

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET**



WARRANT WITH FINANCE COMMITTEE MOTIONS

**Tuesday, November 7, 2023
SPECIAL TOWN MEETING
Nantucket High School
Mary P. Walker Auditorium
5:00 PM**

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

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Dawn E. Hill Holdgate, Chair
Brooke Mohr, Vice Chair
Thomas Dixon
Matthew G. Fee
Malcolm MacNab

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(508) 228-7255**

TOWN OF NANTUCKET
November 7, 2023 Special Town Meeting

TABLE OF CONTENTS

| Article Number | | Page Number |
|-----------------------|---|--------------------|
| 1 | General Bylaw Amendment - Chapter 123 of the Town Code - Regulating the Operation of Short-Term Rentals | 1 |
| 2 | Zoning Bylaw Amendment Regulating Short-Term Rental Use | 14 |
| 3 | Acceptance of Massachusetts General Law: Adoption of Community Impact Fee on Professionally Managed Short-Term Rentals | 15 |
| 4 | Establish Special Purpose Stabilization Fund for Affordable Housing and Dedicate 100 Percent of Short-Term Rental Community Impact Fees to the Fund | 15 |
| 5 | Zoning Map Change: LUG-3 to CI - Nantucket Airport Land in Vicinity of Sun Island Road | 16 |
| 6 | Real Estate Conveyance: Conservation Area Adjacent to Surfside Wastewater Treatment Facility to Nantucket Islands Land Bank | 17 |
| 7 | Real Estate Acquisition: Easements in Lovers Lane, Okorwaw Avenue, Monohansett Road, Airport Road, Skyline Drive, Webster Road, Evergreen Way, Rugged Road, and Davkim Lane for the Surfside Area Transportation Enhancements Project | 18 |
| 8 | Home Rule Petition: Acquisition of Bike Path Easement by County | 19 |
| 9 | Transfer of General Fund Housing Appropriations | 21 |
| 10 | Appropriation: Nobadeer Playing Fields Complex - Field Addition; Associated Renovations to Adjacent Fields; Site Enhancements | 22 |
| 11 | Supplemental Appropriation: Upgrades to South Valley Sewer Pump Station | 22 |
| 12 | Supplemental Appropriation: Construction of Town Employee Housing | 23 |
| 13 | Supplemental Appropriation: Construction of Airport Housing | 23 |
| 14 | National Opioid Settlement Payments - Special Purpose Stabilization Fund for Substance Abuse Efforts | 23 |
| 15 | Amend Description of Public Works Facility Improvements Design Location | 24 |
| 16 | Real Estate Acquisition: 8 Nichols Road (Tom Nevers) | 25 |
| 17 | Elected Official Compensation Schedule Amendment | 25 |
| 18 | Bylaw Amendment: Board of Sewer Commissioners/Siasconset Sewer District Map Change - Codfish Park Area/Amendolare | 26 |
| 19 | Bylaw Amendment: Board of Sewer Commissioners/Siasconset Sewer District Map Change - Sankaty Road/L. Williams | 28 |
| 20 | Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change - Burnt Swamp Lane/Borchert | 29 |

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
(General Bylaw Amendment - Chapter 123 of the Town Code - Regulating the Operation of Short-Term Rentals)

To see if the Town will vote to amend Chapter 123 of the Town Code (Short-Term Rentals) as follows (*language to be inserted shown in highlight; language to be deleted shown in strikethrough; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

Chapter 123

Short-Term Rentals

§ 123-1. Purpose and Intent.

This bylaw is enacted pursuant to the Town's Home Rule Authority and the authority set forth in General Laws c. 64G, § 14 and is intended to:

- (1) provide for an orderly process for identifying, registering, and regulating Short-Term Rentals within the Town so as to insure that such short-term rentals do not create or cause any nuisance conditions within the Town;
- (2) protect the time-honored tradition of home rentals on Nantucket and preserve economic opportunities through Short-Term Rentals for persons to keep their homes, now and into the future, so they may afford to live either full-time or part-time on Nantucket;
- (3) avoid adverse impacts on the local economy stemming from a loss of existing Short Term Rental revenue, including rooms excise tax revenue, and visitor spending;
- (4) prohibit additional corporate ownership and discourage investment-only ownership of residential properties for the exclusive purpose of operating them as Short-Term Rentals rather than housing for either full-time or part-time residences;
- (5) reduce the neighborhood churn caused by numerous turnovers of occupancy of Short-Term Rentals in residential neighborhoods;
- (6) limit the conversion of residential units to Short-Term Rentals. which has had the deleterious effect of removing residential units from the available year-round rental housing stock; and
- (7) provide a regulatory structure that reduces the threat of litigation challenging Short-Term Rental use by full-time and part-time residents.

§ 123-2. Definitions.

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

APARTMENT BUILDING

Shall have the same meaning as in Chapter 139 of the Town Code.

CORPORATION

All businesses and charitable entities required to file Articles of Incorporation and Annual Reports with the Massachusetts Secretary of State or an equivalent agency of another state, pursuant to G.L. c. 156D, § 2 or G.L. c. 180, § 4, respectively.

COTTAGE COLONY

A group of four or more detached dwellings, legally in existence at the time of adoption of this bylaw, located on a single lot, which is customarily occupied on a seasonal basis.

DEED-RESTRICTED UNIT

A dwelling unit that is subject to a deed restriction held by the Town for affordable, workforce homeownership housing, or workforce rental housing as these terms are defined in Chapter 139 of the Town Code or is subject to a deed restriction under the Nantucket Housing Needs Covenant program pursuant to Chapter 301 of the Acts of 2002, as amended.

DWELLING UNIT

Shall have the same meaning as in Chapter 139 of the Town Code.

