

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET**



**Monday, November 6, 2017 SPECIAL TOWN MEETING
Nantucket High School
Mary P. Walker Auditorium
6:00 PM**

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

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Matthew G. Fee, Vice Chairman

Jason M. Bridges

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TOWN OF NANTUCKET
November 6, 2017 Special Town Meeting

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NOTES:

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

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

ARTICLE 1

(Zoning Bylaw Amendment: Retail Marijuana Moratorium)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket by adding a new Article VI, General Provisions, Section 139-37 **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, that would provide as follows, and further to amend the Table of Contents to add Section 139-37, "Temporary Moratorium on Recreational Marijuana Establishments:"

Section 139-37

A. Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of a non-medical Marijuana Establishments (hereinafter, a "Recreational Marijuana Establishment," as defined in G.L. c.94G, §1 (hereinafter, a "Recreational Marijuana Establishment"). The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

B. Definition

"Recreational Marijuana Establishment" shall mean a "marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

C. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the

Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

Or take any action relative thereto.

(Board of Selectmen)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket is amended by adding a new Article VI, General Provisions, Section 139-37 TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, as follows, and further to amend the Table of Contents to add Section 139-37, "Temporary Moratorium on Recreational Marijuana Establishments:"

Section 139-37

A. Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of a non-medical Marijuana Establishments (hereinafter, a "Recreational Marijuana Establishment," as defined in G.L. c.94G, §1 (hereinafter, a "Recreational Marijuana Establishment"). The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

B. Definition

"Recreational Marijuana Establishment" shall mean a "marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

C. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

PLANNING BOARD COMMENT: The temporary moratorium on recreational marijuana establishments is necessary while the State continues to develop regulations associated with the retail sale of marijuana and the conversion of any approved medical marijuana dispensary to a recreational marijuana establishment. Until regulations are developed, the Town cannot adequately plan for actions that may be appropriate to address potential impacts of these businesses.

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

Two-Thirds Vote Required

ARTICLE 2

(Zoning Bylaw Amendment: Retail and Medical Marijuana)

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

1. Amend section 2A, definitions, by deleting an existing definition and inserting new definitions, in alphabetical order, as follows:

~~REGISTERED MARIJUANA DISPENSARY~~

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

MARIJUANA ESTABLISHMENT - RECREATIONAL

A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in G.L. c.94G, §1. Recreational marijuana establishments are subject to the following standards:

- (1) Recreational marijuana establishments shall be located in stand-alone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial, or other uses, except for co-location with a licensed medical marijuana treatment center.
- (2) A minimum separation of 500 feet, measured between lot lines, is required between recreational marijuana establishments and state-certified public or private schools or state-licensed day care centers.
- (3) No building permit for a recreational marijuana establishment shall issue until the applicant has executed a Host Community Agreement with the Town pursuant to G.L. c.94G, §3(d).

Recreational marijuana establishments shall be subject to the zoning moratorium adopted as §139-37 of this Bylaw. Applicants may not apply for a special permit for recreational marijuana establishments prior to January 1, 2019.

MARIJUANA TREATMENT CENTER - MEDICAL

A premises approved under a medical use marijuana license pursuant to G.L. c.94I that acquires, cultivates, processes, transports, sells, distributes, dispenses or administers marijuana for the benefit of registered qualifying patients in the treatment of debilitating medical conditions or the symptoms thereof. Medical marijuana treatment centers are subject to the following standards:

- (1) Medical marijuana treatment centers shall be located in stand-alone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial, or other uses, except for co-location with a licensed recreational marijuana establishment.
- (2) A minimum separation of 500 feet, measured between lot lines, is required between medical marijuana treatment centers and state-certified public or private schools or state-licensed day care centers.
- (3) No building permit for a medical marijuana treatment center shall issue until the applicant has executed a Host Community Agreement with the Town pursuant to G.L. c.94G, §3(d).

2. Amend section 7A as follows:

- a. By striking "Registered marijuana dispensary" in the Use Chart in its entirety;
- b. By adding new uses "Marijuana establishment - recreational" and "Marijuana treatment center - medical" in the Use Column between "Health spa" and "Medical Clinic" to be allowed by special permit (SP) in the CN and CI districts only.

3. Amend section 7B by adding a new subsection (7) as follows:

Medical marijuana treatment centers and recreational marijuana establishments shall be prohibited as an accessory use in all zoning districts.

4. Amend section 30A as follows:

The special permit granting authority shall be the Board of Appeals for all special permits, except those special permits for which the Planning Board is specifically designated by any provision of this chapter. In instances where any portion of a project involves a special permit application to the Planning Board for apartment, apartment building, elder housing facility, medical marijuana treatment center, recreational marijuana establishment, neighborhood employee housing, and tertiary dwelling all pursuant to § 139-2 and § 139-7A, business commercial, commercial industrial, and industrial uses as categorized in the "Use Chart" pursuant to § 139-7A, residential development options pursuant to § 139-8, and for certain uses in the Public Wellhead Recharge District pursuant to § 139-12B, the Planning Board shall serve as the special permit granting authority for all other special permits required in connection with such project.

Or take any action relative thereto.

(Board of Selectmen)

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

1. Amend section 2A, definitions, by deleting an existing definition and inserting new definitions, in alphabetical order, as follows:

~~REGISTERED MARIJUANA DISPENSARY~~

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

MARIJUANA ESTABLISHMENT - RECREATIONAL

A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in

G.L. c.94G, §1. Recreational marijuana establishments are subject to the following standards:

- (1) Recreational marijuana establishments shall be located in stand-alone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial, or other uses, except for co-location with a licensed medical marijuana treatment center.**
- (2) A minimum separation of 500 feet, measured between lot lines, is required between recreational marijuana establishments and state-certified public or private schools or state-licensed day care centers.**
- (3) No building permit for a recreational marijuana establishment shall issue until the applicant has executed a Host Community Agreement with the Town pursuant to G.L. c.94G, §3(d).**

Recreational marijuana establishments shall be subject to the zoning moratorium adopted as §139-37 of this Bylaw. Applicants may not apply for a special permit for recreational marijuana establishments prior to January 1, 2019.

MARIJUANA TREATMENT CENTER - MEDICAL

A premises approved under a medical use marijuana license pursuant to G.L. c.94I that acquires, cultivates, processes, transports, sells, distributes, dispenses or administers marijuana for the benefit of registered qualifying patients in the treatment of debilitating medical conditions or the symptoms thereof. Medical marijuana treatment centers are subject to the following standards:

- (1) Medical marijuana treatment centers shall be located in stand-alone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial, or other uses, except for co-location with a licensed recreational marijuana establishment.**
- (2) A minimum separation of 500 feet, measured between lot lines, is required between medical marijuana treatment centers and state-certified public or private schools or state-licensed day care centers.**
- (3) No building permit for a medical marijuana treatment center shall issue until the applicant has executed a Host Community Agreement with the Town pursuant to G.L. c.94G, §3(d).**

2. Amend section 7A as follows:

- a. By striking "Registered marijuana dispensary" in the Use Chart in its entirety;**
- b. By adding new uses "Marijuana establishment - recreational" and "Marijuana treatment center - medical" in the Use Column between "Health spa" and "Medical Clinic" to be allowed by special permit (SP) in the CN and CI districts only.**

3. Amend section 7B by adding a new subsection (7) as follows:

Medical marijuana treatment centers and recreational marijuana establishments shall be prohibited as an accessory use in all zoning districts.

