AGENDA FOR THE MEETING OF THE
SELECT BOARD
MARCH 25, 2020 - 6:00 PM
REMOTE PARTICIPATION VIA ZOOM AND YOU TUBE
NANTucket, MASSACHUSETTS
****AMENDED MARCH 23, 2020***

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS
1. The Select Board Meeting is Being Audio/Video Recorded.

2. COVID-19 Weekly Update.

3. Town of Nantucket Decrees Emergency Order No. 1 (Temporary Moratorium on Construction), Emergency Order No. 2 (Personal Care Services and Retail Stores) and Emergency Order No. 3 (Stay at Home aka Shelter in Place).

IV. PUBLIC COMMENT*

V. NEW BUSINESS*

VI. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS
1. Approval of Minutes of March 18, 2020 at 6:00 PM.


4. Approval of Pending Contracts from March 18, 2020 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.
VII.  **TOWN MANAGER’S REPORT**  
1. Housing Director: Request for Renewal of Housing Choice Community Designation.  

VIII. **SELECT BOARD’S REPORTS/COMMENT**  
1. Discussion Regarding Emergency Order #1 Temporary Moratorium on Construction  
2. Committee Reports.  

IX.  **ADJOURNMENT**  

*Identified on Agenda Protocol Sheet*
Select Board Agenda Protocol:

- **Roberts Rules**: The Select Board follows Roberts Rules of Order to govern its meetings as per the Town Code and Charter.

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

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

- **New Business**: For topics not reasonably anticipated 48 hours in advance of the meeting.

- **Public Participation**: The Board welcomes valuable input from the public at appropriate times during the meeting with recognition by the Chair. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Board Members may have questions on the clarity of information presented. The Board will hear any staff input and then deliberate on a course of action.

- **Select Board Report and Comment**: Individual Board Members may have matters to bring to the attention of the Board. If the matter contemplates action by the Board, Board Members will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting. Otherwise, except in emergencies, the Board will not normally take action on Select Board Comment.
### EXHIBIT 1
**AGREEMENTS TO BE EXECUTED BY TOWN MANAGER UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD**
*March 18, 2020*

<table>
<thead>
<tr>
<th>Type of Agreement/Description</th>
<th>Department</th>
<th>With</th>
<th>Amount</th>
<th>Other Information</th>
<th>Source of Funding</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant Agreement</td>
<td>Airport</td>
<td>MassDOT</td>
<td>($95,784)</td>
<td>Grant agreement for purchase of a loader with forestry mulcher</td>
<td>n/a</td>
<td>March 18, 2020 – June 30, 2020</td>
</tr>
<tr>
<td>Purchase Agreement</td>
<td>Marine</td>
<td>New England Cycle Works</td>
<td>$20,000</td>
<td>Contract for purchase of four replacement ATVs for Beach Patrol</td>
<td>Beach Revolver</td>
<td>March 18, 2020 – June 30, 2020</td>
</tr>
<tr>
<td>Amendment to Purchase Agreement</td>
<td>Public Works</td>
<td>MHQ</td>
<td>Add $6,400 to original contract amount of $65,156 for new contract total of $71,556</td>
<td>Amend purchase agreement for two Ford Rangers to allow for painting both vehicles</td>
<td>DPW Budget</td>
<td>March 18, 2020 – June 30, 2020</td>
</tr>
<tr>
<td>License Agreement</td>
<td>Select Board</td>
<td>Charlene B. Engelhard</td>
<td>$1.00</td>
<td>License to allow Town &amp; its contractors to access Engelhard property off Lovers Lane to conduct soil testing for stormwater improvements on Lovers Lane</td>
<td>DPW Budget</td>
<td>March 18, 2020 – Sept 17, 2020</td>
</tr>
</tbody>
</table>
ORDER SUSPENDING CERTAIN PROVISIONS
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19"); and

WHEREAS, many important functions of State and Local Government are executed by “public bodies,” as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

WHEREAS, both the Federal Centers for Disease Control and Prevention ("CDC") and the Massachusetts Department of Public Health ("DPH") have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;
NOW THEREFORE, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General’s implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.
Given in Boston at \( \frac{4}{1} \) PM this 12th day of March, two thousand and twenty.

[Signature]

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts
3/25/20 Select Board COVID19 Update
As of 3/25/20 – 10:15 am

Local Emergency Orders - Status
#1 – Temporary Moratorium on Construction (Emergency Mgt Dir)
    Request for Amendment to Include Landscaping Services in the Moratorium
#2 – Personal Care Services (Temporary Shutdown) (Health Dir)
#3 – Stay at Home Order (Emergency Mgt Dir)

Request for Approval to Send Letter to Governor Formally Requesting that Nantucket be
Exempted from State Order Designation that Construction and Landscaping Services are
Essential

State Emergency Orders – Status
- Stay at Home Order effective 3/24 (Emergency Mgt Dir)

Report from NCH (NCH President/CEO; Medical Director)

Public Information (Asst Town Manager/Tivnan)
- Outreach update
- Messaging (modify?)
- Dedicated email covid19@police.nantucket-ma.gov
- Dedicated phone line 508-325-4111

Economic Impact Work Group (C&T Director)

Town Services Status (Town Manager)
- Offices remain closed through April 6/7 (local vs state orders)
- Essential services only in place; some occurring remotely
- Public
- Daily call with Emergency Response Team
- Daily call & email with employees
- Daily SITREP to Select Board
- Next week, will start preparing potential austerity measures re: Town budget/staffing

Dedicated SB COVID meeting 1x week to address issues?
ORDER ASSURING CONTINUED OPERATION OF ESSENTIAL SERVICES IN THE COMMONWEALTH, CLOSING CERTAIN WORKPLACES, AND PROHIBITING GATHERINGS OF MORE THAN 10 PEOPLE

COVID-19 Order No. 13

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19");

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the number of presumptive positive and confirmed cases of COVID-19 continues to rise exponentially in the Commonwealth. As of March 22, 2020, the Department of Public Health had reported 646 cases of COVID-19, including 5 deaths, with 13 of the 14 counties in the Commonwealth impacted;

WHEREAS, the Department of Public Health is urging all residents of the Commonwealth to limit activities outside of the home and to practice social distancing at all times, both inside and outside of the home to limit the spread of this highly contagious and potentially deadly virus;

WHEREAS, on March 19, 2020, the Federal Cybersecurity and Infrastructure Security Agency issued guidance to assist States that identifies 14 critical infrastructure sectors whose workers provide services and functions that are essential to maintain in order to support a strong response to the COVID-19 pandemic;

WHEREAS, as Governor, I have identified additional services and functions that likewise are essential to promote the public health and welfare of the Commonwealth, and
therefore it is imperative to ensure that workers providing critical services and functions in these State and Federally designated sectors may continue to work to ensure community resilience and continuity of response efforts; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over public assemblages in order to protect the health and safety of persons, regulating the sale of articles of food and household articles, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, in order to minimize all unnecessary activities outside of the home during the state of emergency, I hereby order the following:

1. Maintaining Operation of COVID-19 Essential Services and Workforces

The production and service sectors identified in Exhibit A are hereby designated as “COVID-19 Essential Services.” The workforces engaged and working in these production and service sectors are hereby designated as “COVID-19 Essential Workforces.” I shall amend and publish updates to Exhibit A as I determine necessary in response to conditions as they develop.