HOSTED STAYS

An overnight stay whereby a short-term renter occupies a portion of a dwelling unit where the owner is present. An owner is considered present when the owner is on the premises except during the daytime and/or work hours.

OPERATOR

A person or other legal entity operating a short-term rental including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such short-term rental. It is the intent of this bylaw that the operator shall have the same meaning as set forth in General Laws c, 64G, § 1.

SHORT-TERM RENTAL

A dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least one room or dwelling unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance. Rental periods with a change in occupancy in excess of 31 calendar days shall not be considered a short-term rental. The rental of property for a total of 14 days or less in any calendar year shall not be considered a short-term rental.

TOWNHOUSE

A single structure consisting of three or more dwelling units, each with one or more abutting walls and entrances opening directly to the outside at grade.

TRANSIENT RESIDENTIAL FACILITY

Shall have the same meaning as in Chapter 139 of the Town Code.

Unless otherwise specifically provided in this bylaw, terms used in this bylaw shall have the same meaning as set forth in G.L. c. 64G.

§ 123-3. Registration, Permitting, Inspection and Fees.

- A. No person or other legal entity shall operate a short-term rental without having first obtained a certificate of registration from the Board of Health. An application for a certificate of registration shall be on a form provided by the Town and shall contain the Department of Revenue identification number or proof of exemption under G.L. c. 64G. The operator shall provide with the application a certificate of registration issued by the Department of Revenue in accordance with § 67 of Chapter 62C of the General Laws.
- B. The annual fee for such certificate of registration shall be set forth in the regulations issued pursuant to § 123-4.
- C. The application for the certificate of registration shall include an attestation that the owner and/or operator is in compliance with all applicable federal, state and local laws, including but not limited to G.L. c. 64G and the Fair Housing Act, G.L. c. 151B, and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, and that the owner and/or operator of the property is current with all Town taxes, water, and sewage charges and other fees, subject to the requirements of Chapter 19, §§ 13 through 18, of the Town Code. Any property offered for a short-term rental shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders. Nothing contained herein shall relieve the owner or operator from complying with all local permits, rules and regulations issued by the Board of Health and other Town boards generally applicable to resident dwelling units.

- D. The Board of Health shall not issue any certificate of registration unless the Operator has:
- (1) submitted a complete application and paid all associated fees;
 - (2) Provided contact information for the operator and persons designated to address any issues at the short-term rental within two hours' notice; and
 - (3) Provided the Town with a certificate of insurance evidencing liability insurance coverage for the short-term rental in an amount to be determined by the regulations issued pursuant to § 123-4.
- E. Operators are subject to inspection of the short-term rental by the Board of Health upon reasonable notice via consent or administrative warrant, or without such notice in the event of an imminent threat to public health or safety.
- F. Certificates of registration are valid for one year and may be renewed at the discretion of the Town, provided that the operator has complied with the provisions of this chapter and any associated regulations during the preceding year. An application for renewal of a certificate of registration shall be submitted along with the annual fee no later than November 1 of the next year. A renewal application shall include an attestation that the Short-Term Rental was operated in accordance with all bylaws and regulations of the Town during the previous year.
- G. The certificate of registration is issued to the operator and does not run with the land. If the short-term rental is sold or transferred out of ownership, a new application for a certificate of registration shall be filed by the new operator before short-term rentals can continue or resume.
- H. Any person or other legal entity who receives a certificate of registration to operate a Short-Term Rental from the Commonwealth of Massachusetts pursuant to G.L. c. 64G, § 6 prior to the November 7, 2023 Special Town Meeting, and who (1) submits proof of the state registration to the Board of Health, and (2) submits proof that the owner has collected and paid the rooms excise tax required for Short-Term Rentals under General Laws c. 64G in at least one Calendar Third Quarter between January 1, 2019, and November 7, 2023, shall be exempt from the requirements of subsections I, J, K, and L of this chapter. The provisions of subsection M shall, however, apply to such Short-Term Rentals. When a dwelling unit is transferred or conveyed, or the certificate of registration issued by the Town pursuant to § 123-3 of this chapter is not renewed, any subsequent Short-Term Rental of the dwelling unit shall be subject to all of the requirements of this chapter, except that if a dwelling unit is bequeathed to a person or other beneficiary through a will or trust, any Short-Term Rental activities shall be exempt from subsections I, J, K, and L. Any Short-Term Rental contract for a period of time in Calendar Year 2024 that is entered into prior

to the effective date of this bylaw shall be exempt from the provisions of subsections I through M.

- I. An owner may register to operate only one property as a Short-Term Rental. The property can contain up to two dwelling units in a single registration, as long as both dwelling units covered by the registration are located on the same lot and are rented to the same person or legal entity. Multiple dwelling units within the same property may not be registered or rented as separate short-term rentals. An owner may hire a property management company to list and manage a short-term rental, but the registration must be in the owner's name.
- J. Dwelling units owned by a Corporation shall not be eligible to receive a certificate of registration. Short-Term Rentals are eligible to receive a certificate of registration for dwelling units owned by an LLC, Trust, or a solely family-owned corporation such as an S Corporation, only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration. The Board of Health may adopt regulations pursuant to § 123-4 establishing the documentation required to establish eligibility under this section.
- K. Short-Term Rentals may not be operated in any Deed-Restricted unit or in an unrestricted unit in an Apartment Building or Townhouse owned, operated, and managed as rental housing.
- L. Short-Term Rentals shall only be allowed in detached single-family dwelling units, accessory dwellings, or residential garage apartments that may be attached or detached to a single-family dwelling. The terms used in the preceding sentence shall have the same meaning as they are used in Chapter 139 of the Town Code. The Owner of a dwelling unit in a structure containing more than one dwelling unit, except for single-family dwelling units attached to residential garage apartments, or a structure containing at least one commercial unit and at least one dwelling unit is eligible to receive a certificate of registration, provided the unit is not deed-restricted, and only on a condition contained in the certificate of registration that limits Short-Term Rentals in such units to a maximum of four weeks each year. No dwelling unit that is subject to a lease shall be eligible to receive a certificate of registration for a Short-Term Rental.
- M. No person or other legal entity holding a certificate of registration for a dwelling unit may engage in the Short-Term Rental of said property that has a change of occupancy of more than four times during July and August unless that person or other legal entity complies with subsection H of this chapter in which case that person or other legal entity may engage in a Short-Term Rental of said property that has a change in occupancy up to nine times during the months of July and August. If a property is sold or transferred other than through inheritance or bequest, after the effective date of this bylaw, the new owner shall not engage in a Short-Term Rental of an existing or new dwelling unit that has a change in occupancy of more than four times during the months of July and August. After

