction of municipal renewable energy projects to be expended with the approval of the Town Manager.”; or take any other action related thereto.

(Board of Selectmen for Energy Study Committee)

FINANCE COMMITTEE MOTION: Moved that the purpose of an appropriation of Thirty-five Thousand Dollars (\$35,000) pursuant to an affirmative vote of Article 23 of the 2007 Annual Town Meeting is expanded from funding “a report of options for the operational structure of the

municipal aggregate to be expended at the direction of the Town Administrator” to include funding “costs associated with the study, permitting, design and construction of municipal renewable energy projects to be expended with the approval of the Town Manager.”

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

ARTICLE 6

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

To see what sums the Town may raise and appropriate or transfer from available funds or from adjustments to the Town’s budgets for Fiscal Year 2010 as voted at the April 2009 Annual Town Meeting, to fund the cost items for Fiscal Year 2010 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 related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Town’s classification and compensation plan be amended to reflect two amended contracts for the period FY 2010 through FY 2012 as a result of collective bargaining agreements between the Town of Nantucket (represented by the Board of Selectmen) and the Massachusetts Laborer’s District Council of the Laborer’s International Union of North America, AFL-CIO, representing Department Heads (Unit 1060) and employees in units 4349 and 4348, in accordance with ch. 150E of the General Laws of the Commonwealth.

FINANCE COMMITTEE COMMENT: This is a technical action required due to the extension of the collective bargaining agreements with the Laborer’s Union for one additional year resulting from the union’s agreement with a wage freeze for Fiscal Year 2010. The additional year results in a contract which requires approval by Town Meeting.

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

ARTICLE 7

(Acceptance of Massachusetts General Law: Local Options Meals Tax)

To see if the Town will vote to accept G.L. c. 64L, s. 2(a) to impose a local meals tax; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Article not be adopted.

FINANCE COMMITTEE COMMENT: In lieu of other tax increases and implementations, the Finance Committee feels this tax will be burdensome to the year-round community.

BOARD OF SELECTMEN COMMENT: The Board of Selectmen supports the original warrant article. A local option meals tax increase of .75% is expected to yield over \$600,000 in revenue to the Town. In order to maintain town services, we feel this moderate increase in the meals tax is a non-burdensome way to fund essential town services, especially at a time of declining town revenue.

ARTICLE 8

(Acceptance of Massachusetts General Law: Amend Local Room Occupancy Excise Tax)

To see if the Town will vote to accept the new G.L. ch. 64G, s. 3A recently voted by the General Court and to see what rate of local room occupancy excise under G.L. ch. 64G, s. 3A the Town will vote; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that sections 51 and 52 of ch. 27 of the Acts of 2009 amending s. 3A of ch. 64G of the General Laws of the Commonwealth be hereby accepted and that the Town's local room occupancy excise under such ch. 64G, s. 3A be hereby amended to the rate of 6% to take effect on January 1, 2010, on the rental of rooms in hotels, motels, lodging houses and bed and breakfast establishments; as provided by such law.

FINANCE COMMITTEE COMMENT: Economic conditions have required the state to reduce the amount of local aid provided to communities. In order to mitigate the effects of this reduction in funding, the state has modified its guidelines on local room occupancy excise to increase the maximum amount charged by a municipality from four percent to six percent. The full amount of the increase in local room occupancy excise will remain within the community and be available for local municipal use subject to appropriation. The Committee recommends that consideration be given at the Annual Town Meeting to capping additional funds being given to Visitor Services through a bylaw amendment.

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

ARTICLE 9

(Appropriation: Adult Community Day Care Program)

To see if the Town will vote to: raise and appropriate, borrow or transfer from available funds a sum of money to continuously maintain the operations of the Adult Day Care Center which has been in existence since 1992, providing a range of services and activities in an appropriate supervised setting for adults with functional impairments.

(Jeanette D. Topham, et al)

FINANCE COMMITTEE MOTION: Moved that no action be taken on the subject matter of the Article.

FINANCE COMMITTEE COMMENT: Town meetings may not bind future town meetings to future expenditures.

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

ARTICLE 10

(Zoning Bylaw Amendment: Assisted Living Community (ALC) District - Age Restriction)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 14, paragraph C, subsections (1)(a) and (b) 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):*

(a) Elder housing facility containing no more than two occupants per unit and each occupant is either age 62 **55** or older or is disabled ~~or both~~;

(b) Independent-living cottages containing no more than two occupants per unit and each occupant is either age 62 **55** or older or disabled ~~or both~~.

Or to take any other action related thereto.

(Board of Selectmen for Sherburne Commons, Inc.)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 14, paragraph C, subsections (1)(a) and (b) be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):*

(a) Elder housing facility containing no more than two occupants per unit and each occupant is either age 62 **55** or older or is disabled ~~or both~~;

(b) Independent-living cottages containing no more than two occupants per unit and each occupant is either age 62 **55** or older or disabled ~~or both~~.

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

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

ARTICLE 11

(Zoning Bylaw Amendment: Assisted Living Community (ALC) District - Operating Entity)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 14, paragraph C, subsection (1) 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):*

... an **not-for-profit** entity created for the purpose of **engaged in** providing housing for Nantucket senior citizens.

Or to take any other action related thereto.

(Board of Selectmen for Sherburne Commons, Inc.)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 14, paragraph C, subsection (1) be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):*

... an **not-for-profit** entity created for the purpose of **engaged in** providing housing for Nantucket senior citizens.

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

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

ARTICLE 12

(Zoning Bylaw Amendment: Assisted Living Community (ALC) District - Skilled Nursing)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 14, paragraph C, subsection (1) 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):*

(c) Skilled nursing care and associated facilities

~~(e)~~ **(d)** ...

~~(d)~~ **(e)** ...

Or to take any other action related thereto.

(Board of Selectmen for Sherburne Commons, Inc.)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 14, paragraph C, subsection (1) be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):*

(c) Skilled nursing care and associated facilities

~~(e)~~ **(d)** ...

~~(d)~~ **(e)** ...

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

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

ARTICLE 13

(Zoning Bylaw Amendment: Assisted Living Community (ALC) District - Unit Ownership)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 14, paragraph C, subsection (1) 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):*

... Buildings constructed or maintained for assisted/independent community housing shall be ~~owned and/or~~ managed by the Town of Nantucket...

Or to take any other action related thereto.

(Board of Selectmen for Sherburne Commons, Inc.)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 14, paragraph C, subsection (1) be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):*

... Buildings constructed or maintained for assisted/independent community housing shall be ~~owned and/or~~ managed by the Town of Nantucket...