4. Amend section 30A as follows:

The special permit granting authority shall be the Board of Appeals for all special permits, except those special permits for which the Planning Board is specifically designated by any provision of this chapter. In instances where any portion of a project involves a special permit application to the Planning Board for apartment, apartment building, elder housing facility, medical marijuana treatment center, recreational marijuana establishment, neighborhood employee housing, and tertiary dwelling all pursuant to § 139-2 and § 139-7A, business commercial, commercial industrial, and industrial uses as categorized in the "Use Chart" pursuant to § 139-7A, residential development options pursuant to § 139-8, and for certain uses in the Public Wellhead Recharge District pursuant to § 139-12B, the Planning Board shall serve as the special permit granting authority for all other special permits required in connection with such project.

PLANNING BOARD COMMENT: Although a temporary moratorium is recommended via Article 1, adding language to the Zoning Bylaw that addresses the location of and minimum standards related to a recreational marijuana establishment is prudent. In the event that a future article is not successful (or not necessary) prior to the expiration of the temporary moratorium, this article will provide limitations on recreational marijuana establishments that would otherwise simply be categorized as “retail sales”, which is a use allowed in a broad range of zoning districts, some of which are not appropriate locations for this type of business. Also, this article includes minor technical changes to the use previously named “registered marijuana dispensary” now to be named “medical marijuana treatment center”.

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

Two-Thirds Vote Required

ARTICLE 3

(Local Option Tax on Sale of Recreational Marijuana)

To see if the Town will vote to accept the provisions of General Laws Chapter 64N, Section 3(a), as recently amended by Section 13 of Chapter 55 of the Acts of 2017, and to authorize the Town to impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment, at the rate of 3 percent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products; or to take any other action relative thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the provisions of General Laws Chapter 64N, Section 3(a), as recently amended by Section 13 of Chapter 55 of the Acts of 2017 hereby accepted; and, that the Town is hereby authorized to impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment, at the rate of 3 percent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products.

ARTICLE 4

(Supplemental Appropriation: Fire Station)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, to supplement the previous appropriations made under Article 11 of the 2015 Annual Town Meeting and Article 5 of the November 9, 2015 Special Town Meeting to pay costs for constructing a new fire station at 4 Fairgrounds Road, including the costs of professional services for design, permitting, architecture, construction supervision, and other related professional services, including all costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Board of Selectmen)

Due to the timing of the bids for the Fire Station project (bids due after Finance Committee Motions adopted and warrant sent to print), the Finance Committee will provide a Motion after the warrant has been printed and prior to the Special Town Meeting. Subject to receipt and review of the bids, the Finance Committee is supportive of a supplemental appropriation for this project.

ARTICLE 5

(Supplemental Appropriation: Airport Capital Project)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, for the purposes of supplemental funding for the following capital project for the Airport, including other costs incidental and related thereto; or, to take any other action related thereto:

PROJECT	ARTICLE/TOWN MEETING	ORIGINAL APPROPRIATION
Costs associated with reconstruction of Apron Area 3 and replacement of perimeter fencing	Article 12/2017 Annual Town Meeting	\$2,200,000

(Board of Selectmen for Airport Commission)

FINANCE COMMITTEE MOTION: Moved that the Town appropriate the additional sum of Four Hundred Three Thousand Dollars (\$403,000) for costs associated with

reconstruction of Apron Area 3 and replacement of perimeter fencing, including the payment of all costs incidental and related thereto; that to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow Four Hundred Three Thousand Dollars (\$403,000) pursuant to G.L. c.44 Sections 7 or 8 or any other enabling authority, and to issue bonds and notes of the Town therefore; and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

FINANCE COMMITTEE COMMENT: The \$403,000 appropriation is reimbursable through state and federal government funds covering 95% of this amount and Airport revenues covering the remaining 5%.

Two-Thirds Vote Required

ARTICLE 6

(Appropriation: Infrastructure Improvements)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds to be spent by the Town Manager with the approval of the Board of Selectmen, to pay costs of professional services for design, permitting, engineering, construction, construction supervision and all costs incidental and related thereto in connection with infrastructure improvements including sewer, water and storm water on Back Street and Mulberry Street; or, to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article. This project will likely be brought before the 2018 Annual Town Meeting.

ARTICLE 7

(Bylaw Amendment: District Improvement Financing)

To see if the Town will vote to create and implement a District Improvement Financing Program (“DIF”) pursuant to and in accordance with the provisions of Chapter 40Q of the Massachusetts General Laws, in order to further the public purpose of coordinating the installation of infrastructure to support planned residential, industrial and commercial activity in a designated geographic area of the Town of Nantucket, by adopting a development district (which shall also include an invested revenue district) and development program wherein the Town may, without any implied limitation of other lawful powers granted to it by law and those enabled by Chapter 40Q, design, construct, and maintain certain roadway, traffic, pedestrian, bicycle, landscaping, drainage, lighting, and other infrastructure improvements in the district which will be funded by capturing future increases in the real property tax limit attributable exclusively to

properties in the district as are allowed by Town Meeting and expected to be generated as a result of the future renovation and / or the development of specific properties within the defined geographic area in the Mid-Island / Old South Road corridor, and to take the following related actions:

- (a) To designate a development district within the boundaries of the Town to be known as the “Mid-Island / Old South Road Corridor Development District”, as shown on a plan entitled “Proposed Mid-Island / Old South Road Corridor District Improvement Financing Program Area” dated November 2016.
- (b) To adopt a development program, which shall include an invested revenue district development program, for the “Mid-Island / Old South Road Corridor Development District” on file in the office of the Town Clerk, which provides for the objectives of the Town for the development district and the means by which the Town will improve the physical facilities within the within the district including, but not limited to, the improvement and replacement of roadway, traffic, pedestrian, bicycle, landscaping, drainage, lighting, and other infrastructure improvements, of such district, pursuant to a Development Agreement to be adopted by the Board of Selectmen and to be placed on file in the office of the Town Clerk, which will provide for:
 - (i) The design, construction, and maintenance of certain roadway, traffic, pedestrian, bicycle, landscaping, drainage, lighting, and other infrastructure improvements within the “Mid-Island / Old South Road Corridor Development District” which will serve to improve traffic, pedestrian, and bicycle operations and safety in these areas, as set forth in subsection (b) above.
 - (ii) The creation and implementation of a financial plan whereby the infrastructure improvements will be funded with funds from the issuance by the Town and sale of general obligation bonds, revenue bonds, notes, or other borrowings pursuant to the provisions of Chapter 40Q or Chapter 44 of the Massachusetts General Laws (the debt service on such bonds shall be paid from the Tax Increment, as such term is defined in Chapter 40Q, expected to be generated as a result of the future renovation and / or the development of specific properties within the “Mid-Island / Old South Road Corridor Development District”).
 - (iii) The rates of interest, maturity, redemption, privileges, if any, and the form and other details of such bonds or other financing as approved, the price and market to which such bonds are sold, be it public or private, and whether or not securities issued shall be secured by pledge or assignment of any project revenue and subject to a trust agreement, and upon terms determined thereby;
 - (iv) The continuation of the District Improvement Financing Program for a period of thirty (30) years, as provided in Section 1(a)(8) of said Chapter