the effective date of this bylaw, if there is any change in the members, shareholders, or partners of an LLC, Trust or S Corporation other than the addition of immediate family members, the Short-Term Rental of a dwelling unit shall be limited to a change in occupancy of not more than four times during the months of July and August. The owner shall provide with the renewal application a report on the rental activities the prior year, as set forth more fully in the regulations adopted pursuant to § 123-4 of this Bylaw.

N. The Select Board may designate a Town Official or Town Board to grant a waiver from any of the provisions contained in Paragraphs I through M of this chapter upon a showing that such a waiver is necessary in order to prevent an undue hardship.

O. Hosted Stays and Cottage Colonies shall be exempt from subsections I, K, L, and M of this section.

§ 123-4. Regulations.

The Board of Health, subject to the approval of the Select Board, shall promulgate regulations to carry out and enforce the provisions of this chapter. Such regulations may also include but are not limited to requirements to insure that the operation of the short-term rental does not create or cause a nuisance to the surrounding neighborhood due to unreasonable noise, overburdening of parking areas, and other nuisance conditions.

§ 123-5. Enforcement.

- A. Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by indictment or on complaint brought in the district court. The Town may seek to enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.
- B. Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, § 21D and the Town's non-criminal disposition bylaw (Chapter 1 of the Town Code). If noncriminal disposition is elected, then any person who violates any provision of this bylaw or regulation shall be subject to a penalty in the amount of \$100 for the first offense; \$200 for the second offense; and \$300 for a third and subsequent offense. Each day or portion thereof shall constitute a separate offense. The Board of Health or its agent, or any police officer of the Town, shall be the enforcing authority.
- C. If a notice of violation of this bylaw or any regulation promulgated hereunder or other order is issued to the operator or the owner of the property by the Board of Health or its designee, after a certificate of registration is issued, the Board of Health, after a hearing, may suspend for a period of time determined by the

Board of Health or revoke said certificate of registration until the violation has been cured or otherwise resolved. Multiple violations by any operator may, at the discretion of the Board of Health and after a hearing, disqualify that operator from obtaining a certificate of registration for a period of up to three years.

- D. In accordance with G.L. c. 64G, § 14(v), the Town may assess a civil penalty not to exceed \$5,000 for any violation of this bylaw or a regulation issued hereunder. Each day a violation continues shall be considered a separate offense.

§ 123-6. Severability.

If any provision in this chapter shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

~~§ 123-7. Effective date.~~

~~The provisions of this Chapter shall become effective pursuant to General Laws Chapter 40, §21, or January 1, 2023, whichever is later; Or take any other action relative thereto.~~

(Select Board)

FINANCE COMMITTEE MOTION: Move that Chapter 123 of the Town Code (Short-Term Rentals) be amended as follows provided that the provisions of the amendments to Chapter 123 proposed under this article shall not take effect until and unless Chapter 139 (Zoning) of the Town Code regulating short-term rental use is adopted at the November 7, 2023 Special Town Meeting in substantially the form set forth in the Planning Board motion under Article 2 of the Warrant, and is approved by the Attorney General *(language to be inserted shown in highlight; language to be deleted shown in 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):*

Chapter 123

Short-Term Rentals

§ 123-1. Purpose and Intent.

This bylaw is enacted pursuant to the Town's Home Rule Authority and the authority set forth in General Laws c. 64G, § 14 and is intended to:

- (1) provide for an orderly process for identifying, registering, and regulating Short-Term Rentals within the Town so as to insure that such short-term rentals do not create or cause any nuisance conditions within the Town;**

(2) protect the time-honored tradition of home rentals on Nantucket and preserve economic opportunities through Short-Term Rentals for persons to keep their homes, now and into the future, so they may afford to live either full-time or part-time on Nantucket;

(3) avoid adverse impacts on the local economy stemming from a loss of existing Short Term Rental revenue, including rooms excise tax revenue, and visitor spending;

(4) prohibit additional corporate ownership and discourage investment-only ownership of residential properties for the exclusive purpose of operating them as Short-Term Rentals rather than housing for either full-time or part-time residences;

(5) reduce the neighborhood churn caused by numerous turnovers of occupancy of Short-Term Rentals in residential neighborhoods;

(6) limit the conversion of residential units to Short-Term Rentals. which has had the deleterious effect of removing residential units from the available year-round rental housing stock; and

(7) provide a regulatory structure that reduces the threat of litigation challenging Short-Term Rental use by full-time and part-time residents.

§ 123-2. Definitions.

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

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Shall have the same meaning as in Chapter 139 of the Town Code.

CORPORATION

All businesses and charitable entities required to file Articles of Incorporation and Annual Reports with the Massachusetts Secretary of State or an equivalent agency of another state, pursuant to G.L. c. 156D, § 2 or G.L. c. 180, § 4, respectively.