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

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

ARTICLE 14

(Zoning Bylaw Amendment: Assisted Living Community (ALC)
District - Major Site Plan Review)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 14, paragraph C, subsection (1) 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) ... The district may include the following permitted uses subject to a major site plan review as defined in ~~§ 139-23F(2)~~ by special permit:

(a) ...

(b) ...

~~(c) Employee hHousing for staff employed by the ALC containing no more than four dwelling units;~~

~~(d) ...~~

~~(2) Uses allowed by special permit, subject to a major site plan review as defined in § 139-23F(2):~~

~~(a) Employee housing for employees of the ALC, exceeding a total of four units but not exceeding 10% of the total number of ALC dwelling units in the district.~~

~~(3) (2) ...~~

Or to take any other action related thereto.

(Board of Selectmen for Sherburne Commons, Inc.)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 14, paragraph C, subsection (1) be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):*

~~(1) ... The district may include the following permitted uses subject to a major site plan review as defined in § 139-23F(2) by special permit:~~

~~(a) ...~~

~~(b) ...~~

~~(c) Employee hHousing for staff employed by the ALC containing no more than four dwelling units;~~

~~(d) ...~~

~~(2) Uses allowed by special permit, subject to a major site plan review as defined in § 139-23F(2):~~

~~(a) Employee housing for employees of the ALC, exceeding a total of four units but not exceeding 10% of the total number of ALC dwelling units in the district.~~

~~(3) (2) ...~~

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

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

ARTICLE 15

(Zoning Bylaw Amendment: Assisted Living Community (ALC) District - Affordable Housing)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 14, paragraph C by taking the following actions:

1. To amend subsection 2 as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

(b) Affordable housing

2. To amend subsection 3 as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

(c) Maximum number of units (excluding employee housing and affordable housing)...

Or to take any other action related thereto.

(Board of Selectmen for Sherburne Commons, Inc.)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 14, paragraph C by taking the following actions:

1. To amend subsection 2 as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

(c) Affordable housing

2. To amend subsection 3 as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

(c) Maximum number of units (excluding employee housing and affordable housing)...

PLANNING BOARD COMMENT: Adoption of this amendment does not require affordable housing to be located on the property or allow it by right. It is permissive in that affordable housing could be proposed as part of a special permit application.

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

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

ARTICLE 16

(Zoning Bylaw Amendment: Definitions and Special 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:

1. To amend section 2, Definitions, 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*):

~~ASSISTED-INDEPENDENT-LIVING COMMUNITY~~

~~An assisted living residence, as defined by MGL c. 19D, including but not limited to, any associated dining facilities, common rooms, activity rooms, offices, accessory structures, and recreational facilities, that provides for the benefits of its residents services, including but not limited to: meals provided in a common dining room or delivered to rooms or cottages; housekeeping and laundry services; transportation services; emergency response services; assistance with eating, bathing, dressing, toileting and walking; security; exercise programs; medication reminders; and social and recreational activities.~~

~~[Added 4-10-2000 ATM by Art. 27, AG approval 8-2-2000]~~

~~ELDER HOUSING FACILITIES~~

~~A facility containing one and two bedroom and/or studio apartments for independent living for use by elderly and/or disabled individuals, which may be integrated wholly or partially with an assisted living residence as defined by MGL c. 19D, including associated dining facilities, common rooms, activity rooms, offices, accessory structures, and, recreational facilities.~~

~~[Added 4-10-2000 ATM by Art. 27, AG approval 8-2-2000]~~

One or more structures used for independent living, assisted living, skilled nursing care, hospice care, and other long term residential care for persons 55 or older or the disabled. Such structures may be detached dwelling units, attached dwellings units, integrated dwelling units, and/or multiple bedroom long term care facilities, as well as associated and ancillary facilities and services.

~~INDEPENDENT-LIVING COTTAGES~~

~~Residences each containing not more than two bedrooms that are constructed for the purpose of providing independent living housing for elderly and disabled citizens, and are managed as a unified community with shared landscaping maintenance, housekeeping, recreational, and related services.~~

~~[Added 4-10-2000 ATM by Art. 27, AG approval 8-2-2000]~~

2. To amend section 14 by deleting the existing text, 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*):

~~139-14. Special Districts Academy Hill AHD and Our Island Home OIH and Assisted/Independent Living Community District (ALC).~~

~~A. Academy Hill District (A1-ID) permitted uses:~~

~~(1) Multifamily residential use (apartments) for the elderly (but including those at least 55 years old and those who were Academy Hill residents on January 1, 1990) upon conversion of the Academy Hill School.~~

~~B. Our Island Home District (OH) permitted uses:~~

~~(1) Medical facilities for long-term care (nursing homes).~~

~~(2) Multifamily residential use (apartments) upon conversion of the original Our Island Home, including ancillary services and facilities customarily associated therewith.~~

~~(3) Services and facilities for the benefit of the elderly or senior citizens, nursing-home residents, handicapped persons and others for whom social welfare programs may be provided.~~

~~C. Assisted/Independent Living Community District (ALC).~~

~~[Added 4-10-2000 ATM by Art. 27, AG approval 8-2-2000]~~

~~(1) Permitted uses. The principal permitted use shall be for an assisted-/independent-living community. Buildings constructed or maintained for assisted/independent community housing shall be owned and/or managed by the Town of Nantucket and/or by a not-for-profit entity created for the purpose of providing housing for Nantucket senior citizens. The district may include the following permitted uses subject to a major site plan review as defined in § 139-23F(2):~~

~~(a) Elder housing facility containing no more than two occupants per unit and each occupant is either age 62 or older or is disabled or both;~~

~~(b) Independent-living cottages containing no more than two occupants per unit and each occupant is either age 62 or older or disabled or both;~~

~~(c) Employee housing for staff employed by the ALC containing no more than four dwelling units;~~

~~(d) Ancillary buildings in which services and facilities for the benefit of residents of the ALC are provided, including but not limited to common dining rooms; buildings for housekeeping, laundry services; transportation; exercise programs, and social and recreational activities.~~

~~(2) Uses allowed by special permit, subject to a major site plan review as defined in § 139-23F(2):~~

~~(a) Employee housing for employees of the ALC, exceeding a total of four units but not exceeding 10% of the total number of ALC dwelling units in the district.~~

~~(3) Dimensional requirements:~~

~~(a) Open area free from impervious surfaces: at least 20% as defined under § 139-16E;~~

~~(b) Minimum vegetative buffer area: 50 feet from all lot lines, 75 feet from street lines (except as necessary for entrance drives and utilities);~~

~~(c) Maximum number of units (excluding employee housing): 60 dwelling units; by special permit this maximum number of units may be increased to 75 dwelling units.~~