Businesses and other organizations that provide the services and functions identified as COVID-19 Essential Services in Exhibit A are urged to continue operations during the state of emergency, but to do so with allowance for social distancing protocols consistent with guidance provided by the Department of Public Health.

Restaurants, bars, and other retail establishments that sell food and beverage products to the public provide COVID-19 Essential Services and are designated as such in Exhibit A. These establishments are therefore encouraged to continue to offer food and beverages for take-out and by delivery provided that they follow the social distancing protocols set forth in Department of Public Health guidance. Restaurants, bars, or other establishments that offer food or beverages to the public shall not permit on-premises consumption of food or beverages.

2. Temporary Closing of Other Businesses and Organizations

All businesses and other organizations that do not provide COVID-19 Essential Services shall close their physical workplaces and facilities (“brick-and-mortar premises”) to workers, customers, and the public as of 12:00 noon on March 24, 2020 and shall not re-open to workers, customers, or the public before 12:00 noon on April 7, 2020. Churches, temples, mosques, and other places of worship shall not be required to close their brick and mortar premises to workers or the public; provided, however, that such institutions shall be required to comply with all limitations on gatherings established in section 3 below.
Businesses and other organizations that do not provide COVID-19 Essential Services are encouraged to continue operations where they are able to operate through remote means that do not require workers, customers, or the public to enter or appear at the brick-and-mortar premises closed by this Order.

3. Limitations on Gatherings

Gatherings of more than 10 people are prohibited throughout the Commonwealth. Gatherings subject to this Order include, without limitation, community, civic, public, leisure, faith-based, or sporting events, concerts, conferences, conventions, fundraisers, parades, fairs, festivals, weddings, funerals, and any similar event or activity that brings together more than 10 persons in any confined indoor or outdoor space. This limitation shall not apply to the operations or activities of any business or organization in its provision or delivery of COVID-19 Essential Services.

This Order does not prohibit gatherings of more than 10 people in an unenclosed, outdoor space such as a park, athletic field, or parking lot.

Athletic and recreational activities that bring participants into close, physical contact are prohibited even when involving 10 or fewer people and regardless of where conducted.

4. Exceptions

(a) This Order shall not apply to any municipal legislative body or to the General Court or to the Judiciary.

(b) This Order shall not apply to residential schools for special needs students. This Order also does not apply to public and private elementary and secondary (K-12) schools in the Commonwealth, which are subject to the March 15, 2020 Order Temporarily Closing All Public and Private Elementary and Secondary Schools, as may be subsequently amended, which suspended all normal, in-person instruction.

(c) This Order does not apply to the operation of child care programs in the Commonwealth, which are subject to the March 18, 2020 Order Temporarily Closing All Child Care Programs and Authorizing the Temporary Creation and Operation of Emergency Child Care Programs, as may be subsequently amended.

5. Implementing Guidance and Enforcement

The Commissioner of Public Health is directed to issue guidance ("DPH Guidance"), subject to my approval, to implement the terms of this Order. The DPH Guidance shall include a requirement that grocery stores and other retailers with substantial retail grocery sales establish special limited access hours during which elderly and other vulnerable populations may have exclusive access to make grocery purchases.
The Department of Public Health, along with any board of health or authorized agent pursuant to G. L. c. 111, § 30, shall enforce this Order and if necessary may do so with the assistance of State or municipal police. Violation of the terms of this Order or the DPH Guidance may result in a criminal penalty pursuant to Section 8 of Chapter 639 of the Acts of 1950 or a civil fine of up to $300 per violation, in the manner provided for non-criminal disposition of violations of municipal by-law, ordinance, rule, or regulation pursuant to G. L. c. 40, § 21D. A criminal complaint for violation of or a motion for an injunction to enforce this Order or the DPH Guidance shall be filed in the district court with jurisdiction for the municipality in which the violation has been charged.

In addition, I hereby direct the Commissioner of Public Health to act under the authority of G. L. c. 17, § 2A and G. L. c. 111, § 6 or any other appropriate authority to supplement the terms of this Order in the event she determines additional measures are required to ensure that the terms of this Order are observed.

This Order supersedes and makes inoperative any order or rule issued by a municipality that will or might in any way impede or interfere with the achievement of the objectives of this Order. With respect to work and travel in particular, any order or rule issued by a municipality is hereby made inoperative to the extent: (1) such municipal order or rule will or might interfere with provisions of this Order ensuring the continued operation of COVID-19 Essential Services; or (2) such municipal order or rule will or might interfere with the free travel anywhere within the Commonwealth of any person who is a member of any COVID-19 Essential Workforce where such travel is made in connection with the ongoing operation of COVID-19 Essential Services.

This Order rescinds and revokes the Order Prohibiting Gatherings of More than 25 People and On-Premises Consumption of Food or Drink, issued March 15, 2020.

If any provision of this Order or the application thereof to any person or entity or circumstance is determined to be invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Order or the application thereof to other persons, entities, and circumstances.
This Order shall be effective at 12:00 noon March 24, 2020 and shall remain in effect through 12:00 noon on April 7, 2020 unless further extended.

Given in Boston at AM this 23rd day of March, two thousand and twenty

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts
EMERGENCY ORDER No. 1  Temporary Moratorium on all construction projects on Nantucket.

In consideration of the State of Emergency declared in the Town of Nantucket, upon the recommendation of Emergency Management and Public Health Officials, and the need to protect the health of the inhabitants of the Town of Nantucket, the following order shall be implemented until such time as the state of emergency has been lifted.

Effective Friday, March 20, 2020 the Town is suspending all regular activity at construction sites on Nantucket, including but not limited-to all work authorized by building permits and street opening permits. Upon issuance of this order, all active construction sites shall be secured to prevent unauthorized entry, damage to equipment and/or work-in-progress and to protect public safety. Operators shall employ the necessary crews and labor to complete the work necessary to secure their sites by 5:00 p.m. on Friday, March 20, 2020. After that time, only skeleton crews will be permitted to enter construction sites for the remainder of the moratorium and such entry shall be limited to what is necessary to ensure safety and security.