COTTAGE COLONY

A group of four or more detached dwellings, legally in existence at the time of adoption of this bylaw, located on a single lot, which is customarily occupied on a seasonal basis.

DEED-RESTRICTED UNIT

A dwelling unit that is subject to a deed restriction held by the Town for affordable, workforce homeownership housing, or workforce rental housing as these terms are defined in Chapter 139 of the Town Code or is subject to a deed restriction under the Nantucket Housing Needs Covenant program pursuant to Chapter 301 of the Acts of 2002, as amended.

DWELLING UNIT

Shall have the same meaning as in Chapter 139 of the Town Code.

HOSTED STAYS

An overnight stay whereby a short-term renter occupies a portion of a dwelling unit where the owner is present. An owner is considered present when the owner is on the premises except during the daytime and/or work hours.

OPERATOR

A person or other legal entity operating a short-term rental including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such short-term rental. It is the intent of this bylaw that the operator shall have the same meaning as set forth in General Laws c. 64G, § 1.

SHORT-TERM RENTAL

A dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least one room or dwelling unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance. Rental periods with a change in occupancy in excess of 31 calendar days shall not be considered a short-term rental. The rental of property for a total of 14 days or less in any calendar year shall not be considered a short-term rental.

TOWNHOUSE

A single structure consisting of three or more dwelling units, each with one or more abutting walls and entrances opening directly to the outside at grade.

TRANSIENT RESIDENTIAL FACILITY

Shall have the same meaning as in Chapter 139 of the Town Code.

Unless otherwise specifically provided in this bylaw, terms used in this bylaw shall have the same meaning as set forth in G.L. c. 64G.

§ 123-3. Registration, Permitting, Inspection and Fees.

- A. No person or other legal entity shall operate a short-term rental without having first obtained a certificate of registration from the Board of Health. An application for a certificate of registration shall be on a form provided by the Town and shall contain the Department of Revenue identification number or proof of exemption under G.L. c. 64G. The operator shall provide with the application a certificate of registration issued by the Department of Revenue in accordance with § 67 of Chapter 62C of the General Laws.**
- B. The annual fee for such certificate of registration shall be set forth in the regulations issued pursuant to § 123-4.**
- C. The application for the certificate of registration shall include an attestation that the owner and/or operator is in compliance with all applicable federal, state and local laws, including but not limited to G.L. c. 64G and the Fair Housing Act, G.L. c. 151B, and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, and that the owner and/or operator of the property is current with all Town taxes, water, and sewage charges and other fees, subject to the requirements of Chapter 19, §§ 13 through 18, of the Town Code. Any property offered for a short-term rental shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders. Nothing contained herein shall relieve the owner or operator from complying with all local permits, rules and regulations issued by the Board of Health and other Town boards generally applicable to resident dwelling units.**
- D. The Board of Health shall not issue any certificate of registration unless the Operator has:
 - (1) submitted a complete application and paid all associated fees;**
 - (2) Provided contact information for the operator and persons designated to address any issues at the short-term rental within two hours' notice; and**
 - (3) Provided the Town with a certificate of insurance evidencing liability insurance coverage for the short-term rental in an amount to be determined by the regulations issued pursuant to § 123-4.****
- E. Operators are subject to inspection of the short-term rental by the Board of Health upon reasonable notice via consent or administrative warrant, or without such notice in the event of an imminent threat to public health or safety.**
- F. Certificates of registration are valid for one year and may be renewed at the discretion of the Town, provided that the operator has complied with the provisions of this chapter and any associated regulations during the preceding**

year. An application for renewal of a certificate of registration shall be submitted along with the annual fee no later than November 1 of the next year. A renewal application shall include an attestation that the Short-Term Rental was operated in accordance with all bylaws and regulations of the Town during the previous year.

- G. The certificate of registration is issued to the operator and does not run with the land. If the short-term rental is sold or transferred out of ownership, a new application for a certificate of registration shall be filed by the new operator before short-term rentals can continue or resume.
- H. Any person or other legal entity who owned a property and the structure(s) thereon had been issued a Certificate of Occupancy (as applicable as determined by the Building Commissioner) receives a certificate of registration to operate a Short-Term Rental from the Commonwealth of Massachusetts pursuant to G.L. c. 64G, § 6 prior to the November 7, 2023 Special Town Meeting, and who (1) submits proof of the state registration to the Board of Health, and (2) submits proof that the owner has collected and paid the rooms excise tax required for Short-Term Rentals under General Laws c. 64G in at least one Calendar Third Quarter between January 1, 2019, and November 7, 2023, shall be exempt from the requirements of subsections I, J, K, and L of this chapter. The provisions of subsection M shall, however, apply to such Short-Term Rentals. When a dwelling unit is transferred or conveyed, or the certificate of registration issued by the Town pursuant to § 123-3 of this chapter is not renewed, any subsequent Short-Term Rental of the dwelling unit shall be subject to all of the requirements of this chapter, except that if a dwelling unit is bequeathed to a person or other beneficiary through a will or trust, any Short-Term Rental activities shall be exempt from subsections I, J, K, and L. Any Short-Term Rental contract for a period of time in Calendar Year 2024 that is entered into prior to the effective date of this bylaw shall be exempt from the provisions of subsections I through M.
- I. An owner may register to operate only one property as a Short-Term Rental. The property can contain up to two dwelling units in a single registration, as long as both dwelling units covered by the registration are located on the same lot and are rented to the same person or legal entity. Multiple dwelling units within the same property may not be registered or rented as separate short-term rentals. An owner may hire a property management company to list and manage a short-term rental, but the registration must be in the owner's name.
- J. Dwelling units owned by a Corporation shall not be eligible to receive a certificate of registration. Short-Term Rentals are eligible to receive a certificate of registration for dwelling units owned by an LLC, Trust, or a solely family-owned corporation such as an S Corporation, only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration. The Board of Health may adopt regulations pursuant to § 123-4 establishing the documentation required to establish eligibility under this section.