40Q of the Massachusetts General laws, or such shorter time as may be determined in accordance with the provisions of the development program

- (c) To create a development program fund pursuant to the provisions of Chapter 40Q of the Massachusetts General Laws that consists of: (a) a development sinking fund, (b) a project cost account, and (c) such other accounts, consistent with the provisions of Chapter 40Q, as the Board of Selectmen deems necessary or appropriate to implement the district.
- (d) To adopt a statement of the percentage of the Tax Increment to be retained for the financing of the development program, as set forth in the invested revenue district development program, which percentage shall be determined from time to time in accordance with the method or formula set forth in the invested revenue district development program, but shall not exceed a maximum of one hundred percent (100%).
- (e) To authorize the Board of Selectmen to take any all other actions which may be necessary or convenient to implement the purposes of this vote.

(Nathaniel Lowell, et al)

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

ARTICLE 8 (Tom Nevers Bike Path)

To see if the Town will vote to: move the construction of Phase 1 of the Tom Nevers Road bike path in the Transportation section of the Town of Nantucket's Capital Improvement Plan above all other bike related projects not actively under construction at the time of the 2017 Special Town Meeting.

(Randolph Ringer, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: The Committee notes that this project is in the existing Capital Improvement Plan and supports continuation of the established process.

ARTICLE 9 (Appropriation/Real Estate Acquisition: 71 Washington Street)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for public way, open space and/or general municipal purposes all, or a portion of, the property located at 71 Washington Street and further described as Assessor's Map 42.2.3, Parcel 41 and as Lot A in Plan Book 12, Page 37 at Nantucket County Registry of Deeds; and, further to see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds to be spent by the Town Manager with the approval of the

Board of Selectmen for the costs associated with acquisition of the property including all costs incidental and related thereto; or, to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain, for public way, open space and/or general municipal purposes a portion of, the property located at 71 Washington Street and further described as Assessor's Map 42.2.3, Parcel 41 and as Lot A in Plan Book 12, Page 37 at Nantucket County Registry of Deeds; and, to fund the acquisition, that Five Hundred Twenty Thousand Dollars (\$520,000) be transferred from an appropriation approved in Article 10 (Costs associated with the Boulevard, Lovers Lane and Okorwaw roads reconstruction - \$1,000,000) of the 2017 Annual Town Meeting.

BOARD OF SELECTMEN COMMENT: The Board supports the Motion of the Finance Committee; the Article reprioritizes capital improvements to take advantage of a market opportunity.

Two-Thirds Vote Required

ARTICLE 10

(Real Estate Conveyance: Open Space Parcel (Creeks) to the Land Bank)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land to the Nantucket Islands Land Bank, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in regard to the following land:

- Assessor's Map 55 Parcel 415 (Washington Street)

All as shown on a map entitled "2017 Special Town Meeting Warrant Article Conveyance of Open Space Parcel/Creeks to Land Bank" filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land to the Nantucket Islands Land Bank, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in regard to the following land:

- Assessor's Map 55 Parcel 415 (Washington Street).

ARTICLE 11

(Real Estate Conveyance: Madequecham Parcels)

To see if the Town will vote to transfer to the Board of Selectmen for the purpose of disposition and to authorize the Board of Selectmen to 1) sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land pursuant to Chapter 30B of the Massachusetts General Laws, (2) dedicate all or any portion of the subject land for open space and recreational purposes, and/or (3) sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land to the Nantucket Islands Land Bank, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in regard to the following land:

- Assessor's Map 88, Parcel 66
- Assessor's Map 88, Parcels 75 and 77

All as shown on a map entitled "2017 Special Town Meeting Warrant Article 11 Conveyance of Madequecham Properties" and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the following parcels are transferred to the Board of Selectmen for the purpose of disposition; and, that the Board of Selectmen is hereby authorized to (1) sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land pursuant to Chapter 30B of the Massachusetts General Laws, (2) dedicate all or any portion of the subject land for open space and recreational purposes, and/or (3) sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land to the Nantucket Islands Land Bank, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions:

- Assessor's Map 88, Parcel 66
- Assessor's Map 88, Parcels 75 and 77.

Two-Thirds Vote Required

ARTICLE 12

(Real Estate Acquisition: Miscellaneous Parcels)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for public way, sewer, open space and/or general municipal purposes and for the purpose of conveyance the fee title or lesser interests, together with any public and private rights of passage, in all or any portions of the following right of ways, easements or parcels of land:

- Lots B and M shown on Plan No. 2016-47 (formerly part of Copeland Street and Mequash Avenue, Surfside)
- Map 59.4 Parcels 58 and 59 (Utah Avenue, Madaket)
- Map 59.3 Parcels 81, 82, 83, and 151 (Arkansas Avenue, Madaket)
- Map 59.3 Parcels 4 and 5 (Utah Avenue, Madaket)
- Map 59.3 Parcels 231 and 232 (Midland Avenue, Madaket)
- Map 76.1.3 Parcel 277 (28A Arlington Street, Tom Nevers)
- Land consisting of Hawthorne Street from the centerline of Monomoy Avenue to the northern sideline of Oniska Avenue, including any portion of Monomoy, Miacomet, and Oniska Avenue's and Dearborn Street.

All as shown on a map entitled "2017 Special Town Meeting Warrant Article 12 Acquisition of Misc. Parcels" dated July 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain, for public way, sewer, open space and/or general municipal purposes and for the purpose of conveyance the fee title or lesser interests, together with any public and private rights of passage, in all or any portions of the following right of ways, easements or parcels of land:

- Lots B and M shown on Plan No. 2016-47 (formerly part of Copeland Street and Mequash Avenue, Surfside)
- Map 59.4 Parcels 58 and 59 (Utah Avenue, Madaket)
- Map 59.3 Parcels 81, 82, 83, and 151 (Arkansas Avenue, Madaket)
- Map 59.3 Parcels 4 and 5 (Utah Avenue, Madaket)
- Map 59.3 Parcels 231 and 232 (Midland Avenue, Madaket)
- Map 76.1.3 Parcel 277 (28A Arlington Street, Tom Nevers)
- Land consisting of Hawthorne Street from the centerline of Monomoy Avenue to the northern sideline of Oniska Avenue, including any portion of Monomoy, Miacomet, and Oniska Avenue's and Dearborn Street.