~~[Amended 4-15-2003 ATM by Art. 27, AG approval 8-27-2003]~~

~~(4) Off-street parking requirements. The off-street parking requirements in § 139-18D shall not apply in the ALC District. The parking requirements shall be established by the Planning Board as part of its major site plan review pursuant to § 139-23D.~~

~~(5) Off-street loading facilities. A minimum of one loading zone shall be provided on the site as specified in § 139-20.~~

~~(6) Any increases in excess of the dimensional requirements contained in Subsection C(3) of this section herein shall be subject to the special permit requirements of § 139-30.~~

~~(7) The Planning Board may waive the buffer requirements of Subsection C(3)(b), herein, upon a finding that the buffer area that is the subject of the waiver request is adequately buffered from surrounding uses by existing preserved open space.~~

~~[Added 4-15-2003 ATM by Art. 27, AG approval 8-27-2003]~~

3. To amend section 14 by inserting the following text (*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*):

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

A. Permitted uses in all districts:

(1) Apartments for the elderly. Occupants must be age 55 or older.

B. Additional permitted uses in the OIH district:

- (1) Medical facilities for long-term care (nursing home);
- (2) Services and facilities for the benefit of the elderly, long-term care residents, disabled persons, and/or others for whom social-welfare programs may be provided;

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

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

D. Additional requirements of the ALC district.

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

Or to take any other action related thereto.

(Board of Selectmen for Sherburne Commons, Inc.)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket be amended by taking the following actions:

1. To amend section 2, Definitions, 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*):

~~ASSISTED-INDEPENDENT-LIVING COMMUNITY~~

~~An assisted living residence, as defined by MGL c. 19D, including but not limited to, any associated dining facilities, common rooms, activity rooms, offices, accessory structures, and recreational facilities, that provides for the benefits of its residents services, including but not limited to: meals provided in a common dining room or~~

~~delivered to rooms or cottages; housekeeping and laundry services; transportation services; emergency response services; assistance with eating, bathing, dressing, toileting and walking; security; exercise programs; medication reminders; and social and recreational activities.~~

~~[Added 4-10-2000 ATM by Art. 27, AG approval 8-2-2000]~~

~~ELDER HOUSING FACILITIES~~

~~A facility containing one and two bedroom and/or studio apartments for independent living for use by elderly and/or disabled individuals, which may be integrated wholly or partially with an assisted living residence as defined by MGL c. 19D, including associated dining facilities, common rooms, activity rooms, offices, accessory structures, and, recreational facilities.~~

~~[Added 4-10-2000 ATM by Art. 27, AG approval 8-2-2000]~~

One or more structures used for independent living, assisted living, skilled nursing care, hospice care, and other long term residential care for persons 55 or older or the disabled. Such structures may be detached dwelling units, attached dwellings units, integrated dwelling units, and/or multiple bedroom long term care facilities, as well as associated and ancillary facilities and services.

~~INDEPENDENT-LIVING COTTAGES~~

~~Residences each containing not more than two bedrooms that are constructed for the purpose of providing independent living housing for elderly and disabled citizens, and are managed as a unified community with shared landscaping maintenance, housekeeping, recreational, and related services.~~

~~[Added 4-10-2000 ATM by Art. 27, AG approval 8-2-2000]~~

2. To amend section 14 by deleting the existing text, in its entirety, 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*):

~~139-14. Special Districts Academy Hill AHD and Our Island Home OIH and Assisted/Independent Living Community District (ALC).~~

~~A. Academy Hill District (A1-ID) permitted uses:~~

~~(1) Multifamily residential use (apartments) for the elderly (but including those at least 55 years old and those who were Academy Hill residents on January 1, 1990) upon conversion of the Academy Hill School.~~

~~B. Our Island Home District (OH) permitted uses:~~

~~(1) Medical facilities for long-term care (nursing homes).~~

~~(2) Multifamily residential use (apartments) upon conversion of the original Our Island Home, including ancillary services and facilities customarily associated therewith.~~

~~(3) Services and facilities for the benefit of the elderly or senior citizens, nursing-home residents, handicapped persons and others for whom social-welfare programs may be provided.~~

~~C. Assisted/Independent Living Community District (ALC).~~

~~[Added 4-10-2000 ATM by Art. 27, AG approval 8-2-2000]~~

~~(1) Permitted uses. The principal permitted use shall be for an assisted-/independent-living community. Buildings constructed or maintained for assisted/independent community housing shall be owned and/or managed by the Town of Nantucket and/or by a not-for-profit entity created for the purpose of providing housing for Nantucket senior citizens. The district may include the following permitted uses subject to a major site plan review as defined in § 139-23F(2):~~

~~(a) Elder housing facility containing no more than two occupants per unit and each occupant is either age 62 or older or is disabled or both;~~

~~(b) Independent-living cottages containing no more than two occupants per unit and each occupant is either age 62 or older or disabled or both;~~

~~(c) Employee housing for staff employed by the ALC containing no more than four dwelling units;~~

~~(d) Ancillary buildings in which services and facilities for the benefit of residents of the ALC are provided, including but not limited to common dining rooms; buildings for housekeeping, laundry services; transportation; exercise programs, and social and recreational activities.~~

~~(2) Uses allowed by special permit, subject to a major site plan review as defined in § 139-23F(2):~~

~~(a) Employee housing for employees of the ALC, exceeding a total of four units but not exceeding 10% of the total number of ALC dwelling units in the district.~~

~~(3) Dimensional requirements.~~

~~(a) Open area free from impervious surfaces: at least 20% as defined under § 139-16E;~~

~~(b) Minimum vegetative buffer area: 50 feet from all lot lines, 75 feet from street lines (except as necessary for entrance drives and utilities);~~

~~(c) Maximum number of units (excluding employee housing): 60 dwelling units; by special permit this maximum number of units may be increased to 75 dwelling units.~~

~~[Amended 4-15-2003 ATM by Art. 27, AG approval 8-27-2003]~~

~~(4) Off-street parking requirements. The off-street parking requirements in § 139-18D shall not apply in the ALC District. The parking requirements shall be established by the Planning Board as part of its major site plan review pursuant to § 139-23D.~~

~~(5) Off-street loading facilities. A minimum of one loading zone shall be provided on the site as specified in § 139-20.~~

~~(6) Any increases in excess of the dimensional requirements contained in Subsection C(3) of this section herein shall be subject to the special permit requirements of § 139-30.~~

~~(7) The Planning Board may waive the buffer requirements of Subsection C(3)(b), herein, upon a finding that the buffer area that is the subject of the waiver request is adequately buffered from surrounding uses by existing preserved open space.~~

~~[Added 4-15-2003 ATM by Art. 27, AG approval 8-27-2003]~~

3. To amend section 14 by inserting the following text (*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*):

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

A. Permitted uses in all districts:

(1) Apartments for occupants age 55 or older or disabled.