- K. Short-Term Rentals may not be operated in any Deed-Restricted unit or in an unrestricted unit in an Apartment Building or Townhouse owned, operated, and managed as rental housing.
- L. Short-Term Rentals shall only be allowed in detached single-family dwelling units, accessory dwellings, or residential garage apartments that may be attached or detached to a single-family dwelling. The terms used in the preceding sentence shall have the same meaning as they are used in Chapter 139 of the Town Code. The Owner of a dwelling unit in a structure containing more than one dwelling unit, except for single-family dwelling units attached to residential garage apartments, or a structure containing at least one commercial unit and at least one dwelling unit is eligible to receive a certificate of registration, provided the unit is not deed-restricted, and only on a condition contained in the certificate of registration that limits Short-Term Rentals in such units to a maximum of four weeks each year. No dwelling unit that is subject to a lease shall be eligible to receive a certificate of registration for a Short-Term Rental.
- M. No person or other legal entity holding a certificate of registration for a dwelling unit may engage in the Short-Term Rental of said property that has a change of occupancy of more than four times during July and August unless that person or other legal entity complies with subsection H of this chapter in which case that person or other legal entity may engage in a Short-Term Rental of said property that has a change in occupancy up to nine times during the months of July and August. If a property is sold or transferred other than through inheritance or bequest, after the effective date of this bylaw, the new owner shall not engage in a Short-Term Rental of an existing or new dwelling unit that has a change in occupancy of more than four times during the months of July and August. After the effective date of this bylaw, if there is any change in the members, shareholders, or partners of an LLC, Trust or S Corporation other than the addition of immediate family members, the Short-Term Rental of a dwelling unit shall be limited to a change in occupancy of not more than four times during the months of July and August. The owner shall provide with the renewal application a report on the rental activities the prior year, as set forth more fully in the regulations adopted pursuant to § 123-4 of this Bylaw.
- N. The Select Board may designate a Town Official or Town Board to grant a waiver from any of the provisions contained in Paragraphs I through M of this chapter upon a showing that such a waiver is necessary in order to prevent an undue hardship.
- O. Hosted Stays and Cottage Colonies shall be exempt from subsections I, K, L, and M of this section.

§ 123-4. Regulations.

The Board of Health, subject to the approval of the Select Board, shall promulgate regulations to carry out and enforce the provisions of this chapter. Such regulations may also include but are not limited to requirements to insure that the operation of the short-term rental does not create or cause a nuisance to the surrounding neighborhood due to unreasonable noise, overburdening of parking areas, and other nuisance conditions.

§ 123-5. Enforcement.

- A. Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by indictment or on complaint brought in the district court. The Town may seek to enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.
- B. Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, § 21D and the Town's non-criminal disposition bylaw (Chapter 1 of the Town Code). If noncriminal disposition is elected, then any person who violates any provision of this bylaw or regulation shall be subject to a penalty in the amount of \$100 for the first offense; \$200 for the second offense; and \$300 for a third and subsequent offense. Each day or portion thereof shall constitute a separate offense. The Board of Health or its agent, or any police officer of the Town, shall be the enforcing authority.
- C. If a notice of violation of this bylaw or any regulation promulgated hereunder or other order is issued to the operator or the owner of the property by the Board of Health or its designee, after a certificate of registration is issued, the Board of Health, after a hearing, may suspend for a period of time determined by the Board of Health or revoke said certificate of registration until the violation has been cured or otherwise resolved. Multiple violations by any operator may, at the discretion of the Board of Health and after a hearing, disqualify that operator from obtaining a certificate of registration for a period of up to three years.
- D. In accordance with G.L. c. 64G, § 14(v), the Town may assess a civil penalty not to exceed \$5,000 for any violation of this bylaw or a regulation issued hereunder. Each day a violation continues shall be considered a separate offense.

§ 123-6. Severability.

If any provision in this chapter shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

~~§ 123-7. Effective date.~~

~~The provisions of this Chapter shall become effective pursuant to General Laws Chapter 40, §21, or January 1, 2023, whichever is later;~~

SELECT BOARD COMMENT: The Select Board does not support the Finance Committee Motion; it supports Article 1 as printed in the Warrant.

ARTICLE 2

(Zoning Bylaw Amendment Regulating Short-Term Rental Use)

To see if the Town will vote to amend Chapter 139 of the Town Code (Zoning) as follows, provided that the provisions of this chapter shall take effect upon approval by Town Meeting pursuant to G.L. c. 40A, § 5 and G.L. c. 40, § 21, but in no event shall these amendments take effect unless and until Chapter 123 (General Bylaw) of the Town Code regulating short-term rentals is amended in substantially the form set forth in Article 1 of the Warrant for the November 7, 2023, Special Town Meeting and is approved by the Attorney General:

1. Amend § 139-2 (Definitions and Word Usage), by inserting the following new term and definition and inserting it in alphabetical order.

SHORT-TERM RENTAL

A dwelling unit or portion thereof registered and operated by the owner in accordance with Chapter 123 of the Town Code.

2. Amend § 139-7A (Use Chart) by inserting Short-Term Rental between Tertiary Dwelling and Apartment Building in the Use column and inserting the designation Y in all district columns except the Commercial Industrial (CI) district, where the designation N shall be inserted.

Or take any other action relative thereto.

(Select Board)

NOTE: The Use Chart to be amended is shown in the Town Code and is on file with the Town Clerk.