ARTICLE 13

(Real Estate Conveyance: Easement to National Grid/ Sea Street Sewer Pump Station)

To see if the Town will vote to authorize the Board of Selectmen to convey a perpetual non-exclusive easement to Nantucket Electric Company for such purposes to access, install, construct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence an underground electric distribution system in, through, under, over, across and upon a portion of certain Town-owned land located at 1 Sea Street, Nantucket, Assessor's Map 42.4.2, Parcel 55, and as more particularly described in a deed recorded with Nantucket County Registry of Deeds in Book 104, Page 159, said

easement area being shown on a plan filed with the Office of the Town Clerk; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to convey a perpetual non-exclusive easement to Nantucket Electric Company for such purposes to access, install, construct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence an underground electric distribution system in, through, under, over, across and upon a portion of certain Town-owned land located at 1 Sea Street, Nantucket, Assessor's Map 42.4.2, Parcel 55, and as more particularly described in a deed recorded with Nantucket County Registry of Deeds in Book 104, Page 159, said easement area being shown on a plan filed with the Office of the Town Clerk.

ARTICLE 14

(Real Estate Conveyance: Industrial Land)

To see if the Town will vote to authorize the Board of Selectmen to lease or otherwise dispose of lesser interests than fee for a term which may exceed 5 years notwithstanding the maximum term specified in Chapter 46 § 46-2, in all or any portions of Lots G1, G-3, G-4, G-5, G-6, G-7, G-8, G-9, G-10, N-1, N-2, and N-3 as shown on a plan entitled "Subdivision Plan of Land" dated June 6, 2016 recorded with the Nantucket County Registry of Deeds as Plan No. 2016-59, subject to Chapter 30B of the Massachusetts General Laws and a finding by the Board of Selectmen that such lease or conveyance furthers community planning and environmental protection goals.

Or to take any other action related thereto.

(Linda Williams, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 15

(Bylaw Amendments: Board of Sewer Commissioners/Sewer District Map Change - Bartlett Farm Road and Hummock Pond Road)

To see if the Town will vote to: amend the Town Sewer District, as established under Nantucket Code, Chapter 41 Section 3.A. by adding to it the following parcels:

Address	Map	Parcel
162 Hummock Pond Road	65	13.3
5 Bartlett Farm Road	65	14
19 Bartlett Farm Road	65	16.1
23 Bartlett Farm Road	82	502
30 Bartlett Farm Road	65	92
33 Bartlett Farm Road	82	503
36 Bartlett Farm Road	82	506
39 Bartlett Farm Road	65	16

41 Bartlett Farm Road	82	500
43 Bartlett Farm Road	82	504
45 Bartlett Farm Road	82	505
Bartlett Farm Road	65	37

(Marianne Hanley, et al)

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

FINANCE COMMITTEE COMMENT: The Finance Committee’s Motion is based on a vote by the Sewer Commissioners on September 20, 2017 to take no action on the article.

BOARD OF SELECTMEN COMMENT: The Board supports the Motion of the Finance Committee. The Board, acting as Sewer Commissioners, took the vote of no action as referenced in the Motion due to a lack of information, including the fiscal impact each parcel could have on Town finances and unintended consequences.

Two-Thirds Vote Required

ARTICLE 16

(Bylaw Amendments: Board of Sewer Commissioners/Sewer District Map Change and Zoning Map Change: LUG-2 to R-40 - 1 Wherowhero Lane)

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

1. Amend Chapter 41 (Board of Sewer Commissioners), section 3A (Town Sewer District) of the Code of the Town of Nantucket by adding the following parcel located within the Miacomet Pond Watershed to the Town Sewer District:

Map	Lot	Number	Street
67	471	1	Wherowhero Lane

2. Amend the Zoning Map of the Town of Nantucket by placing the following property currently located in the Limited Use General 2 (LUG-2) district in the Residential 40 (R-40) district:

Map	Lot	Number	Street
67	471	1	Wherowhero Lane

All as shown on a map entitled “2017 Special Town Meeting Warrant Article __ LUG-2 to R-40 and Sewer District Map Change” dated July 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Christopher Meredith, et al)

FINANCE COMMITTEE MOTION: Moved that Chapter 41 (Board of Sewer Commissioners), section 3A (Town Sewer District) of the Code of the Town of

Nantucket is hereby amended by adding the following parcel located within the Miacomet Pond Watershed to the Town Sewer District:

Map	Lot	Number	Street
67	471	1	Wherowhero Lane

FINANCE COMMITTEE COMMENT: The Finance Committee’s Motion is based on a vote by the Sewer Commissioners on September 20, 2017 to approve the inclusion of this parcel into the Town Sewer District.

BOARD OF SELECTMEN COMMENT: The Board of Selectmen supports the Finance Committee Motion with the understanding that the Town is under no obligation to fund sewer extensions for parcels that come into a sewer district.

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket is amended by placing the following property currently located in the Limited Use General 2 (LUG-2) district in the Residential 40 (R-40) district:

Map	Lot	Number	Street
67	471	1	Wherowhero Lane

PLANNING BOARD COMMENT: The R-40 zoning district will be extended from adjacent land to the east to include this property. This rezoning may result in the creation of up to one additional lot, consistent with other zoning changes in the area that have been supported and approved by recent Town Meetings.

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

Two-Thirds Vote Required

ARTICLE 17

(Zoning Bylaw Amendment: Technical Amendments - Statutory Changes)

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

1. Amend section 30H as follows:
Effect of zoning amendments on special permits issued. Construction or operation under a special permit shall conform to any subsequent amendment of this chapter unless the use or construction is commenced within a period of not less than ~~six months~~ **twelve months** after the issuance of the special permit and, in cases involving construction, is continued through to completion as continuously and expeditiously as is reasonable.

2. Amend section 30I as follows:

Expiration of special permits. Special permits shall expire after ~~two~~ **three** years from the date of issuance if a substantial use thereof has not commenced, except for good cause, or, in the case of construction, if construction has not begun by such date except for good cause. Such expiration date shall be automatically extended to include time required to pursue or await the determination of an appeal from the action of the special permit granting authority.