B. Additional permitted uses in the OIH district:

(1) Medical facilities for long-term care (nursing home);

(2) Services and facilities for the benefit of the elderly, long-term care residents, disabled persons, and/or others for whom social-welfare programs may be provided;

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

(1) Elder housing facility;

(2) Employee housing;

(3) Affordable housing.

D. Additional requirements of the ALC district.

(1) Open area free from impervious surfaces: at least 20% as defined in § 139-16E;

(2) Minimum vegetative buffer area: 50 feet from all lot lines, 75 feet from street lines (except as necessary for entrance drives and utilities);

(3) Maximum number of units (excluding employee housing and affordable housing): 75 dwelling units;

(4) The requirement for off-street parking and loading facilities shall be established by the Planning Board;

(5) The requirements of this § 139-14D may be waived through the issuance of special permit by the Planning Board based upon a finding that the requested relief is not substantially more detrimental to the n

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

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

ARTICLE 17

(Real Estate Disposition: Sherburne Commons)

To see if the Town of Nantucket will vote to address the Sherburne Commons, Inc. issues, as follows:

1. To authorize the Board of Selectmen of the Town of Nantucket to acquire, by purchase, gift or eminent domain, all interests in the real estate and other assets of Sherburne Commons, Inc.;
2. To authorize the Board of Selectmen to engage the services of a management company to operate such real estate and other assets to provide assisted living, senior housing, affordable housing, skilled nursing or other forms of facilities and support to the present and future residents of Sherburne Commons and support to the senior population of the town;
3. To accept the provisions of chapter 183A, § 20 of the general laws of the Commonwealth, which statute provides as follows:

CHAPTER 183A. CONDOMINIUMS: Section 20. Municipal participation in condominium organization and ownership. Notwithstanding any other provision of general or special law, a city or town may own a unit of a condominium under this chapter, participate in the organization of unit owners and be liable for its share of the common expenses of the condominium. Said

city or town may either purchase a unit of a condominium or, if the city or town intends to become the owner of such a unit and use the same for municipal purposes, it may contract for the creation of a condominium and for the advancement to the city or town of the acquisition costs allocable to all other units therein. It may acquire land therefor or devote thereto land already owned by it, construct, reconstruct or remodel a building thereon subject however to the provisions of chapter one hundred and forty-nine notwithstanding that said building is not intended solely for municipal uses, and execute and record a master deed submitting such land and building to the provisions of this chapter. Upon the completion of the said construction, reconstruction or remodeling it may convey to such other parties to said contract such units as have been paid for in the proportion of the aggregate cost allocable to their stipulated units. The authority contained in this section shall be exercised in the case of a town, by its town meeting.

4. To authorize the Board of Selectmen to submit all or any portions of the assets acquired pursuant to section 1 of this Article and the parcel(s) of Town land upon which such assets are located to the provisions of the Condominium Act (G.L. c. 183A) to create a condominium with such assets and land, and further to authorize the Board of Selectmen, subject to chapter 30B of the General laws, to sell, lease for a period to and including sixty (60) years, convey or otherwise dispose of all or any portions of such condominium and the condominium units thereby created, individually or collectively;
5. To establish a Sherburne Commons Enterprise Fund pursuant to Chapter 44, section 53 F ½ of the General Laws, to be under the management and control of the Board of Selectmen, into which Fund shall be deposited all revenues from the sale of condominiums at Sherburne Commons, the receipt of revenues from any applicable fees and charges at Sherburne Commons, or from revenues from rentals or occupancy of the assets so acquired from operation of the facility, to be spent by the Town Manager with the approval of the Board of Selectmen on the operation, management, debt service, and improvement of such assets; and to establish a Sherburne Commons Enterprise Fund budget and spending limits for Fiscal year 2010;
6. To authorize the Board of Selectmen to undertake the design and construction or the completion of design and construction of additional remaining units of housing and units of assisted living and related facilities and improvements, as has been previously permitted for this site or may hereafter be permitted for such site;
7. To authorize the Board of Selectmen to enter in contracts and leases in excess of twenty years in duration to carry out the foregoing;
8. To authorize the Board of Selectmen to participate in Sherburne Commons Inc. bankruptcy proceedings pending before the United States Bankruptcy Court as may be necessary or advisable to carry out the foregoing; including the authority to submit any proposals, bids, offers objections, and the like; at auction or otherwise, and;
9. To raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute, including assumption of debt held by Sherburne Commons Inc. or otherwise, a sum of money to pay for such acquisition of assets of Sherburne Commons

Inc., to meet any requirements of the United States Bankruptcy Court, or to operate and manage the facility for the benefit of its present and future residents, including the authority to step in and fund the operating losses of Sherburne Commons prior to sale.

10. Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Article not be adopted.

BOARD OF SELECTMEN COMMENT: Article 17 would authorize the Board of Selectmen to take any one or combination of actions in the event that the Sherburne Commons complex defaults to Town ownership. In that event, the Board will need to take informed action in a short timeframe, and in order to dispose of the property, may need to enter into contracts or make arrangements that require one or more authorizations contained in Article 17. It should be noted that Article 17 contains no appropriation of funds. Any appropriation and expenditure of funds would require further action by Town Meeting. Rather than waiting for a likely event to occur and then reacting, the Board is planning ahead for this contingency, and feels that it is our responsibility to the citizens and taxpayers of Nantucket to do so. We strongly urge passage of Article 17.

ARTICLE 18

(Zoning Map Change: Madaket RC to VTEC)

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

Map	Lot	Number	Street
60	17	20	Little Neck Way
38	15	20	N. Cambridge St
38	14	16	N. Cambridge St
59.4	2	20	N. Cambridge St

All as shown on a map entitled “2009 Special Town Meeting Warrant Article 18, Zoning Change, Madaket, 41-81D Master Plan, Planning Area 1” dated July 2009 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

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

Map	Lot	Number	Street
60	17	20	Little Neck Way
38	15	20	N. Cambridge St
38	14	16	N. Cambridge St
59.4	2	20	N. Cambridge St

All as shown on a map entitled "2009 Special Town Meeting Warrant Article 18, Zoning Change, Madaket, 41-81D Master Plan, Planning Area 1" dated July 2009 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 19

(Zoning Map Change: Madaket R-20 to LUG-3)