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket be amended as follows provided that the provisions of this amendment shall not take effect unless and until Chapter 123 (General Bylaw) of the Town Code regulating short-term rentals is amended at the November 7, 2023 Special Town Meeting in substantially the form set forth in the Finance Committee printed motion under Article 1 of the Warrant and is approved by the Attorney General:

1. Amend § 139-2 (Definitions and Word Usage), by inserting the following new term and definition and inserting it in alphabetical order.

SHORT-TERM RENTAL

A dwelling unit or portion thereof registered and operated by the owner in accordance with Chapter 123 of the Town Code.

2. Amend § 139-7A (Use Chart) by inserting Short-Term Rental between Tertiary Dwelling and Apartment Building in the Use column and inserting the designation Y in all district columns except the Commercial Industrial (CI) district, where the designation N shall be inserted.

PLANNING BOARD COMMENT: The Board notes the significant discussion of this use by the Short-Term Rental Work Group over the course of many months. Adding “short-term rental” to the use chart will remove any ambiguity regarding whether the use is an allowed use or not; and will remove the uncertainty that has recently affected property owners. Passing the regulations proposed in Article 1 is an important component of the Board’s support for this zoning amendment. As presented, even if the use is allowed in the Zoning Bylaw, it cannot take place without strict compliance with the regulations contained in Chapter 123 of the Town Code.

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

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

ARTICLE 3

(Acceptance of Massachusetts General Law: Adoption of Community Impact Fee on Professionally Managed Short-Term Rentals)

To see if the Town will vote to accept the provisions of General Laws Chapter 64G, Section 3D(a), authorizing the imposition of a community impact fee of three percent (3%) on the transfer of occupancy of a short-term rental in a “professionally-managed unit”, which term is defined as one of two or more short-term rental units that are located in the same city or town, operated by the same operator and are not located within a single-family, two-family, or three family dwelling that includes the operator’s primary residence; or take any action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the provisions of Chapter 64G, Section 3D(a) of the General Laws, are hereby accepted.

ARTICLE 4

(Establish Special Purpose Stabilization Fund for Affordable Housing and Dedicate 100 Percent of Short-Term Rental Community Impact Fees to the Fund)

To see if the Town will vote to establish, pursuant to the provisions of General Laws Chapter 40, Section 5B, a Special Purpose Stabilization Fund for Affordable Housing; and further to accept Paragraph 4 of Chapter 40, Section 5B of the General Laws and dedicate, without further appropriation, 100 percent of any community impact fees received by the Town pursuant to General Laws Chapter 64G, Section 3D(a) or (b) on the transfer of occupancy of a short-term rental to the Special Purpose Stabilization

Fund for Affordable Housing; provided that said dedication shall take effect beginning in Fiscal Year 2025 which begins on July 1, 2024; and provided further that the Town may not revoke its acceptance of this Act for at least three fiscal years; or to take any other action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that pursuant to General Laws Chapter 40, Section 5B, a Special Purpose Stabilization Fund for Affordable Housing is hereby established; and, that without further appropriation, one hundred percent (100%) of any community impact fee received by the Town pursuant to General Laws Chapter 64G, Section 3D(a) or (b) on the transfer of occupancy of a short-term rental is dedicated to the Special Purpose Stabilization Fund for Affordable Housing; provided that said dedication shall take effect beginning in Fiscal Year 2025 which begins on July 1, 2024; and provided further that the Town may not revoke its acceptance of this Act for at least three fiscal year.

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

ARTICLE 5

(Zoning Map Change: LUG-3 to CI - Nantucket Airport Land in Vicinity of Sun Island Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing a portion of the following property currently located in the Limited Use General 3 (LUG-3) district in the Commercial Industrial (CI) district:

| MAP | LOT | DESCRIPTION |
|-----|--------------------|---|
| 69 | 3.1 (a portion of) | Approximately 45,020 square feet of Lot 66 shown on Land Court Plan 26984-U and on a plan entitled "Lease Area Plot Plan at Nantucket Airport in Nantucket, Massachusetts" prepared by Earle & Sullivan, Inc. dated January 6, 2023 |

All as shown on a map filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Airport Commission)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket is amended by placing a portion of the following property currently located in the Limited Use General 3 (LUG-3) district in the Commercial Industrial (CI) district:

| MAP | LOT | DESCRIPTION |
|-----|--------------------|---|
| 69 | 3.1 (a portion of) | Approximately 45,020 square feet of Lot 66 shown on Land Court Plan 26984-U and on a plan entitled "Lease Area Plot Plan at Nantucket Airport in Nantucket, Massachusetts" prepared by Earle & Sullivan, Inc. dated January 6, 2023 |

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

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

ARTICLE 6

(Real Estate Conveyance: Conservation Area Adjacent to Surfside Wastewater Treatment Facility to Nantucket Islands Land Bank)

To see if the Town will vote to transfer the care, custody, management and control of a certain parcel of land off South Shore Road, adjacent to the Surfside Wastewater Treatment Facility, shown as "Parcel B, Conservation Area" containing 16.1853 ± acres on a plan of land entitled "Division Plan of Surfside Wastewater Treatment Facility Land in Nantucket, MA. Showing Parcels A & B," dated April 23, 2023, prepared by Blackwell & Associates, Inc., a copy of which is on file with the Office of the Town Clerk, being a portion of the land owned by the Town by virtue of Order of Taking dated February 27, 1986, recorded with the Nantucket County Registry of Deeds in Book 246, Page 263, from the Select Board held for municipal sewage treatment purposes to the Select Board held for purposes of conveyance; and further to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in the above-described parcel of land, to the Nantucket Islands Land Bank for purposes of conservation of natural resources subject to the provisions of the Conservation and Management Permit issued by the Massachusetts Division of Fisheries & Wildlife, and further any such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions.