3. Amend section 33A as follows:

This section shall apply to uses, structures, and lots that were either in existence prior to the adoption of the Zoning Bylaw or lawfully allowed or permitted at some point in time after the adoption of the Zoning Bylaw and no longer meet minimum zoning requirements or are now prohibited. If real property has been improved by the erection of alteration of 1 or more structures and the structures or alterations have been in existence for a period of a least 10 years and no notice of an action, suit or proceeding as to an alleged violation of this chapter or of an ordinance of by-law adopted under this chapter has been recorded in the registry of deeds for the county or district in which the real estate is located or, in the case of registered land, has been filed in the registry district in which the land is located within a period of 10 years from the date the structures were erected, then the structures shall be deemed, for zoning purposes, to be legally non-conforming structures subject to MGL c. 40A, § 6 and any other provisions of this by-law relating to non-conforming structures. Further, a use of land and/or lots and construction of structures shall be exempt from this chapter provided that a building or special permit was issued before the first publication of notice of the public hearing to change zoning as it may apply, pursuant to MGL c. 40A, § 5, as may be amended from time to time.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

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

1. Amend section 30H as follows:

Effect of zoning amendments on special permits issued. Construction or operation under a special permit shall conform to any subsequent amendment of this chapter unless the use or construction is commenced within a period of not less than ~~six months~~ **twelve months** after the issuance of the special permit and, in cases involving construction, is continued through to completion as continuously and expeditiously as is reasonable.

2. Amend section 30I as follows:

Expiration of special permits. Special permits shall expire after ~~two~~ **three** years from the date of issuance if a substantial use thereof has not commenced, except for good cause, or, in the case of construction, if construction has not begun by such date except for good cause. Such expiration date shall be automatically extended to include time required to pursue or await the determination of an appeal from the action of the special permit granting authority.

3. Amend section 33A as follows:

This section shall apply to uses, structures, and lots that were either in existence prior to the adoption of the Zoning Bylaw or lawfully allowed or permitted at some point in time after the adoption of the Zoning Bylaw and no longer meet minimum zoning requirements or are now prohibited. If real property has been improved by the erection of alteration of 1 or more structures and the structures or alterations have been in existence for a period of a least 10 years and no notice of an action, suit or proceeding as to an alleged violation of this chapter or of an ordinance of by-law adopted under this chapter has been recorded in the registry of deeds for the county or district in which the real estate is located or, in the case of registered land, has been filed in the registry district in which the land is located within a period of 10 years from the date the structures were erected, then the structures shall be deemed, for zoning purposes, to be legally non-conforming structures subject to MGL c. 40A, § 6 and any other provisions of this by-law relating to non-conforming structures. Further, a use of land and/or lots and construction of structures shall be exempt from this chapter provided that a building or special permit was issued before the first publication of notice of the public hearing to change zoning as it may apply, pursuant to MGL c. 40A, § 5, as may be amended from time to time.

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

Two-Thirds Vote Required

ARTICLE 18

(Zoning Bylaw Amendment: Technical Amendments - Definitions)

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

1. Amend section 2A by as follows, with new definitions to be added in alphabetical order:

BAKERY

An establishment primarily engaged in the retail sale of baked goods for off-site consumption. A bakery may include, as an accessory use, wholesale distribution of goods prepared on the site.

BREEZEWAY

An abovegrade structure, either enclosed or unenclosed, connecting two buildings or sections of a single building. ~~When used to connect a primary dwelling and secondary dwelling, any such breezeway shall be a minimum length of 10 feet.~~ Sub-grade connections of any structures on a lot shall not be regulated by this chapter.

DUPLEX

A structure containing two dwelling units, but not including primary dwelling with an accessory dwelling unit or tertiary dwelling unit contained therein. In the R-1 District only, both dwelling units shall be in the same ownership. A duplex shall not be construed to include a primary dwelling and secondary dwelling as defined in this Chapter.

FOOD PROCESSING ESTABLISHMENT

Manufacturing establishments that produce or process foods for consumption. Includes: (1) bakery products, sugar and confectionery products primarily for wholesale distribution, but not including a "Bakery" as herein defined (~~except facilities that produce goods only for on-site sales with no wider distribution~~); (2) dairy products processing; (3) fats and oil products (including rendering plants); (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing, and byproduct processing; and (7) distilleries.

GROUND COVER

The horizontal area of a lot covered at grade by structures, together with those portions of any overhangs which contain enclosed interior space; excluding for instance tents, retaining walls, substantially below grade finished or unfinished space, decks, ~~and~~ unenclosed porches, unenclosed roofed overhangs and connectors, entryway hoods and projections, gazebos, pergolas, play structures, platforms and steps, docks, game playing courts at grade, exterior in-ground residential swimming pools, exterior in-ground or above grade hot tub/spas, chimneys, bulkheads, bay and bow windows, window wells, unenclosed breezeways, air conditioning units, unroofed walled enclosures, exterior showers, fuel tanks, roof eaves, trash bins and not more than one accessory detached shed covering an area not to exceed more than 200 square feet at grade.

HOT TUB/SPA

A structure designed to be used for recreational purposes accessory to a principal use, either above or below grade, containing water more than 24 inches in depth and less than 150 square feet of water surface area. This shall not

include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like.

SECONDARY DWELLING

...Relief from the ground cover and scalar separation requirements of this definition may be granted by a special permit issued by the Planning Board subject to a finding that the reduced separation is in harmony with the general purpose and intent of this chapter.

STREET

...(3) A way in legal and physical existence when the Subdivision Control Law became effective on Nantucket on February 1, 1955, which ~~had on January 26, 1992,~~ has sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon and served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

STRUCTURE

Anything constructed or erected, the use of which requires a fixed location on the ground. "Structure" shall be construed, where the context allows, as though followed by the words "or part thereof" and shall include, but not be limited to, buildings, retaining walls which support buildings, platforms, more than two steps providing access to a structure, antenna towers, steel storage containers, lighthouses, docks, decks, chimneys, tents, and game courts. "Structure" shall not include retaining walls not exceeding four feet in height for landscaping purposes, fences, rubbish bins, underground propane tanks, and a maximum of two aboveground propane tanks not to exceed 120 gallons each.

UNENCLOSED PORCH

An unenclosed appendage, whether roof covered or not, projecting from the exterior wall of a structure.

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 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 and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

1. Amend section 2A by as follows, with new definitions to be added in alphabetical order:

BAKERY

An establishment primarily engaged in the retail sale of baked goods for off-site consumption. A bakery may include, as an accessory use, wholesale distribution of goods prepared on the site.

BREEZEWAY

~~An abovegrade structure connecting two buildings. When used to connect a primary dwelling and secondary dwelling, any such breezeway shall be a minimum length of 10 feet. Sub-grade connections of any structures on a lot shall not be regulated by this chapter.~~

DUPLEX

A structure containing two dwelling units, but not including primary dwelling with an accessory dwelling unit or tertiary dwelling unit contained therein. In the R-1 District only, both dwelling units shall be in the same ownership. A duplex shall not be construed to include a primary dwelling and secondary dwelling as defined in this Chapter.

FOOD PROCESSING ESTABLISHMENT

Manufacturing establishments that produce or process foods for consumption. Includes: (1) bakery products, sugar and confectionery products primarily for wholesale distribution, but not including a "Bakery" as herein defined (except facilities that produce goods only for on-site sales with no wider distribution); (2) dairy products processing; (3) fats and oil products (including rendering plants); (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing, and byproduct processing; and (7) distilleries.