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

Map	Lot	Number	Street
36.2.2	1		New York Ave
36.2.2	2		Esther Island
36.2.2	6		Esther Island
36.2.2	13		Esther Island
36.2.2	22		Esther Island
36.2.3	34		Esther Island
36.2.3	43		New York Ave
36.2.3	47		Esther Island
36.2.3	51		New York Ave
36.2.3	54		Esther Island
36.2.3	55		Esther Island
36.2.3	59		Esther Island
36.2.3	97		Esther Island
36.2.3	98		Esther Island
38	9	195	Madaket Rd
38	57	198	Madaket Rd
38	57.1	192	Madaket Rd

38	57.2	194	Madaket Rd
38	57.3	196	Madaket Rd
38/59	57.4	200	Madaket Rd/Long Pond
38/59	57.5	202	Madaket Rd
38	58	197	Madaket Rd
59	1.1	233	Madaket Rd
59	28	2	Long Pond Dr
59	53	204	Madaket Rd
59	53.1	206	Madaket Rd
59	53.2	208	Madaket Rd
59	53.4	210	Madaket Rd
59.3	46		Columbus Ave
59.3	92		N Carolina Ave
59.3	93	15	Midland Ave
59.3	104	20	Columbus Ave
59.3	162		Midland Ave
59.3	187		Columbus Ave
59.3	188		N Carolina Ave
59.3	203		Midland Ave
59.3	204		Midland Ave
59.3	205		Midland Ave
59.3	213		Columbus Ave
59.3	230		Midland Ave
59.3	252		Midland Ave
59.3	253		Midland Ave
59.3	259	29	Midland Ave
59.4	31		Goose Cove Ave
60	9	9	Massachusetts Ave
60	10	5	Massachusetts Ave
60	11	3	Massachusetts Ave
60	124	5	Chicago St
60	125	338	Madaket Rd
60	132	4	California Ave
60.1.2	70		Madaket Rd
60.2.1	75		
60.2.4	5	6	Massachusetts Ave
60.2.4	9		
60.2.4	25		New Hampshire Ave
60.2.4	27	15	Ames Ave
60.2.4	29	15	Ames Ave
60.2.4	33	11	Ames Ave

60.2.4	38		
60.2.4	39		
60.2.4	40	7	Ames Ave
60.2.4	46		Ames Ave
60.2.4	46.1		Massachusetts Ave
60.2.4	48	9	Ames Ave
60.2.4	52		Massachusetts Ave
60.2.4	53		Alabama Ave
60.3.1	32	51	New Hampshire Ave
60.3.1	83	27	Massachusetts Ave
60.3.1	84	25	Massachusetts Ave
61.1.1	1		Esther Island
61.1.1	33		Esther Island
61.1.1	36		Esther Island
61.1.1	58		Esther Island
61.1.1	225		Esther Island
Open land or pond area to the north of Long Pond's waters edge and south of Long Pond Drive property lines			

All as shown on a map entitled "2009 Special Town Meeting Warrant Article 19, Zoning Change, Madaket, 41-81D Master Plan, Planning Area 1" dated July 2009 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential 20 (R-20) district in the Limited Use General 3 (LUG-3) district:

Map	Lot	Number	Street
36.2.2	1		New York Ave
36.2.2	2		Esther Island
36.2.2	6		Esther Island
36.2.2	13		Esther Island
36.2.2	22		Esther Island
36.2.3	34		Esther Island
36.2.3	43		New York Ave
36.2.3	47		Esther Island
36.2.3	51		New York Ave
36.2.3	54		Esther Island

36.2.3	55		Esther Island
36.2.3	59		Esther Island
36.2.3	97		Esther Island
36.2.3	98		Esther Island
38	9	195	Madaket Rd
38	57	198	Madaket Rd
38	57.1	192	Madaket Rd
38	57.2	194	Madaket Rd
38	57.3	196	Madaket Rd
38/59	57.4	200	Madaket Rd/Long Pond
38/59	57.5	202	Madaket Rd
38	58	197	Madaket Rd
59	1.1	233	Madaket Rd
59	28	2	Long Pond Dr
59	53	204	Madaket Rd
59	53.1	206	Madaket Rd
59	53.2	208	Madaket Rd
59	53.4	210	Madaket Rd
59.3	46		Columbus Ave
59.3	92		N Carolina Ave
59.3	93	15	Midland Ave
59.3	104	20	Columbus Ave
59.3	162		Midland Ave
59.3	187		Columbus Ave
59.3	188		N Carolina Ave
59.3	203		Midland Ave
59.3	204		Midland Ave
59.3	205		Midland Ave
59.3	213		Columbus Ave
59.3	230		Midland Ave
59.3	252		Midland Ave
59.3	253		Midland Ave
59.3	259	29	Midland Ave
59.4	31		Goose Cove Ave
60	9	9	Massachusetts Ave
60	10	5	Massachusetts Ave
60	11	3	Massachusetts Ave
60	124	5	Chicago St
60	125	338	Madaket Rd
60	132	4	California Ave
60.1.2	70		Madaket Rd

60.2.1	75		
60.2.4	5	6	Massachusetts Ave
60.2.4	9		
60.2.4	25		New Hampshire Ave
60.2.4	27	15	Ames Ave
60.2.4	29	15	Ames Ave
60.2.4	33	11	Ames Ave
60.2.4	38		
60.2.4	39		
60.2.4	40	7	Ames Ave
60.2.4	46		Ames Ave
60.2.4	46.1		Massachusetts Ave
60.2.4	48	9	Ames Ave
60.2.4	52		Massachusetts Ave
60.2.4	53		Alabama Ave
60.3.1	32	51	New Hampshire Ave
60.3.1	83	27	Massachusetts Ave
60.3.1	84	25	Massachusetts Ave
61.1.1	1		Esther Island
61.1.1	33		Esther Island
61.1.1	36		Esther Island
61.1.1	58		Esther Island
61.1.1	225		Esther Island
Open land or pond area to the north of Long Pond's waters edge and south of Long Pond Drive property lines			

All as shown on a map entitled "2009 Special Town Meeting Warrant Article 19, Zoning Change, Madaket, 41-81D Master Plan, Planning Area 1" dated July 2009 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 20

(Zoning Map Change: Madaket R-20 to VR)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing properties currently located in the Residential 20 (R-20) district in the Village Residential (VR) district. All properties included in this article are within the village known as

Madaket and are shown on a map entitled “2009 Special Town Meeting Warrant Article 20, Zoning Change, Madaket, 41-81D Master Plan, Planning Area 1” dated July 2009 and filed herewith at the Office of the Town Clerk. A complete list of properties included in this article is also filed at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing properties currently located in the Residential 20 (R-20) district in the Village Residential (VR) district. All properties included in this article are within the village known as Madaket and are shown on a map entitled “2009 Special Town Meeting Warrant Article 20, Zoning Change, Madaket, 41-81D Master Plan, Planning Area 1” dated July 2009 and filed herewith at the Office of the Town Clerk. A complete list of properties included in this article is also filed at the Office of the Town Clerk. This zoning change shall not be effective until January 31, 2010.