The only work that will be permitted after March 20, 2020 will be emergency work, which will need to be approved by the Town of Nantucket Planning and Land Use Services Department.

For purposes of this Order, Emergency Work Includes only the minimum work necessary to prevent damage to persons or property and/or to ensure the habitability of existing residential structures until such time as this order is lifted, including the following:

- Emergency Utility, road or building work, such as to repair water leaks and sinkholes.
- New Utility connections to occupied buildings where prior connections are no longer functioning.
- Mandated building or utility work to protect public health and safety.
- Work at health care facilities, shelters, including temporary shelters and other facilities that support vulnerable populations or that provide emergency services.
- Work which ensures the reliability of the transportation network.
- Other work necessary to render occupied residential building fully habitable.

In addition to the list of emergency construction projects, the Town will, on a case-by-case basis, review requests for exceptions to the temporary construction moratorium. These may be granted by the Building Commissioner for building related work or the Public Works Director for street-related work. These will be granted only if they support increased public health and safety.

This order is effective Friday, March 20 through Monday, April 6 and will be reviewed at regular intervals by the Select Board, the Town’s Incident Management Team and Public Health Officials. New projects cannot be started at this time, and no new permits will be issued unless they meet the criteria above.
Any currently permitted and/or active construction project/work must be in a secure situation by 5:00 p.m. on Friday, March 20, 2020.

Any person who violates this Order will be subject to issuance of an immediate Stop Work Order and an assessment of the maximum penalty authorized by law.

So Ordered by the Nantucket Select Board;

Dawn Hill-Holdgate, Chair
Rita Higgins, Vice-Chair
Matt Fee, Member
Jason Bridges, Member
Kristie Ferrantella, Member

In Concurrence with;

Libby Gibson, Town Manager
William Pittman, Director, Office of Emergency Management
Roberto Santamaria, Director, Department of Public Health
Paul Murphy, Nantucket Building Commissioner
Gary A. Shaw, President, Nantucket Cottage Hospital
EMERGENCY ORDER No. 2  Regarding Personal Care Services and Retail Stores

Effective Friday, March 20, 2020 all services offered to the public which cannot be provided at a distance of at least six (6) feet are hereby discontinued. This includes, but is not limited to:

Hairdressers and barbers
Nail salons
Massage services
Body Art
Body Work
Fitness Centers
Houses of Worship

This order does NOT include childcare facilities licensed by the Department of Early Education and Care who have been granted an exemption by the Department, or services provided by a licensed allied health care provider such as, but not limited to, physical therapy, speech therapy, occupational therapy or retail stores. This Emergency Order shall remain in effect until notice is given, pursuant to the Board of Health’s judgement, that the Public Health Emergency no longer exists.

Additionally, the Board of Health is encouraging all retail establishments that do not sell essential commodities such as food, medicine or cleaning supplies to consider voluntarily closing until April 6th. The Board of Health is also recommending that all retail establishments that do stay open should only do so if they can assure customers will be able to maintain social distancing practices consistent with CDC guidelines.

This order is issued pursuant to the authority conferred on boards of health pursuant to G.L. c. 111, §§95 through 105.

So Ordered;

[Signature]

Board of Health

In Concurrence with;

[Signature]

Town Manager

[Signature]

Director, Office of Emergency Management
EMERGENCY ORDER #3
EFFECTIVE MONDAY, MARCH 23, 2020 AT 5:00 pm
OF THE NANTUCKET SELECT BOARD
AND DIRECTOR OF HEALTH AND HUMAN SERVICES ON BEHALF
OF THE BOARD OF HEALTH
DIRECTING ALL INDIVIDUALS LIVING IN THE TOWN & COUNTY OF
NANTUCKET TO STAY AT THEIR PLACE OF RESIDENCE
EXCEPT THAT THEY MAY LEAVE TO
PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR
ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR
ESSENTIAL BUSINESSES AND GOVERNMENTAL SERVICES;
DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO
CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN
NANTUCKET; PROHIBITING ALL NON-ESSENTIAL GATHERINGS
OF ANY NUMBER OF INDIVIDUALS; AND ORDERING CESSATION OF
ALL NON-ESSENTIAL TRAVEL

Please read this Order carefully. Violation of or failure to comply with this Order is
punishable by a fine of up to One Thousand Dollars pursuant to Massachusetts
General Laws Chapter 111, Section 122.

UNDER THE AUTHORITY OF MASSACHUSETTS GENERAL LAWS CHAPTER 111, §§95
THROUGH 105, THE NANTUCKET SELECT BOARD AND THE NANTUCKET BOARD
OF HEALTH, ACTING THROUGH THE HEALTH AND HUMAN SERVICES DIRECTOR,
ORDERS:

1. The intent of this Order is to ensure that the maximum number of people self-isolate in
their places of residence to the maximum extent feasible, while enabling essential
services to continue, to slow the spread of COVID-19 to the maximum extent possible.
When people need to leave their places of residence, whether to obtain or perform vital
services, or to otherwise facilitate authorized activities necessary for continuity of social
and commercial life, they should at all times as reasonably possible comply with Social
Distancing Requirements as defined in Section 7 below. All provisions of this Order
should be interpreted to effectuate this intent. Failure to comply with any of the
provisions of this Order constitutes an imminent threat to public health.

2. All individuals currently living within the Town and County of Nantucket (“Town”) are
ordered to stay at their place of residence. To the extent individuals are using shared or
outdoor spaces, they must at all times as reasonably possible maintain social distancing of
at least six feet from any other person when they are outside their residence. All persons
may leave their residences only for Essential Activities, Essential Governmental
Functions, or to operate Essential Businesses, all as defined in Section 7. All businesses
with a facility in the Town, except Essential Businesses as defined below in Section 7, are
required to cease all activities at facilities located within the Town except Minimum Basic
Operations, as defined in Section 7. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 7 below, including, but not limited to, when any customers are standing in line.

3. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 7. Nothing in this Order prohibits the gathering of members of a household or living unit.

4. All travel on the island, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, public transit, except Essential Travel and Essential Activities as defined below in Section 7, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 7 below, to the greatest extent feasible. This Order allows travel into or out of the Town to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

5. This Order is issued based on evidence of increasing occurrence of COVID-19 within the Commonwealth of Massachusetts and elsewhere in the Country, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the Town places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the Town. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. Importantly, the island has limited medical care options and availability, including but not limited to the number of hospitals and other healthcare operations, the number of beds available generally and in intensive care units, as well an extremely limited number of ventilators. Additionally, the Town acknowledges that the size of the island population is driven by seasonal residents and visitors; during the winter months, including early spring, the food supply, services industry, public safety personnel, general governmental staff, and more, are at minimum levels. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the Town.
6. This Order incorporates by reference, the March 10, 2020 Declaration of Emergency issued by Governor Baker, and the Declaration of Emergency issued by the Nantucket Select Board on March 18, 2020, and, further, formally acknowledges that several states and municipalities have issued stay-at-home orders to address the rapid transmission of COVID-19 by those who do not yet show symptoms, but are carrying the virus, and those that have been identified as presumptive positive or confirmed positive for the virus.