GROUND COVER

The horizontal area of a lot covered at grade by structures, together with those portions of any overhangs which contain enclosed interior space; excluding for instance tents, retaining walls, substantially below grade finished or unfinished space, decks, and unenclosed porches, unenclosed roofed overhangs and connectors, entryway hoods and projections, gazebos, pergolas, play structures, platforms and steps, docks, game playing courts at grade, exterior in-ground residential swimming pools, exterior in-ground or above grade hot tub/spas, chimneys, bulkheads, bay and bow windows, window wells, unenclosed breezeways, air conditioning units, unroofed walled enclosures, exterior showers, fuel tanks, roof eaves, trash bins, and not more than one accessory detached shed provided that the shed shall not exceed 16 feet in height, that only a slab, pier, or crawl space foundation shall be constructed, and that the ground only covering an area shall not to exceed more than 200 square feet at grade.

HOT TUB/SPA

A structure designed to be used for recreational purposes accessory to a principal use, either above or below grade, containing water more than 24 inches

in depth and less than 150 square feet of water surface area. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like.

SECONDARY DWELLING

...Relief from the ground cover and scalar separation requirements of this definition may be granted by a special permit issued by the Planning Board subject to a finding that the reduced separation is in harmony with the general purpose and intent of this chapter.

STREET

...(3) A way in legal and physical existence when the Subdivision Control Law became effective on Nantucket on February 1, 1955, which had on January 26, 1992, has sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon and served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

STRUCTURE

Anything constructed or erected, the use of which requires a fixed location on the ground. "Structure" shall be construed, where the context allows, as though followed by the words "or part thereof" and shall include, but not be limited to, buildings, retaining walls which support buildings, platforms, more than two steps providing access to a structure that in total are more than 10 feet in length and two feet in depth in all districts except for R-40, LUG-1, LUG-2, LUG-3, and MMD, antenna towers, steel storage containers, lighthouses, docks, decks, chimneys, tents, and game courts. "Structure" shall not include retaining walls not exceeding four feet in height for landscaping purposes, fences, rubbish bins, underground propane tanks, and a maximum of two aboveground propane tanks not to exceed 120 gallons each.

UNENCLOSED PORCH

An unenclosed appendage, whether roof covered or not, projecting from an exterior wall(s) of a structure. An unenclosed porch may connect portions of a single building, roof, or two or more buildings.

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

Two-Thirds Vote Required

ARTICLE 19

(Zoning Bylaw Amendment: Technical Amendments - Miscellaneous)

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

numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):

1. Amend any section of this Chapter to remove references to the Limited Commercial (LC) zoning district and the Assisted Living Community (ALC) zoning district;
2. Amend section 5F as follows:

F. When a boundary line between zoning districts divides a lot in single ownership and the line does not fall within 30 feet of a lot line, each portion of the lot shall be governed by the use and yard setback requirements of the zoning district in which it is located. Ground cover shall be applied to the entire lot and shall be the combined total of the ground cover allowed for the portion of the lot in each zoning district in which it is located. ~~that portion of such lot which is within the more restrictive zone shall be governed by the use of land and dimensional requirements of the more restrictive zone. The portion of such lot which is within the less restrictive zone shall be governed by the use and dimensional requirements of the less restrictive zone. The use of a portion of the land in the more restrictive zone as an accessory use accessory to a legal or conforming use in the less restrictive zone shall be prohibited.~~

3. Amend section 16E(4)

For major commercial developments, the open area requirement (~~320%~~) is set forth in § 139-11GE above.

4. Amend section 20.1B(2)(g) as follows:

On-site turnarounds will be required for all lots within the LUG-1, LUG-2, LUG-3, and MMD Zoning Districts, except for those lots in said districts that are within a cluster, or MRD, flex development, or open space residential development subdivisions, ~~and~~ In addition, on-site turnarounds are required for lots with driveway access onto the following roadways:...

5. Amend section 30A as follows:

The special permit granting authority shall be the Board of Appeals for all special permits, except those special permits for which the Planning Board is specifically designated by any provision of this chapter. In instances where any portion of a project involves a special permit application to the Planning Board for an apartment, apartment building, elder housing facility, ~~medical marijuana treatment center, recreational marijuana establishment,~~ neighborhood employee housing, secondary dwelling, and or tertiary dwelling all pursuant to § 139-2, ~~and § 139-7A,~~ business commercial, commercial industrial, and industrial uses as categorized in the "Use Chart" pursuant to § 139-7A, residential development

options pursuant to § 139-8, and for certain uses in the Public Wellhead Recharge District pursuant to § 139-12B, the Planning Board shall serve as the special permit granting authority for all other special permits required in connection with such project.

6. Amend section 33A(1)(c) as follows:

A Zoning Enforcement Officer determines through a review of the building permit application that the extension, alteration, or change to the **any nonconforming structure is compliant with all dimensional requirements of this chapter and does not increase the nonconformity.**

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

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

1. Amend any section of this Chapter to remove references to the Limited Commercial (LC) zoning district and the Assisted Living Community (ALC) zoning district;
2. Amend section 5F as follows:

F. When a boundary line between zoning districts divides a lot in single ownership and the line does not fall within 30 feet of a lot line, each portion of the lot shall be governed by the use and yard setback requirements of the zoning district in which it is located. Ground cover shall be applied to the entire lot and shall be the combined total of the ground cover allowed for the portion of the lot in each zoning district in which it is located. ~~that portion of such lot which is within the more restrictive zone shall be governed by the use of land and dimensional requirements of the more restrictive zone. The portion of such lot which is within the less restrictive zone shall be governed by the use and dimensional requirements of the less restrictive zone. The use of a portion of the land in the more restrictive zone as an accessory use accessory to a legal or conforming use in the less restrictive zone shall be prohibited.~~

3. Amend section 16E(4)

For major commercial developments, the open area requirement (**320%**) is set forth in § 139-11**GE** above.

4. Amend section 20.1B(2)(g) as follows:

On-site turnarounds will be required for all lots within the LUG-1, LUG-2, LUG-3, and MMD Zoning Districts, except for those lots in said districts that are within a cluster, or MRD, flex development, or open space residential development subdivisions., and In addition, on-site turnarounds are required for lots with driveway access onto the following roadways:...

5. Amend section 30A as follows:

The special permit granting authority shall be the Board of Appeals for all special permits, except those special permits for which the Planning Board is specifically designated by any provision of this chapter. In instances where any portion of a project involves a special permit application to the Planning Board for an apartment, apartment building, elder housing facility, medical marijuana treatment center, recreational marijuana establishment, neighborhood employee housing, secondary dwelling, and or tertiary dwelling all pursuant to § 139-2, and § 139-7A, business commercial, commercial industrial, and industrial uses as categorized in the "Use Chart" pursuant to § 139-7A, residential development options pursuant to § 139-8, and for certain uses in the Public Wellhead Recharge District pursuant to § 139-12B, the Planning Board shall serve as the special permit granting authority for all other special permits required in connection with such project.