All as shown on a map entitled "2023 Special Town Meeting Warrant Article 6" dated November 2023 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is authorized to transfer the care, custody, management and control of a certain parcel of land off South Shore Road, adjacent to the Surfside Wastewater Treatment Facility, shown as "Parcel B, Conservation Area" containing 16.1853 ± acres on a plan of land entitled "Division Plan of Surfside Wastewater Treatment Facility Land in Nantucket, MA. Showing

Parcels A & B,” dated April 23, 2023, prepared by Blackwell & Associates, Inc., a copy of which is on file with the Office of the Town Clerk, being a portion of the land owned by the Town by virtue of Order of Taking dated February 27, 1986, recorded with the Nantucket County Registry of Deeds in Book 246, Page 263, from the Select Board held for municipal sewage treatment purposes to the Select Board held for purposes of conveyance; and further that the Select Board is authorized to sell, convey or otherwise dispose of the fee or lesser interests in the above-described parcel of land, to the Nantucket Islands Land Bank for purposes of conservation of natural resources subject to the provisions of the Conservation and Management Permit issued by the Massachusetts Division of Fisheries & Wildlife, and further any such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions.

All as shown on a map filed herewith at the Office of the Town Clerk.

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

ARTICLE 7

(Real Estate Acquisition: Easements in Lovers Lane, Okorwaw Avenue, Monohansett Road, Airport Road, Skyline Drive, Webster Road, Evergreen Way, Rugged Road, and Davkim Lane for the Surfside Area Transportation Enhancements Project)

To see if the Town will vote to (a) authorize the Select Board to acquire, by purchase, gift and/or eminent domain, the fee to and/or permanent and/or temporary easements, for public way purposes, including without limitation, for the construction, alteration, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, drainage, utilities, driveways, guardrails, slopes, grading, rounding, construction, landscaping, and other appurtenances and/or facilities, to enable the Town to undertake the Surfside Area Transportation Enhancements Project and for any and all purposes incidental or related thereto, in, on and under certain parcels of land located on or near Lovers Lane, Okorwaw Avenue, Monohansett Road, Airport Road, Skyline Drive, Webster Road, Evergreen Way, Rugged Road, and Davkim Lane and approximately shown on plan entitled “Surfside Area Transportation Enhancements, Lovers Lane, Okorwaw Avenue, Monohansett Road, Nantucket, MA,” dated August 9, 2023, prepared by GPI (Greenman-Pedersen, Inc.), and the drainage easements shown as D-1, D-2 and D-3 and the temporary easements shown as TE-1, TE-2, TE-3 and TE-4 on plan entitled “Plan of Easements on Lovers Lane in Nantucket, MA, Nantucket County, Prepared for the Town of Nantucket,” dated July 19, 2023, prepared by GPI (Greenman-Pedersen, Inc.), both plans on file with the Town Clerk, as said plans may be amended and/or incorporated into an easement plan; (b) raise and appropriate, transfer from available funds, and/or borrow a sum of money to fund the foregoing and any and all costs incidental or related thereto, including, without limitation, the cost of any land/easement acquisitions, appraisals, and surveys; and, (c) authorize the Select Board to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is authorized to (a) acquire, by purchase, gift and/or eminent domain, the fee to and/or permanent and/or temporary easements, for public way purposes, including without limitation, for the construction, alteration, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, drainage, utilities, driveways, guardrails, slopes, grading, rounding, construction, landscaping, and other appurtenances and/or facilities, to enable the Town to undertake the Surfside Area Transportation Enhancements Project and for any and all purposes incidental or related thereto, in, on and under certain parcels of land located on or near Lovers Lane, Okorwaw Avenue, Monohansett Road, Airport Road, Skyline Drive, Webster Road, Evergreen Way, Rugged Road, and Davkim Lane and approximately shown on plan entitled “Surfside Area Transportation Enhancements, Lovers Lane, Okorwaw Avenue, Monohansett Road, Nantucket, MA,” dated August 9, 2023, prepared by GPI (Greenman-Pedersen, Inc.), and the drainage easements shown as D-1, D-2 and D-3 and the temporary easements shown as TE-1, TE-2, TE-3 and TE-4 on plan entitled “Plan of Easements on Lovers Lane in Nantucket, MA, Nantucket County, Prepared for the Town of Nantucket,” dated July 19, 2023, prepared by GPI (Greenman-Pedersen, Inc.), both plans on file with the Town Clerk, as said plans may be amended and/or incorporated into an easement plan; (b) raise and appropriate, transfer from available funds, and/or borrow a sum of money to fund the foregoing and any and all costs incidental or related thereto, including, without limitation, the cost of any land/easement acquisitions, appraisals, and surveys; and, (c) authorize the Select Board to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes.

ARTICLE 8

(Home Rule Petition: Acquisition of Bike Path Easement by County)

To see if the Town will vote to authorize the Select Board to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the amendment of a Conservation Restriction held by the Nantucket Land Council, Inc. dated January 14, 2004 recorded with Nantucket County Registry of Deeds in Book 872, Page 91 on land owned by Bartlett Farm, LLC, by virtue of a deed recorded with Nantucket County Registry of Deeds in Book 980, Page 17, located at 15 Somerset Lane, Nantucket, Massachusetts for the use of a portion of said land for bike path purposes and temporary easement purposes shown as Permanent Easement PE-2 and Temporary Easement TE-2 on a plan of land entitled “Easement Acquisition Plan for Somerset Bike Path in Nantucket, MA, Prepared for the County of Nantucket,” dated October 19, 2022, prepared by Nantucket Engineering & Survey, P.C. and shown on a map entitled “2023 Special Town Meeting Warrant Article 8” dated November 2023 and filed with the Office of the Town Clerk, and further to authorize the grant of easement over a portion of said land for bike path purposes and for temporary easement purposes to the County of Nantucket provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage;