PLANNING BOARD COMMENT: At the Planning Board public hearings, some property owners expressed concerns regarding the proposed zoning change due to pending projects that would be adversely impacted were the zoning change to be immediately effective. A delayed effective date will accomplish the intent of the zoning change as well as afford the affected property owners an opportunity to implement their plans. The R-20 zoning district will remain in place until January 31, 2010.

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

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

ARTICLE 21

(Zoning Map Change: Madaket R-20 to LUG-1)

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

Map	Lot	Number	Street
38	10	231	Madaket Rd
59	16	26	Long Pond Dr
59	17	24	Long Pond Dr
59	3	23	Long Pond Dr
59	18	22	Long Pond Dr
59	15	21	Long Pond Dr
59	19	20	Long Pond Dr

59	37.1	19	Long Pond Dr
59	20	18	Long Pond Dr
59	37	17	Long Pond Dr
59	21	16	Long Pond Dr
59	36	15	Long Pond Dr
59	22	14	Long Pond Dr
59	23	12	Long Pond Dr
59	24	10	Long Pond Dr
59	25	8	Long Pond Dr
59	26	6	Long Pond Dr
59	27	4	Long Pond Dr
59	2	229	Madaket Rd
59	1.2	227	Madaket Rd
59	1.3	225	Madaket Rd
59.3	20		
59.3	41	46	S Cambridge St
59.3	42	48	S Cambridge St
59.3	270.1	42	S Cambridge St
59.3	270.2	40	S Cambridge St
59.3	270.3	38	S Cambridge St
59.3	270.4	36	S Cambridge St
59.3	270.5	34	S Cambridge St
59.3	270.6	32	S Cambridge St
59.3	270.7	44	S Cambridge St
59.4	113	37	Long Pond Dr
59.4	116	38	Long Pond Dr
59.4	117	36	Long Pond Dr
59.4	12	35	Long Pond Dr
59.4	14	34	Long Pond Dr
59.4	13	33	Long Pond Dr
59.4	108	32	Long Pond Dr
59.4	20	31	Long Pond Dr
59.4	15	30	Long Pond Dr
59.4	19	29	Long Pond Dr
59.4	109	28	Long Pond Dr
59.4	18	27	Long Pond Dr
59.4	17	25	Long Pond Dr
59.4	364	235	Madaket Rd
59.4	10	241	Madaket Rd

59.4	21	230	Madaket Rd
59.4	120.1	232	Madaket Rd
59.4	120	234	Madaket Rd
59.4	119.1	238	Madaket Rd
59.4	119	240	Madaket Rd
59.4	118.1	242	Madaket Rd
59.4	22		S Cambridge St

All as shown on a map entitled “2009 Special Town Meeting Warrant Article 21, Zoning Change, Madaket, 41-81D Master Plan, Planning Area 1” dated July 2009 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

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

Map	Lot	Number	Street
38	10	231	Madaket Rd
59	16	26	Long Pond Dr
59	17	24	Long Pond Dr
59	3	23	Long Pond Dr
59	18	22	Long Pond Dr
59	15	21	Long Pond Dr
59	19	20	Long Pond Dr
59	37.1	19	Long Pond Dr
59	20	18	Long Pond Dr
59	37	17	Long Pond Dr
59	21	16	Long Pond Dr
59	36	15	Long Pond Dr
59	22	14	Long Pond Dr
59	23	12	Long Pond Dr
59	24	10	Long Pond Dr
59	25	8	Long Pond Dr
59	26	6	Long Pond Dr
59	27	4	Long Pond Dr
59	2	229	Madaket Rd
59	1.2	227	Madaket Rd
59	1.3	225	Madaket Rd

59.3	20		
59.3	41	46	S Cambridge St
59.3	42	48	S Cambridge St
59.3	270.1	42	S Cambridge St
59.3	270.2	40	S Cambridge St
59.3	270.3	38	S Cambridge St
59.3	270.4	36	S Cambridge St
59.3	270.5	34	S Cambridge St
59.3	270.6	32	S Cambridge St
59.3	270.7	44	S Cambridge St
59.4	113	37	Long Pond Dr
59.4	116	38	Long Pond Dr
59.4	117	36	Long Pond Dr
59.4	12	35	Long Pond Dr
59.4	14	34	Long Pond Dr
59.4	13	33	Long Pond Dr
59.4	108	32	Long Pond Dr
59.4	20	31	Long Pond Dr
59.4	15	30	Long Pond Dr
59.4	19	29	Long Pond Dr
59.4	109	28	Long Pond Dr
59.4	18	27	Long Pond Dr
59.4	17	25	Long Pond Dr
59.4	364	235	Madaket Rd
59.4	10	241	Madaket Rd
59.4	21	230	Madaket Rd
59.4	120.1	232	Madaket Rd
59.4	120	234	Madaket Rd
59.4	119.1	238	Madaket Rd
59.4	119	240	Madaket Rd
59.4	118.1	242	Madaket Rd
59.4	22		S Cambridge St

All as shown on a map entitled “2009 Special Town Meeting Warrant Article 21, Zoning Change, Madaket, 41-81D Master Plan, Planning Area 1” dated July 2009 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 22

(Zoning Bylaw Amendment: Height)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 17, 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*):

§ 139-17. Height limitations.

~~In all districts, the height of buildings and other structures shall not exceed 30 feet, subject to the following:~~

A. Building and structure height shall be measured from the average mean grade to the highest point of the structure. Each building or structure shall only have one highest point not to exceed 32 feet. Height limitations shall be as follows:

	Zoning District	Maximum Height
Country Overlay District	VR	25
	SR-1, SOH, SR-10, SR-20, LUG 1, LUG-2, LUG-3, MMD, VN, VTEC	30
Town Overlay District	R-1, ROH, R-5, R-10, R-20, R-40, CDT, CMI, CN, CTEC, CI, RC, RC-2, LC	30

~~(1) The average height of all sides of a building or structure shall not exceed 30 feet as measured from the average mean grade to the highest point of the building or structure. No one building side shall exceed 32 feet.~~

~~(2) There shall be only one highest point for each building or structure.~~

B. The following uses are permitted to exceed such height limitation to an extent reasonable and customary:

(1) Roof structures for ornamental purposes, such as roof walks, cupolas, spires and steeples.