6. Amend section 33A(1)(c) as follows:

A Zoning Enforcement Officer determines through a review of the building permit application that the extension, alteration, or change to the any nonconforming structure is compliant with all dimensional requirements of this chapter and does not increase the nonconformity.

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

Two-Thirds Vote Required

ARTICLE 20

(Zoning Bylaw Amendment: Multi-Family Development Options)

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

1. Amend section 2A be amending the following definitions:

APARTMENT

A dwelling unit located within a commercial structure or detached structures on the same lot with a commercial use. An apartment(s) shall not occupy more than 50% of the first floor area. The Planning Board may by special permit waive this requirement based on a finding that the commercial character of the area will not be negatively impacted by the location of a dwelling unit on the first floor of the commercial structure. A maximum of four apartments are allowed by right in certain districts, subject to the dimensional requirements set forth below. The Planning Board may issue a special permit to allow more than four apartments on larger lots, provided that: (1) the overall number of units shall not exceed the density set forth in the schedule below; and (2) the applicant shall demonstrate through submission of a dimensioned lotting plan that the subject property could be divided into multiple lots pursuant to a conventional subdivision plan without requiring waivers from the Planning Board's "Rules and Regulations Governing the Subdivision of Land" (as in effect at the time of application:...

APARTMENT BUILDING(S)

A structure or structures containing a maximum of up to eight bedrooms in up to six dwelling units on a single lot, or an equivalent density, through the issuance of a special permit granted by the Planning Board, for a project, comprised of one or more parcels of land in the same ownership or control, that could be divided into multiple lots on a conventional subdivision plan meeting all dimensional and upland requirements of the Bylaw and consistent with the "Rules and Regulations Governing the Subdivision of Land," as may be amended by the Planning Board from time to time, as demonstrated by the submission of a dimensioned lotting plan, with no commercial or other uses shall be allowed in the following districts:...

2. Amend section 8D by adding a new subsection (4) as follows:

(4) The Planning Board may allow a workforce rental community as part of a larger project, as allowed in the CN and CMI districts, provided that the project, comprised of one or more parcels of land in the same ownership or control, could be divided into multiple lots meeting the lot requirement of §139-8D(1)(a)[1] on a conventional subdivision plan meeting all dimensional and upland requirements of the Bylaw and consistent with the "Rules and Regulations Governing the Subdivision of Land," as may be amended by the Planning Board from time to time, as demonstrated by the submission of a dimensioned lotting plan.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

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

1. Amend section 2A be amending the following definitions:

APARTMENT

A dwelling unit located within a commercial structure or detached structures on the same lot with a commercial use. An apartment(s) shall not occupy more than 50% of the first floor area. The Planning Board may by special permit waive this requirement based on a finding that the commercial character of the area will not be negatively impacted by the location of a dwelling unit on the first floor of the commercial structure. A maximum of four apartments are allowed by right in certain districts, subject to the dimensional requirements set forth below. The Planning Board may issue a special permit to allow more than four apartments on larger lots, provided that: (1) the overall number of units shall not exceed the density set forth in the schedule below; and (2) the applicant shall demonstrate through submission of a dimensioned lotting plan that the subject property could be divided into multiple lots pursuant to a conventional subdivision plan without requiring waivers from the Planning Board's "Rules and Regulations Governing the Subdivision of Land" (as in effect at the time of application:...

APARTMENT BUILDING(S)

A structure or structures containing a maximum of up to eight bedrooms in up to six dwelling units on a single lot, or an equivalent density, through the issuance of a special permit granted by the Planning Board, for a project, comprised of one or more parcels of land in the same ownership or control, that could be divided into multiple lots on a conventional subdivision plan meeting all dimensional and upland requirements of the Bylaw and consistent with the "Rules and Regulations Governing the Subdivision of Land," as may be amended by the Planning Board from time to time, as demonstrated by the submission of a dimensioned lotting plan, with no commercial or other uses shall be allowed in the following districts:...

2. Amend section 8D by adding a new subsection (4) as follows:

(4) The Planning Board may allow a workforce rental community as part of a larger project, as allowed in the CN and CMI districts, provided that the project, comprised of one or more parcels of land in the same ownership or control, could be divided into multiple lots meeting the lot requirement of §139-8D(1)(a)[1] on a conventional subdivision plan meeting all dimensional and upland requirements of the Bylaw and consistent with the "Rules and Regulations Governing the Subdivision of Land," as may be amended by the Planning Board from time to time, as demonstrated by the submission of a dimensioned lotting plan.

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

Two-Thirds Vote Required

ARTICLE 21

(Zoning Bylaw Amendment: Commercial Storage Containers)

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

1. Amend section 2A (definitions) by adding a new definition in alphabetical order as follows:

STORAGE CONTAINER

An outdoor container including trailers, semi-trailers, steel shipping containers, cargo containers, and the like, used for commercial storage of goods and materials.

2. Amend section 7A by adding a new use “Storage container” in the Use Column between “Shed” and “Interior or exterior storage or warehousing”, to be allowed by special permit (SP) in the CN, CTEC, and CI districts only.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

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

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An outdoor container including trailers, semi-trailers, steel shipping containers, cargo containers, and the like, used for commercial storage of goods and materials.

2. Amend section 7A by adding a new use “Storage container” in the Use Column between “Shed” and “Interior or exterior storage or warehousing”, to be allowed by special permit (SP) in the CN, CTEC, and CI districts only.

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

Two-Thirds Vote Required

ARTICLE 22

(Zoning Bylaw Amendment: Workforce Rental Community)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, by adding a new subsection 17C as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*).

Exceptions by special permit. The special permit granting authority may grant a special permit to allow the following structures to exceed such height limitations:

...

~~(6) (Reserved)~~ Buildings located within a workforce rental community pursuant to §139-8D, provided that a finding is made by the special permit granting authority that the proposed height exceeding 30 feet, but no more than 35 feet, is:

- (a) Advantageous to the creation of a workforce rental community;
- (b) Complementary and appropriate to the scale of the project and the surrounding neighborhood;
- (c) An enhancement to site design flexibility, resulting in an overall site design that could not otherwise be achieved using a building with a height of 30 feet; and
- (d) 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.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket is amended by adding a new subsection 17C as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

Exceptions by special permit. The special permit granting authority may grant a special permit to allow the following structures to exceed such height limitations:

...

~~(6) (Reserved)~~ Buildings located within a workforce rental community in the CN district pursuant to §139-8D, provided that a finding is made by the special permit granting authority that the proposed height exceeding 30 feet, but no more than 35 feet, is:

- (a) Advantageous to the creation of a workforce rental community;
- (b) Complementary and appropriate to the scale of the project and the surrounding neighborhood;
- (c) An enhancement to site design flexibility, resulting in an overall site design that could not otherwise be achieved using a building with a height of 30 feet; and

(d) 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.