7. Definitions and Exemptions.

   a. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities.” People at high risk of severe illness from COVID-19 according to the U.S. Centers for Disease Control and Prevention (“CDC”) and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

      i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.

      ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

      iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, bicycling, surfing, or running.

      iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.

      v. To care for a family member or pet in another household.

   b. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operations”, including but not limited to hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, marijuana dispensary or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” expressly excludes fitness and exercise gyms, yoga studios, and similar facilities.
c. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, airport operations, water, sewer, gas, electrical, roads and highways, public transportation, collection and proper disposal of solid waste, internet, and telecommunications systems, provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

d. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform Essential Services are categorically exempt from this Order in connection with the provision of such services. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions. Each governmental unit in the Town shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

e. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

f. For the purposes of this Order, “Essential Businesses” means:
   i. Healthcare Operations and Essential Infrastructure;
   ii. Grocery stores, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
   iii. Food cultivation, including farming, livestock, and fishing;
   iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
   v. Hotels, motels and leasing of residences ONLY for the purpose of providing shelter and lodging to people in accord with contractual agreements already in effect for people on the island as of the effective date of this order, or, in the event that temporary residences are needed for persons on the island whose residences are quarantined, to house non-
residents providing essential government or health care services, or as 
overflow from healthcare operations as may be needed;¹
vi. Newspapers, television, radio, and other media services;
vii. Gas stations and auto-supply, auto-repair, and related facilities;
viii. Banks and related financial institutions;
ix. Hardware stores;
x. Plumbers, electricians, exterminators, and other service providers who 
provide services that are necessary to maintaining the safety, sanitation, 
and essential operation of residences, Essential Activities, and Essential 
Businesses;
xi. Businesses providing mailing and shipping services, including post office 
boxes;
xii. Educational institutions—including public and private K-12 schools, 
colleges, and universities—for purposes of facilitating distance learning or 
performing essential functions, provided that social distancing of six-feet 
per person is maintained to the greatest extent possible;
xiii. Laundromats, drycleaners, and laundry service providers;
xiv. Restaurants and other facilities that prepare and serve food, but only for 
delivery or carry out. Schools and other entities that typically provide free 
food services to students or members of the public may continue to do so 
under this Order on the condition that the food is provided to students or 
members of the public on a pick-up and take-away basis only. Schools and 
other entities that provide food services under this exemption shall not 
permit the food to be eaten at the site where it is provided, or at any other 
gathering site;
xv. Businesses that supply products needed for people to work from home;
xvi. Businesses that supply other essential businesses with the support or 
supplies necessary to operate;
xvii. Businesses that ship or deliver groceries, food, goods or services directly 
to residences
xviii. Airlines, ferries, taxis, and other public and private transportation 
providers providing transportation services necessary for Essential 
Activities and other purposes expressly authorized in this Order;
xix. Home-based care for seniors, adults, or children;
xx. Residential facilities and shelters for seniors, adults, and children;
xxi. Professional services, such as legal or accounting services, when necessary 
to assist in compliance with legally mandated activities
xxii. Childcare facilities providing services that enable employees exempted in 
this Order to work as permitted and approved pursuant to the March 18, 
2020 Executive Order Temporarily Closing All Child Care Programs and 
Authorizing the Temporary Creation and Operation of Emergency Child 
Care Programs.

¹ This section shall take effect on Wednesday, March 25, 2020 at 5:00 p.m, or such later date determined by the 
Town after consultation with appropriate state and federal entities. Until the effective date of this provision, it shall 
have the force of a strong recommendation to anyone considering coming to the Town.
g. For the purposes of this Order, “Minimum Basic Operations” include the following, provided, however, that employees shall comply with Social Distancing Requirements as defined this Section, to the maximum extent possible, while carrying out such operations:
   i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
   ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

h. For the purposes of this Order, “Essential Travel” includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.
   i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
   ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
   iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
   iv. Travel required by law enforcement or court order.
   v. Travel required for non-residents to return to their place of full-time residence outside the Town. Non-residents on the island as of the date of this Order are encouraged to consider returning to their full time residences or to other areas where more plentiful hospitalization services are available. All persons leaving the island under this paragraph are strongly encouraged to verify that transportation to their place of full-time residence remains available and functional prior to commencing such travel.
   vi. Travel to return from outside Nantucket to a place of already-established full-time residence in the Town; residents shall include, but not be limited to the following: a person on the street or voter’s lists; a person that has registered their car at their Town address; a person who has listed their Town address as their primary address for purposes of taxation; and similar indicators of residency, a person who has traveled from their residence on the island within the last 30 days previous to this order and has documentation thereof, including, for example, a ferry or plane ticket receipt, or a person who leaves the island following the issuance of this Order for the purpose of providing Essential Governmental Functions or Essential Business, and has documentation thereof, such as a ferry or plane ticket receipt.²

² This section shall take effect on Wednesday, March 25, 2020 at 5:00 p.m, or such later date determined by the Town after consultation with appropriate state and federal entities. Until the effective date of this provision, it shall have the force of a strong recommendation to anyone considering coming to the Town.
vii. Provided, further, that during the pendency of this order, any person travelling to the island for any of the purposes authorized hereunder shall be subject to the following additional requirements:

1. Persons arriving on Nantucket by plane or boat may be asked to take their temperature, answer questions about where they have travelled, and to respond to any other precautionary questions of a similar nature considered appropriate by the CDC;

2. No person shall knowingly travel to Nantucket during the period of this order after testing positive for COVID-19 unless they are also able to demonstrate that they have recovered therefrom through proof of two negative tests or otherwise in a manner meeting then-current CDC requirements;

3. No person shall knowingly travel to Nantucket after being exposed to a person with COVID-19 unless they have been in quarantine for no less than 14 days since the knowing exposure and can provide evidence thereof;

4. Any person travelling to Nantucket for purposes other than those that are emergency in nature under this order, shall self-isolate for no less than 14 days at their place of residence, ensuring that they are vigilant about social-distancing, even in their place of residence, until the self-isolation period ends;

5. Any person travelling to Nantucket to provide healthcare services shall be exempt from paragraph 3 of this section, but shall exercise due care in accord with applicable CDC protocols to implement social distancing as described hereunder, other than during the treatment of patients or conduct of research.

i. For purposes of this Order, “Social Distancing Requirements” includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

8. The Select Board and the Board of Health requests that the Chief of Police ensure compliance with and enforcement of this Order, and, further, that said Chief seeks the assistance of the Governor, State Representative and State Senator, and Attorney General to assist with enforcement, including, and, should the same prove necessary, the State Police or National Guard. The violation of any provision of this Order constitutes an imminent threat to public health.