(2) Penthouses on buildings to the extent necessary for mechanical purposes, not higher than eight feet and with area less than 25% of the building ground cover.

- (3) Chimneys attached to a building, provided height shall not exceed 40 feet.
- (4) Building mounted vertical wind turbines and residential-type antennas, provided height shall not exceed 40 feet.
- (5) Lighthouses and beacons.
- (6) Residential WECS and WECS as an accessory use in the CI district provided that maximum tower height shall not exceed 60 feet. Height shall be measured from the mean grade surrounding the support pad(s) to the base of the wind generator measured along the vertical axis of the tower.

C. Exceptions by special permit [~~See also § 139-21A(3) below~~]. The special permit granting authority may grant a special permit to allow the following structures to exceed such height limitations:

- (1) Chimneys.
- (2) Antennas.
- (3) Water towers and stand pipes.
- (4) Residential WECS greater than 60 feet in height and Commercial WECS. Height shall be measured from the mean grade surrounding the support pad(s) to the base of the wind generator measured along the vertical axis of the tower.
- ~~(6)~~ (5) Buildings located within the CDT Zoning District, provided that a finding is made by the special permit granting authority that the proposed height exceeding 30 feet is:
 - (a) Both necessary and desirable to the restoration or preservation of an existing, historic structure, if applicable;
 - (b) Both complementary and appropriate to the scale of the adjoining streetscape which is supported by the existence of surrounding buildings of equivalent height and the receipt of approval from the Historic District Commission; and
 - (c) Not detrimental to adjoining properties by substantially casting them in shadow or resulting in the loss of privacy, air circulation, sunlight, safe ingress and egress or overcrowding.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 17, be amended as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not*

meant to become part of the final text):

§ 139-17. Height limitations.

~~In all districts, the height of buildings and other structures shall not exceed 30 feet, subject to the following:~~

~~A. Building and structure height is measured as the average height of all sides of a building or structure from the average mean grade to the highest point of the building and/or structure. There shall be only one highest point for each building and/or structure. No one building and/or structure side shall exceed 32 feet. Height limitations shall be as follows:~~

	Zoning District	Maximum Height
Country Overlay District	VR (Applies to only those properties referenced in Article 20 at the 2009 STM)	25
	SR-1, SOH, SR-10, SR-20, LUG 1, LUG-2, LUG-3, MMD, VN, VTEC	30
Town Overlay District	R-1, ROH, R-5, R-10, R-20, R-40, CDT, CMI, CN, CTEC, CI, RC, RC-2, LC	30

~~(1) The average height of all sides of a building or structure shall not exceed 30 feet as measured from the average mean grade to the highest point of the building or structure. No one building side shall exceed 32 feet.~~

~~(2) There shall be only one highest point for each building or structure.~~

B. The following uses are permitted to exceed such height limitation to an extent reasonable and customary:

(1) Roof structures for ornamental purposes, such as roof walks, cupolas, spires and steeples.

(2) Penthouses on buildings to the extent necessary for mechanical purposes, not higher than eight feet and with area less than 25% of the building ground cover.

(3) Chimneys attached to a building, provided height shall not exceed 40 feet.

(4) Building mounted vertical wind turbines and residential-type antennas, provided height shall not exceed 40 feet.

(5) Lighthouses and beacons.

(6) Residential WECS and WECS as an accessory use in the CI district provided that maximum tower height shall not exceed 60 feet. Height shall be measured from the mean

grade surrounding the support pad(s) to the base of the wind generator measured along the vertical axis of the tower.

C. Exceptions by special permit [~~See also § 139-21A(3) below~~]. The special permit granting authority may grant a special permit to allow the following structures to exceed such height limitations:

(1) Chimneys.

(2) Antennas.

(3) Water towers and stand pipes.

(4) Residential WECS greater than 60 feet in height and Commercial WECS. Height shall be measured from the mean grade surrounding the support pad(s) to the base of the wind generator measured along the vertical axis of the tower.

~~(6)~~ (5) Buildings located within the CDT Zoning District, provided that a finding is made by the special permit granting authority that the proposed height exceeding 30 feet is:

(a) Both necessary and desirable to the restoration or preservation of an existing, historic structure, if applicable;

(b) Both complementary and appropriate to the scale of the adjoining streetscape which is supported by the existence of surrounding buildings of equivalent height and the receipt of approval from the Historic District Commission; and

(c) Not detrimental to adjoining properties by substantially casting them in shadow or resulting in the loss of privacy, air circulation, sunlight, safe ingress and egress or overcrowding.

PLANNING BOARD COMMENT: The Planning Board recommended an effective date of January 31, 2010 for Article 20, which will rezone a portion of Madaket from R-20 to VR. Therefore, changes to the maximum height requirements affecting those properties will also not be effective until January 31, 2010 and the R-20 zoning district will remain in place until that time.

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

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

ARTICLE 23

(Zoning Bylaw Amendment: Height Exemptions)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 17, 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*):

D. Exemptions. Buildings and structures owned or operated by the Town of Nantucket including without limitation all of the Town’s departments, agencies, boards, committees, commissions, authorities, assignees or designees shall be exempt from the height limitations in this § 139-17.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that the Article not be adopted.

PLANNING BOARD COMMENT: The Planning Board will continue to investigate how other communities address zoning standards as applied to municipal structures in their bylaws and if necessary, will propose an alternative article for the Annual Town Meeting.

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

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

ARTICLE 24

(Real Estate Conveyance: North Pasture)

To see if the Town will vote to authorize the Board of Selectmen to sell, grant or convey or otherwise dispose to the Nantucket Islands Land Bank or to a governmental body of the Commonwealth of Massachusetts or a non-profit organization whose mission is to conserve our natural resources, the fee in, a conservation restriction on, easements over and other lesser interests in the parcels listed below and shown on that certain plan entitled “2009 Special Town Meeting Town Meeting Warrant Article 24,” dated August 2009 and on file with the Office of the Town Clerk, as may be required by the Natural Heritage & Endangered Species Program (part of the Massachusetts Division of Fisheries and Wildlife) in connection with the use or disposition by the Town of any portions of such parcels for general municipal purposes, or to take any other action related thereto.