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

Two-Thirds Vote Required

ARTICLE 23

(Zoning Map Change: LUG-2 to LUG-1 - 56 South Shore Road)

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

Map	Lot	Number	Street
80	114	56	South Shore Road

All as shown on a map entitled “2017 Special Town Meeting Warrant Article __ LUG-2 to LUG-1” dated July 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket is amended by placing the following property currently located in the Limited Use General 2 (LUG-2) district in the Limited Use General 1 (LUG-1) district:

Map	Lot	Number	Street
80	114	56	South Shore Road

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

Two-Thirds Vote Required

ARTICLE 24

(Zoning Map and Town and Country Overlay District Change: 3-9 South Shore Road)

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

1. Amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Limited Use General-2 (LUG-2) district in the Residential-40 (R-40) district:

Map	Parcel	Number	Street
67	336	3	South Shore Road
67	336.9	5	South Shore Road

67	336.8	7	South Shore Road
67	336.7	9	South Shore Road

- Amend Chapter 39 (Zoning) of the Code of the Town of Nantucket, section 4E, by placing the following property currently located in the Country Overlay District (COD) in the Town Overlay District (TOD) district:

Map	Lot	Number	Street
67	336 (portion of)	3	South Shore Road

All as shown on maps entitled “2017 Special Town Meeting Warrant Article ___” dated July 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved that the following actions are taken:

- Amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Limited Use General-2 (LUG-2) district in the Residential-40 (R-40) district:

Map	Parcel	Number	Street
67	336	3	South Shore Road
67	336.9	5	South Shore Road
67	336.8	7	South Shore Road
67	336.7	9	South Shore Road

- Amend Chapter 39 (Zoning) of the Code of the Town of Nantucket, section 4E, by placing a portion of following property currently located in the Country Overlay District (COD) in the Town Overlay District (TOD) district:

Map	Lot	Number	Street
67	336 (portion of)	3	South Shore Road

All as shown on maps entitled “2017 Special Town Meeting Warrant Article 24” dated July 2017 and filed herewith at the Office of the Town Clerk.

PLANNING BOARD COMMENT: Most of the land included in this proposal is already located within the Town Overlay District (TOD) where adequate infrastructure, including municipal sewer and water service, is in place to support any additional development. Section 2 of this article unifies the entire lot at 3 South Shore Road within the TOD. The current zoning district is inconsistent with the development pattern of the neighborhood and the designation of the area as within the TOD.

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

Two-Thirds Vote Required

ARTICLE 25

(Zoning Map Change: LUG-2 to R-40 - 2 Daffodil Lane)

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

Map	Lot	Number	Street
68	722	2	Daffodil Lane

All as shown on a map entitled “2017 Special Town Meeting Warrant Article __ LUG-2 to R-40” dated July 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Tammie Murphy, et al)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket is amended by placing the following property currently located in the Limited Use General 2 (LUG-2) district in the Residential 40 (R-40) district:

Map	Lot	Number	Street
68	722	2	Daffodil Lane

All as shown on a map entitled “2017 Special Town Meeting Warrant Article 25 LUG-2 to R-40” dated July 2017 and filed herewith at the Office of the Town Clerk.

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

Two-Thirds Vote Required

ARTICLE 26

(Home Rule Petition: Amending the Membership of the Nantucket Planning & Economic Development Commission by Removing the Superintendent of the Department of Public Works)

To see if the Town will vote to petition the General Court to enact special legislation to amend the Nantucket Planning & Economic Development Act as set forth below, that the General Court be authorized, with the consent of the Board of Selectmen, to make constructive changes in the text thereto to accomplish the public purposes thereof, as follows:

An Act Amending the Membership of the Nantucket Planning & Economic Development Commission by Removing the Superintendent of the Department of Public Works

SECTION 1. Chapter 561 of the Acts of 1973, as amended by chapter 98 of the Acts of 1981, by Chapter 458 of the Acts of 1991, and by Chapter 81 of the Acts of 2011 is hereby further amended by amending the existing text of section 1 as follows:

In order to plan for the orderly and coordinated development and protection of the physical, social and economic resources of the Island of Nantucket, there is hereby established the Nantucket Planning and Economic Development Commission, hereinafter called the "Commission." The Commission shall consist of the members of the Planning Board of the Town of Nantucket; one (1) representative of the Nantucket Housing Authority to be appointed annually by said Authority; ~~the Superintendent of the Department of Public Works of said town or his designee who shall be designated by the Board of Selectmen of said town;~~ one (1) representative of the County Commissioners of Nantucket County to be appointed annually by said County Commissioners; one (1) representative of the Conservation Commission to be appointed annually by said Conservation Commission; and three (3) persons from said town appointed at large by the Commission; one (1) for a term of one (1) year, and one (1) for a term of two (2) years and one (1) for a term of three (3) years.

SECTION 2. This Act shall take effect upon passage.

Or, to take any other action as related thereto.

(Board of Selectmen for Nantucket Planning and Economic Development Commission)

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court be requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Board of Selectmen, make constructive changes in the text thereto to accomplish the public purposes thereof, as follows:

An Act Amending the Membership of the Nantucket Planning & Economic Development Commission by Removing the Superintendent of the Department of Public Works

SECTION 1. Chapter 561 of the Acts of 1973, as amended by chapter 98 of the Acts of 1981, by Chapter 458 of the Acts of 1991, and by Chapter 81 of the Acts of 2011 is hereby further amended by amending the existing text of section 1 as follows:

In order to plan for the orderly and coordinated development and protection of the physical, social and economic resources of the Island of Nantucket, there is hereby established the Nantucket Planning and Economic Development Commission, hereinafter called the "Commission." The Commission shall consist of the members of the Planning Board of the Town of Nantucket; one (1) representative of the Nantucket Housing Authority to be appointed annually by said Authority; ~~the Superintendent of the Department of Public Works of said town or his designee who shall be designated by the Board of Selectmen of said town;~~ one (1) representative of the County Commissioners of Nantucket County to be appointed annually by said County Commissioners; one (1) representative of the Conservation Commission to be appointed annually by said Conservation Commission; and three (3) persons from said

town appointed at large by the Commission; one (1) for a term of one (1) year, and one (1) for a term of two (2) years and one (1) for a term of three (3) years.

SECTION 2. This Act shall take effect upon passage.

ARTICLE 27

(Acceptance of Massachusetts General Law: Authority to Establish Regulatory 20 mph Safety Zones)

To see if the Town will vote to accept the provisions of General Laws Chapter 90, Section 18B, allowing the Board of Selectmen to establish designated “safety zones” with a speed limit of 20 miles per hour on, at or near any way in the Town that is not a state highway, and, if a state highway, with the approval of the Massachusetts Department of Transportation, or take any other action relative thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the provisions of General Laws Chapter 90, Section 18B, allowing the Board of Selectmen to establish designated “safety zones” with a speed limit of 20 miles per hour on, at or near any way in the Town that is not a state highway, and, if a state highway, with the approval of the Massachusetts Department of Transportation are hereby accepted.