9. Sections 1-12 of this Order, other than as set forth in Section 10, below, shall become effective at 5:00 p.m. on Monday, March 23, 2020 and will continue to be in effect through Sunday, April 6, 2020, the remainder of the period schools are closed pursuant to the Governor’s March 15, 2020 Executive Order, with an expectation that unless there are significant factual changes concerning the spread of COVID-19 and the treatment thereof in general, and the facts specifically applicable to medical care and treatment capacity on the island, this Stay-at-Home Order may be extended by vote of the Select Board and Director of
Health and Human Services. To allow for planning by, and sufficient notice to, all residents and voters of the Town, of any possible extension, the Select Board and Director of Health and Human Services shall discuss any developments and the then-applicable facts at its April 1, 2020, scheduled Board Meeting, and at any meeting thereafter as such board deems appropriate. Notice of any approved extension shall be communicated to the public as provided in Section 11. Residents are encouraged to access the Town website frequently for updates.

10. The provisions of Section 7(f)(v) and 7(h)(vi) of this Order relative to travel to the island shall take effect at 5:00 p.m., Wednesday, March 25, 2020, or at such later time as the Town deems appropriate following consultation with state and federal level government entities as to implementation; if the effective date of such sections is delayed, notice of such delay, and then of the effective date of such sections, shall be made in the manner set forth in Section 11; provided, however, that until the provisions of Section 7(f)(v) and 7(h)(vi) takes effect in accord with the provisions of this paragraph, they shall be treated as a strong recommendation.

11. Copies of this Order and any other notices required by this Order shall promptly be: (1) made available at the Town Administration Building; (2) posted on the Town Website; and (3) provided to any member of the public requesting a copy of this Order; further, shall, as soon as reasonably possible following adoption of the same, be provided to the Boston Globe, Boston Herald, Cape Cod Times, Nantucket Inquirer and Mirror, and the Associated Press.

12. If any provision of this Order or the application thereof to any person or circumstance is held to be invalid, the reminder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:

_________________________________
Nantucket Select Board, by its Chair

________________________________________
Nantucket Board of Health, by the Director of Health and Human Services

March 22, 2020
Agenda Item Summary

Staff
Tucker Holland, Municipal Housing Director

Subject
Request for authorization to apply for renewal of Housing Choice Community designation

Executive Summary
Nantucket was in the inaugural class of Housing Choice Communities in 2018. This is a signature program of Governor Baker and Lt. Governor Polito. Designations are good for two years and thus it is time for us to apply for renewal. Applications are due March 23rd.

Staff Recommendation
Approve the authorization.

Background/Discussion
This designation 1) recognizes the continued progress Nantucket is making in addressing its housing crisis, 2) demonstrates strong support for a signature program of the current Administration, and 3) make us eligible for access to grant funding exclusive to Housing Choice Communities as well as bonus points when the Town applies to broader state funding programs such as MassWorks. As we continue working hard to get the transfer fee legislation passed, our support for this program may be recognized.

Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☒
For the reasons noted above, inclusion in this program provides multiple benefits.

Board/Commission Recommendation
N/A

Public Outreach
N/A

Attachments
1. Application
To complete this application, you will need information about your community's total year-round housing units from the 2010 Census and the cumulative net increase in year-round housing units from January 1, 2015 through December 31, 2019 (referred to below as "additional" units). BUILDING PERMIT data from the US Census Building Permit Survey is the primary source of information about additional units. You will need to have the application signed and certified by your local Building Official as to the accuracy of this information. The Executive Officer (Mayor or Chair of Board of Selectmen) must also sign the application.

You may save your work and return to the form. IF you use the "Save and Resume" feature, please note that uploaded files will not be saved. Therefore, gather and keep files needed for uploading, and only upload them when you are planning to hit the "SUBMIT" button at the END of the form. Please do not submit your form without the uploaded signatures.

If you are qualifying based on an increase of 300 units/3% increase in year round housing stock, you will also need information about Best Practices related to housing that your community has established. Please be sure to upload all documentation needed to demonstrate these best practices.

Applications are DUE no later than 3:00 p.m. on March 23, 2020.

If you have questions, contact Housing Choice Program Director Chris Kluchman at chris.kluchman@mass.gov or 617-573-1167.
Housing Choice Designation Application 2020

1. Submitting Municipality* [NANTUCKET]
Choose your City or Town from the drop down list
2. Contact Name*
| TUCKER       | First Name* |
| HOLLAND     | Last Name*  |
2.a. Contact Mailing Address*
| 16 BROAD STREET
| ROOM 111
| NANTUCKET City
| MASSACHUSETTS
| 02554
ZIP Code
2.b. Contact Email* holland@nantucket-ma.gov
2.c. Phone* 508-325-7587 x 7023
3. Was your City/Town designated a Housing Choice Community in 2018?*
X Yes  No
4. Does your community have any ACTIVE housing restrictions such as a moratorium or limitations on the number of new housing units? *
X Yes  No
Zoning moratorium makes your community INELIGIBLE for Housing Choice designation

If the answer to Question 4 is Yes:

4.a. If your community has an ordinance or bylaw that restrict or limit the number of new housing units, please provide a copy here.

5. Has your community conducted a Self Evaluation or Transition Plan related to Americans with Disabilities Act (ADA)? *
X Yes  No
More information on ADA requirements for local governments can be found at the Housing Choice Web pages

If the answer to Question 5 is No:

5.a. If your answer to #5 was NO, is your community willing to enter into a Memorandum of Understanding (MOU) between the Massachusetts Office of Disability and DHCD to conduct such study within the next five (5) years?

X Yes  No
Information about your Community’s Housing Production

The Housing Choice designation is based on PRODUCTION of new year-round housing units over the last 5 years. The threshold for qualifications is a 5% increase (or 500 units) or a 3% increase (or 300 units) and best practices. This section describes how to calculate and demonstrate the increase in new year-round housing units.

(1) Look up your community’s 2010 year-round housing units (this is also the denominator used in the Subsidized Housing Inventory or SHI). The Housing Choice web site has a list of 2010 year-round units for all communities here.

(2) Calculate the number of additional year-round housing units over the last 5 years using the number of BUILDING PERMITS issued to create the ratio of additional units added over the last 5 years, excluding housing units that replace demolished units at a 1 to 1 ratio. Demolition of one single family unit and replacement with one single family unit is an increase of 0 units. If a demolished single family home is replaced with 3 units, the net increase is +2 units. If building permits for new units replacing a demolished home cannot be easily excluded from your data, please provide data about the number of demolition permits and total units demolished.