Map	Parcel	Number	Street	Description
70	3	0	Hinsdale Road	All 6.2 acres
78	5	0	Madequecham Valley Road	Up to 22 acres
78	4	0	Madequecham Valley Road	Up to 10 acres

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen be authorized to sell, grant or convey or otherwise dispose to the Nantucket Islands Land Bank or to a governmental body of the Commonwealth of Massachusetts or a non-profit organization whose mission is to conserve our natural resources, the fee in, a conservation restriction on, easements over and other lesser interests in the parcels listed below and shown on that certain plan entitled “2009 Special Town Meeting Town Meeting Warrant Article 24,” dated August 2009, as may be required by the Natural Heritage & Endangered Species Program (part of the Massachusetts Division of Fisheries and Wildlife) in connection with the use or disposition by the Town of any portions of such parcels for general municipal purposes:

Map	Parcel	Number	Street	Description
70	3	0	Hinsdale Road	All 6.2 acres
78	5	0	Madequecham Valley Road	Up to 22 acres
78	4	0	Madequecham Valley Road	Up to 10 acres

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

ARTICLE 25

(Real Estate Acquisition and Conveyance: North Pasture)

To see if the Town will vote to authorize the Board of Selectmen and the Nantucket Islands Land Bank to acquire by purchase, gift or eminent domain the fee title interest in all or any portions of those certain rights of way located east of the Airport, described below and shown on that certain plan entitled “2009 Special Town Meeting Town Meeting Warrant Article 25,” dated August 2009 and on file with the Office of the Town Clerk, together with any private rights of passage, for open space and conservation purposes; to see if the Town will vote to appropriate, borrow pursuant to any applicable statute or transfer from available funds, a sum of money for such purposes; to see if the Town will vote to authorize the Board of Selectmen and Nantucket Islands Land Bank to sell, grant or convey or otherwise dispose to the Nantucket Islands Land Bank or to a governmental body of the Commonwealth of Massachusetts or a non-profit organization whose mission is to conserve our natural resources the fee title or a conservation restriction and easement on such parcel, or to take any other action related thereto.

- Hinsdale Road between New South Road and Russell’s Way,
- Old South Road between New South Road and Hinsdale Road, and
- Proprietors Road between Hinsdale Road and Russell’s Way.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen and the Nantucket Islands Land Bank be authorized to acquire by purchase, gift or eminent domain the fee title interest in all or any portions of those certain rights of way located east of the Airport, described below and shown on that certain plan entitled “2009 Special Town Meeting Warrant Article 25,” dated August 2009 and together with any private rights of passage, for open space and

conservation purposes; and that the Board of Selectmen and Nantucket Islands Land Bank be authorized to sell, grant or convey or otherwise dispose to the Nantucket Islands Land Bank or to a governmental body of the Commonwealth of Massachusetts or a non-profit organization whose mission is to conserve our natural resources the fee title or a conservation restriction and easement on such parcels:

- Hinsdale Road between New South Road and Russell’s Way,
- Old South Road between New South Road and Hinsdale Road, and
- Proprietors Road between Hinsdale Road and Russell’s Way.

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

ARTICLE 26

(Real Estate Acquisition: Western Avenue)

To see if the Town will vote to authorize either the Board of Selectmen or the Nantucket Islands Land Bank to acquire by purchase, gift or eminent domain easements over portions of the following properties further described below and any rights of way adjacent thereto, together with any private rights of passage, for conservation, open space and public beach purposes and as shown on the plan entitled “2009 Special Town Meeting Warrant Article 26,” dated August 2009 and filed at the Office of the Town Clerk; to see if the Town will vote to appropriate, borrow pursuant to any applicable statute or transfer from available funds, a sum of money for such purposes; or to take any other action related thereto.

Map	Parcel	Number	Street
87	69/70	12	Western Avenue
87	71	14	Western Avenue
87	72	16	Western Avenue
87	73/132	18	Western Avenue
87	74	20	Western Avenue
87	75	22	Western Avenue
87	76	24	Western Avenue
87	77	26	Western Avenue
87	78	28	Western Avenue
87	79/80	30	Western Avenue
87	82	34	Western Avenue
87	83 (a portion of 133)	36	Western Avenue

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen and the Nantucket Islands Land Bank be authorized to acquire by purchase, gift or eminent domain easements over portions of the following properties further described below and any rights of way adjacent thereto, together with any private rights of passage, for conservation, open space and public beach purposes and as shown on the plan entitled “2009 Special Town Meeting Warrant Article 26,” and dated August 2009:

Map	Parcel	Number	Street
87	69/70	12	Western Avenue
87	71	14	Western Avenue
87	72	16	Western Avenue
87	73/132	18	Western Avenue
87	74	20	Western Avenue
87	75	22	Western Avenue
87	76	24	Western Avenue
87	77	26	Western Avenue
87	78	28	Western Avenue
87	79/80	30	Western Avenue
87	82	34	Western Avenue
87	83 (a portion of 133)	36	Western Avenue

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

ARTICLE 27
(Miller Lane Access)

To see if the Town will vote to extend Miller Lane shown as Lot B2 on Land Court Plan numbered 16154-B to allow Mary Glowacki owner of these parcels further described in the Town Assessor's records as Map 68 Parcel 124, 125 and 126 with no access to Old South Road the right to access her parcels via Miller Lane as recommended by the Planning Board by 5-0 vote at their December 11, 2008 meeting.

(Joan Bunting, et al)

FINANCE COMMITTEE MOTION: Moved that no action be taken on the subject matter of the Article.

FINANCE COMMITTEE COMMENT: Action on this Article by Town Meeting is not binding as this action can only be taken by the County Commissioners.

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

ARTICLE 28
(Appropriation Reduction: Police Station)

To see if the Town would vote to reduce the proposed expenditures for the new police station from \$15,000,000 to \$10,000,000.

(Carol Dunton, et al)

FINANCE COMMITTEE MOTION: Moved that the Article not be adopted.

FINANCE COMMITTEE COMMENT: The Finance Committee continues to strongly support the new police station as designed. The Committee firmly believes that due to the long-term additional costs, potential litigations, loss of existing funding and existing safety concerns, this facility should proceed as approved.

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

ARTICLE 29

(Size Reduction: Police Station)

To see if the Town would vote to limit the size of the proposed new police station, reducing its square footage from 36,000 to 20,000 square feet.

(Carol Dunton, et al)

FINANCE COMMITTEE MOTION: Moved that the Article not be adopted.

FINANCE COMMITTEE COMMENT: The Finance Committee continues to strongly support the new police station as designed. The Committee firmly believes that due to the long-term additional costs, potential litigations, loss of existing funding and existing safety concerns, this facility should proceed as approved.

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

ARTICLE 30

(Bylaw Amendment: Town Meeting Quorum Requirement)

To see if the Town will vote to require a quorum of 12% of registered voters be present each night of the annual town meeting.

(Carol Dunton, et al)

FINANCE COMMITTEE MOTION: Moved that the Article not be adopted.

FINANCE COMMITTEE COMMENT: The Finance Committee recommends referral to the Town Government Study Committee for evaluation.

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