(3) Data Sources: BUILDING PERMITS are the measurement of additional year-round housing units for this calculation. Your building official should have a record of new residential building permits for year-round housing issued between January 1, 2015 and December 31, 2019. If your building official does not have ready access for this information, another source for this building permit data is information submitted by your community to the U.S. Census in the Building Permit Survey. A copy of the Building Permit Survey for all cities and towns in Massachusetts for 2015 through 2018 can be found on the Housing Choice web site here. 2010 Building Permit Survey data is not yet available, and therefore 2019 building permit data must be provided from your building official. If your community has reason to believe the current Census Building Permit Survey data does not fully reflect the number of building permits in your community, there is a place in the application to add comments and explanation.

6. Provide your community’s 2010 year-round housing units*  
736

2010 year-round housing units are available for download: https://www.mass.gov/how-to/apply-for-the-housing-choice-designation

7. Number of net new units that were issued building permits between January 1, 2015 and December 31, 2019*  
736

Note: please see the above description of qualifying net new units

8. Here is the percent increase in year-round housing units (net new units/2010 units*100)*  
15.0%

Note: this field calculates the % increase automatically. Use this or the number of units over the last 5 years in Question 7 to complete Question 9 below.
9. Housing Choice Designation.

Based on the increase in housing units in Question 8 OR the number of units produced over the last 5 years in Question 7, select the appropriate designation in Question 9.a. If you do not meet the numeric standard to qualify to be a Housing Choice Community, visit the Housing Choice Web pages and review the many Technical Assistance opportunities available from many public, quasi-public and advocacy organizations. You might also talk to your Regional Planning Agency about what steps your community might take to increase housing production so that you may qualify for the designation in the future.

9.a. Choose the Housing Choice Designation for your community based on Questions 6, 7 and 8*

\[\checkmark\] 5% increase OR 500+ units over the last five years\[\] 3% increase OR 300+ units over the last five years

10. UPLOAD documentation of the building permits issued over the last 5 years. Please upload .pdfs of printouts from your building permit software, excel spreadsheets, or other information about building permits in your community. Remember, even if you use Building Permit Survey data for 2015 through 2018, you must provide your community’s building permit information for 2019.

10.a. Upload building permit data*

You must provide detailed back up for all net new units

10.b. Use the space below to provide information about additional housing units in your community that you believe are not captured by the Building Permit Survey

Here you can let us know about the reasons why the Building Permit Survey does not accurately reflect housing production in your community

11. Housing Choice Best Practices

If your community has over 5% increase in housing production or 500 or more net new housing units, please go through all 14 of the best practices below and indicate by checking the box for each of your community’s BEST PRACTICES to indicate which ones your City/Town has implemented. You do not have to submit or upload any documentation. While communities with 5%/500 growth in housing units do not need to demonstrate a certain number of best practices to qualify for Housing Choice designation, the best practices are a part of evaluating grant proposals.
For Production and Planning (3%/300) which Housing Best Practices do you have?

- You MUST select at least 7 of the 14 best practices below to qualify for the 3%/300 unit category.
- TWO Best Practices MUST be in the affordable category.
- You MUST upload documentation to demonstrate achievement of at least 7 of the 14 Best Practices that you select below.

NOTE: when uploading required documentation, only one file per upload box is allowed, please scan documents into a SINGLE FILE for uploading to each best practice.

11.a. Allow for Multifamily development in local zoning

Have at least one zoning district that allows multifamily by right (in addition to 40R districts) where there is capacity to add units and that allows for family housing that is not age restricted and does not restrict units with more than 2 bedrooms (or demonstrate a pattern of approving such developments over the last 5 years)

11.a. Upload file here

NOTE: For 3%/300 cities and towns, if you choose this Best Practices you MUST submit documentation here

11.a. Narrative

Provide additional narrative here for question 11.a.

11.b Have Inclusionary Zoning [Affordable Category]

Have inclusionary zoning that provides for reasonable density increases so that housing is not unreasonably precluded

11.b. Instructions. Provide a copy of the section in your current zoning ordinance or by-law that addresses inclusionary zoning with density increases for provision of affordable units

11.b. Upload file here

NOTE: For 3%/300 cities and towns, if you choose this Best Practices you MUST submit documentation here

11.b. Narrative

Provide additional narrative here for question 11.b.

11.c. Have an approved 40R Smart Growth or Starter Home zoning district [Affordable Category]
Have adopted a 40R Smart Growth or Starter Homes zoning district

11.c. Instructions. Provide a copy of the section in your current zoning ordinance or by-law that implements MGL chapter 40R Smart Growth or Starter Homes provisions

11.c. Upload file here

NOTE: For 3%/300 cities and towns, if you choose this Best Practices you MUST submit documentation here

11.c. Narrative

Provide additional narrative here for question 11.c.

11.d. Have Zoning that allows mixed use or cluster developments

X Have zoning that allows for mixed use, or cluster developments by right (or can demonstrate a consistent pattern over the last 5 years of approving such developments)

11.d. Instructions. Provide a copy of the section in your current zoning ordinance or by-law that allows mixed use or cluster development by right. If you believe your community has demonstrated a consistent pattern over the last 5 years of approving such developments, please provide a table with the following information: project address/name, number of units, action taken (approve, deny, withdrawn, appealed) and date of final board decision. If there are questions about these projects program staff may follow up for additional information.

11.d. Upload file here

NOTE: For 3%/300 cities and towns, if you choose this Best Practices you MUST submit documentation here

11.d. Narrative

Provide additional narrative here for question 11.d.

11.e. Allow Accessory Dwelling Units

X Have zoning that allows for Accessory Dwelling units (ADUs) by right (or can demonstrate a consistent pattern over the last 5 years of approving ADUs)

11.e. Instructions. Provide a copy of the section in your current zoning ordinance or by-law that allows ADUs by right. If you believe your community has demonstrated a consistent pattern over the last 5 years of approving ADUs, please provide a table with the following information: project address/name, number of units, action taken (approve, deny, withdrawn, appealed) and date of final board decision. If there are questions about these projects program staff may follow up for additional information.
11.e. Upload file here

NOTE: For 3%/300 cities and towns, if you choose this Best Practices you MUST submit documentation here

11.e. Narrative

Provide additional narrative here for question 11.e

11.f. Designated local resources for housing [Affordable Category]

Designated local resources for housing such as establishes an Affordable Housing Trust, donated land, or spent substantial Community Preservation Act (CPA) funds for community housing over the last 5 years.

11.f. Instructions: Provide a narrative description of designated local resources and upload documentation including but not limited to (1) meeting minutes from meetings of Board of Selectmen, Town Meeting or Affordable Housing Trust board awarding funding, designating CPA funds for Community Housing projects and a list of funds spent for community housing projects including number of units produced if applicable, (2) copy of deed conveying property for nominal value, or for reduced value if accompanied by evidence of value or approving conveyance of land for nominal or reduced value; (3) award letter or other documentation of funding award, or (4) copy of Affordable Housing Trust charter.

11.f. Upload file here

NOTE: For 3%/300 cities and towns, if you choose this Best Practices you MUST submit documentation here

11.f. Narrative

Provide additional narrative here for question 11.f

11.g. Reduction in Parking requirements for Multi-Family units

Have reduced parking requirement(s) for Multi-Family units within the last 5 years, or require no more than 1 parking space per unit for multifamily units.

11.g. Instructions. Provide a copy of the section of your current zoning ordinance or by-law that demonstrates no more than one (1) parking space per unit for multi-family developments and/or describe the reduction in parking requirements that occurred within the last 5 years.

11.g. Upload file here

NOTE: For 3%/300 cities and towns, if you choose this Best Practices you MUST submit documentation here
11.g. Narrative

Provide additional narrative here for question 11.g

11.h. Training for Land Use Board Members

☐ Board members received training in the last 5 years

Requires evidence that a MAJORITY of a Board received training

11.h. Instructions. Provide evidence of education and training for a majority of members on a land use board (Planning Board, Zoning Board of Appeals, Select Board and/or City Council) from Citizens Planner Training Collaborative (CPTC), Massachusetts Housing Partnership's (MHP's) Housing Institute or Urban Land Institute's (ULI's) Urban Plan Public Leadership Institute over the last 5 years. Comparable training will be evaluated on a case by case basis.

11.h. Upload file here

NOTE: For 3%/300 cities and towns, if you choose this Best Practices you MUST submit documentation here

11.h. Narrative

Provide additional narrative here for question 11.h

11.i. Achieved 10% or greater in your Subsidized Housing Inventory (SHI) [Affordable Category].

☐ Have units currently eligible for inclusion in the Subsidized Housing Inventory (SHI) that equal or exceed 10% of total year-round housing stock, according to the DHCD subsidized housing inventory

NEW FOR 2020 DESIGNATION: SHI units that are added after Housing Appeals Court (HAC) overturned a local denial or overturned local conditions will NOT COUNT towards your community’s SHI totals.

11.i. Instructions. Provide a copy of most recently published SHI for your community. If you believe there are additional units eligible for inclusion on the SHI, but not reflected on the SHI, documentation of those units must meet the standards applied by DHCD under its regulations and guidelines in determining whether units are SHI-eligible. NEW FOR 2020 DESIGNATION: SHI units that are added after Housing Appeals Court (HAC) overturned a local denial or overturned local conditions will NOT COUNT towards your community’s SHI totals.

11.i. Upload file here

NOTE: For 3%/300 cities and towns, if you choose this Best Practices you MUST submit documentation here
11.i. Narrative

Provide additional narrative here for question 11.i.

11.j. Have increased your community's SHI by at least 2.5% points in the last 5 years [Affordable Category]

☑ Have increased units currently eligible for inclusion in the Subsidized Housing Inventory (SHI) by at least 2.5%, according to the DHCD subsidized housing inventory

NEW FOR 2020 DESIGNATION: SHI units that are added after Housing Appeals Court (HAC) overturned a local denial or overturned local conditions will NOT COUNT towards your community's SHI totals.

11.j. Instructions. Provide a copy of most recently published SHI for your community showing at least a 2.5% increase over the last 5 years. If you believe there are additional units eligible for inclusion on the SHI, but not reflected on the SHI, documentation of those units must meet the standards applied by DHCD under its regulations and guidelines in determining whether units are SHI-eligible. NEW FOR 2020 DESIGNATION: SHI units that are added after Housing Appeals Court (HAC) overturned a local denial or overturned local conditions will NOT COUNT towards this best practice.

11.j. Upload file here

NOTE: For 3%/300 cities and towns, if you choose this Best Practices you MUST submit documentation here

11.j. Narrative

Provide additional narrative here for question 11.j.

11.k. Community Compact with Housing Best Practice

☑ Have applied for (or received) a Community Compact with a housing best practice

11.k. Instructions. Provide a copy of Community Compact application/award showing the Housing Best Practice. Here is the web page for the Community Compact Cabinet: https://www.mass.gov/orgs/community-compact-cabinet

11.k. Upload file here

NOTE: For 3%/300 cities and towns, if you choose this Best Practices you MUST submit documentation here

11.k. Narrative
Provide additional narrative here for question 11.k.

11.l. Participate in Housing related incentive programs [Affordable Category]

  Participate in the Housing Development Incentive Program, have adopted an Urban Center Housing Tax Increment Financing district, approved District Improvement Financing (DIF) related to housing, have adopted an Urban Renewal Plan that includes a significant Housing element

11.l. Instructions. If you are participating in the HDIP program, provide a copy of a DHCD-approved Housing Development Tax Increment Exemption Agreement, together with copies of any award letters for state Housing Development Tax Credits for specific projects. If you have adopted an UCH-TIF district, provide a copy of your DHCD-approved urban center housing tax increment financing plan, together with copies of any approved UCH-TIF agreements. For Urban Renewal Plans, submit evidence of substantial housing element(s) in the plan.

11.l. Upload file here

NOTE: For 3%/300 cities and towns, if you choose this Best Practices you MUST submit documentation here

11.l. Narrative

Provide additional narrative here for question 11.l

11.m. Have adopted local option property tax mechanisms that promote housing [Affordable Category]

  Have adopted local option property tax relief programs either as provided for by statute (MGL c. 59 section 5) or through a home rule petition

11.m. Instructions. Provide a copy of local bylaw or ordinance establishing the tax relief program.

11.m. Upload file here

NOTE: For 3%/300 cities and towns, if you choose this Best Practices you MUST submit documentation here

11.m. Narrative

Provide additional narrative here for question 11.m
Certification and Signatures

The Housing Choice application for Designation requires the signatures of both the Local Building Official and the Chief Executive Officer (Mayor, Board of Selectmen Chair or City/Town Manager). Please print this page, get signatures, scan and upload the signed pages below.

13. Certification by local building official

By signing below, I certify that the building permit data for additional year-round housing units over the last 5 years is true and accurate. The data includes only additional year-round housing units, where demolished units were replaced 1:1 the new building permits are not included (or if permits for units replacing tear downs cannot be excluded from other additional unit permits, then demolition data is being provided); and conversions of commercial property to housing are included (such as mill conversions).

__________________________
Sign on the line above, enter name and title below

13.a. Local Building Official Name*

PAVL First Name*

MURPHY Last Name*

13.b. Local Building Official Email*  pmurphy@nantucket-ma.gov

The Housing Choice application for Designation requires the signatures of both the Local Building Official and the Chief Executive Officer (Mayor, Board of Selectmen Chair or City/Town Manager). Please print this page, get signatures, scan and upload the signed pages below.

14. Certification by Chief Executive Officer

__________________________
Sign on the line above, enter name and title below

14.a. City/Town Chief Executive Officer Name*
11.n. Certified Housing Production Plan

Have a CERTIFIED Housing Production Plan which means that you have an DHCD approved Housing Production Plan and have subsequently seen an increase of 0.5% or 1% in year round housing units

11.n. Instructions. There is a difference between a CERTIFIED Housing Production Plan (HPP) and one that has been APPROVED by DHCD. A certified HPP which means that you have an DHCD approved Housing Production Plan and have subsequently seen an increase of 0.5% or 1% in your year round housing units (see https://www.mass.gov/service-details/chapter-40-b-housing-production-plan for more information). Provide a copy of your current Housing Production Plan and the DHCD certification letter.

11.n. Upload file here

NOTE: For 3%/300 cities and towns, if you choose this Best Practices you MUST submit documentation here

11.n. Narrative

Provide additional narrative here for question 11.n

12. Use the space below to provide additional details about your community's Best Practices

Provide additional narrative here if needed
May 25, 2020

Dear Governor Baker and Lieutenant Governor Polito:

This letter is to acknowledge the March 25, 2020 correspondence from the Chief Legal Counsel to the Governor and to ask for your immediate intervention with respect to the Town of Nantucket. Chief Legal Counsel directs that all local orders concerning construction operations be withdrawn as inconsistent with the Governor's March 23, 2020 order concerning closure of non-essential business. We seek your immediate assistance in protecting the residents of the Town from additional exposure to the virus and the Nantucket Cottage Hospital's meager ability to provide appropriate levels of care to those already on the island, by exempting the Town of Nantucket from the provisions of the Order designating construction and landscaping services as essential services. The Town's local orders were enacted only after significant analysis and contemplation of the particular island-specific issues that make us highly susceptible to an uncontrollable COVID-19 outbreak and how to best protect the residents of the Town.

Particularly relevant are the following facts and how they impact the Town.

No mutual aid: The island is comprised of a single town. Thus, there are no mutual aid options available to the Town of Nantucket if there are public health and safety issues that exceed the island's capacity.

Population growth recently due to COVID 19:

During the winter months such as these, there are far less people on the island than in the summer months. However, many summer residents returned to the island when the COVID-19 outbreak intensified in various areas. Similarly, many students and other permanent residents of the island have returned. It is estimated that there are hundreds more people on the island now than were here 30 days ago.

Police and Fire Department Staffing

Our police and fire department capacity is calculated to address public health and safety needs of a winter population, and the Town is very concerned about their potential exposure. The Town already has at least three self-quarantines of public safety personnel and that number could easily rise as more people need to be transported.
Hospital Bed Capabilities

We have only one hospital on the island, the Nantucket Cottage Hospital. It has 14 beds, none of which are ICU beds. We have three ventilators. The estimates have been that 70-80% of the population will be infected with COVID-19, and, further, that 20% of such patients will require hospitalization. Of that number, _____% will likely require care in an ICU bed. It is clear, therefore, that at the current anticipated rate, we will have _______ people needing hospital services, and of that _______ people needing ICU care. We simply will not have the resources to respond to this need if the virus spread is not slowed. Moreover, the need for COVID-19 treatment will make the need for other types of hospital care acute, and further stress an already stressed system.

Nantucket Cottage Hospital President Gary Shaw has said time and again that given the small size and the geographic isolation of the island, limited access to PPE and other emergency equipment, failure to limit exposure will necessarily result in the overburdening of hospital resources and lead to a further health crisis emergency. He has further indicated that his ethics team is now analyzing how it will make decisions as to who should receive treatment and who should not, or cannot. This is our reality today.

We are even more concerned about our reality tomorrow. Last week, the Select Board, Board of Health, Town Manager and Director of Health and Emergency Management Director, took decisive action to implement what it has determined to be essential to the health and well-being of those already on the island. The Town adopted a construction ban to ensure that persons who would typically come to the island to work would understand that the island is not "open for business". This ban effectively limits the risk of persons coming to the island each day who are infected with the virus and exposing others. In addition, the Town implemented a stay-at-home order to limit the activity on the island further, and determined that only essential business should be conducted, defining the same to limit the potential for interactions. The Town's ban and order do not limit the ability of any person to provide essential services or to undertake essential activities, including traveling. The ban and order do, however, restrict construction and landscaping services from operating on the island for the time period necessary to protect the our community.

Since the issuance of the Governor's March 23, 2020 order, we have already begun fielding calls from construction companies and general contractors asking when they can get back to work, suggesting that the Governor's Order supersedes the authority of the Town to keep its residents safe. We received the Chief Legal Counsel's March 25, 2020 earlier today. While we may, with all due respect, disagree with certain conclusions, we nonetheless seek your immediate assistance to address the situation on the island of Nantucket.

It is the sincere and measured concern of the elected and appointed leaders, public safety and public health officials of Nantucket, and of the President of the Nantucket Cottage Hospital, the only hospital, on the island of Nantucket, that failure to follow through with the construction ban and stay-at-home order as approved will expose the
island on an irreversible course, leading to an excessive strain on the medical system, law enforcement, EMTs, and potentially to a humanitarian crisis where doctors are forced to make difficult choices about who can be saved. Unlike hospitals on the mainland, there is nowhere else to send people who need treatment for the virus. There is also no "step-down" facility available to address the needs of other people who have other urgent medical problems. Nantucket is explicitly and fervently requesting your help now by modifying the application of your order to provide that on the island of Nantucket, construction and landscaping services are non-essential services and must remain closed.

We implore you to provide us with an immediate response modifying your March 23, 2020 Order to the Town of Nantucket.
DAWN First Name*
HILL-HOLDSGATE Last Name*

14.b. City/Town Chief Executive Officer Email*

14.c. City/Town Chief Executive Officer Mailing Address*

TOWN OF NANTUCKET Address Line 1
16 BROAD ST. Address Line 2
NANTUCKET City
MASSACHUSETTS State
02554 ZIP Code

15. Upload Signature Page (s) here

Please print this page, get required signatures and upload the file here
## Building Permit Calculations for Housing Choice Program

14-Feb-20

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<th>Type</th>
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Total Number of New Building Permits (Units) = 111 150 149 200 186 171 203

| Demos (645's)                   | 19   | 26   | 40   | 40   | 21   | 40   | 32   |

Total Net Number of New Residential Units Permitted = 92 124 109 160 165 131 171

Updated 5-year Grand Total (Net) = 736