AN ACT APPROVING THE AMENDMENT OF A CONSERVATION RESTRICTION AUTHORIZING USE OF A PORTION OF CERTAIN LAND SITUATED IN THE TOWN OF NANTUCKET FOR BIKE PATH PURPOSES AND AUTHORIZING GRANT OF EASEMENT TO THE COUNTY OF NANTUCKET OVER A PORTION OF SAID LAND FOR BIKE PATH PURPOSES AND TEMPORARY EASEMENT PURPOSES

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Conservation Restriction held by the Nantucket Land Council, Inc. on property located at 15 Somerset Lane in said Nantucket owned by Bartlett Farm, LLC, may be amended to allow the use of a portion of said land for bike path purposes and for temporary easement purposes.

Section 2. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the owner of said land situated in the Town of Nantucket, being a portion of a certain parcel of land located at 15 Somerset Lane may grant an easement to the County of Nantucket over a portion of said land for bike path purposes and for temporary easement purposes.

Section 3. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the amendment of a Conservation Restriction held by the Nantucket Land Council, Inc. dated January 14, 2004 recorded with Nantucket County Registry of Deeds in Book 872, Page 91 on land owned by Bartlett Farm, LLC, by virtue of a deed recorded with Nantucket County Registry of Deeds in Book 980, Page 17, located at 15 Somerset Lane, Nantucket, Massachusetts for the use of a portion of said land for bike path purposes and temporary easement purposes shown as Permanent Easement PE-2 and Temporary Easement TE-2 on a plan of land entitled "Easement Acquisition Plan for Somerset Bike Path in Nantucket, MA, Prepared for the County of Nantucket," dated October 19, 2022, prepared by Nantucket Engineering & Survey, P.C. and shown on a map entitled "2023 Special Town Meeting Warrant Article 8" dated November 2023 and filed with the Office of the Town Clerk, and further to authorize the grant of easement over a portion of said land for bike path purposes and for temporary easement purposes to the County of Nantucket provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be

necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

***AN ACT APPROVING THE AMENDMENT OF A CONSERVATION
RESTRICTION AUTHORIZING USE OF A PORTION OF CERTAIN LAND
SITUATED IN THE TOWN OF NANTUCKET FOR BIKE PATH PURPOSES AND
AUTHORIZING GRANT OF EASEMENT TO THE COUNTY OF NANTUCKET
OVER A PORTION
OF SAID LAND FOR BIKE PATH PURPOSES AND TEMPORARY EASEMENT
PURPOSES***

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Conservation Restriction held by the Nantucket Land Council, Inc. on property located at 15 Somerset Lane in said Nantucket owned by Bartlett Farm, LLC, may be amended to allow the use of a portion of said land for bike path purposes and for temporary easement purposes.

Section 2. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the owner of said land situated in the Town of Nantucket, being a portion of a certain parcel of land located at 15 Somerset Lane may grant an easement to the County of Nantucket over a portion of said land for bike path purposes and for temporary easement purposes.

Section 3. This act shall take effect upon its passage.

ARTICLE 9

(Transfer of General Fund Housing Appropriations)

To see if the Town will vote to transfer the sum of \$1,000,000 (One Million Dollars) which was appropriated in the annual operating budget under Article 8 of the 2022 Annual Town Meeting from the stated purpose of “a pilot program to help ease housing expenses for Town employees to the new purpose of “developing town employee housing”.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the sum of \$1,000,000 (One Million Dollars) is transferred from the annual operating budget under Article 8 of the 2022 Annual Town Meeting from the stated purpose of “a pilot program to help ease housing expenses for Town employees to the new purpose of “acquiring town employee housing including all costs incidental thereto”.

ARTICLE 10

(Appropriation: Nobadeer Playing Fields Complex - Field Addition; Associated Renovations to Adjacent Fields; Site Enhancements)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of making improvements to the Nobadeer Playing Fields complex including the addition of one (1) natural grass field and the renovation of the two (2) existing grass fields, parking and site enhancements, the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; or to take any other action related thereto.

(Select Board)

NOTE: This project is intended to be funded through a Proposition Two and One-Half Debt Exclusion override. Debt Exclusions require two affirmative votes in order to be valid: a Town Meeting vote; and, a ballot vote at an election. At the 2023 Annual Town Meeting, this Article (Article 15) was not adopted; however, it was approved at the 2023 Annual Town Election (Question 4). Therefore, a Town Meeting vote is still required in order for this project to be funded.

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Three Million Eight Hundred Thousand Dollars (\$3,800,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of making improvements to the Nobadeer Playing Fields complex including the addition of one (1) natural grass field and the renovation of the two (2) existing grass fields, parking and site enhancements, the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority.

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

ARTICLE 11

(Supplemental Appropriation: Upgrades to South Valley Sewer Pump Station)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of supplemental funding for the South Valley pump station upgrades including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of \$1,054,000 to be spent by the Town Manager with the approval of the Select Board, for the purpose of

supplemental funding for the South Valley pump station upgrades including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; and that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority.

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

ARTICLE 12

(Supplemental Appropriation: Construction of Town Employee Housing)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of supplemental funding for the construction of town employee housing located at Town-owned property located at Fairgrounds Road/Waitt Drive including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; or to take any other action related thereto.

(Select Board)

The Finance Committee Motion will be provided at the Special Town Meeting.

ARTICLE 13

(Supplemental Appropriation: Construction of Airport Housing)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of supplemental funding for the construction of employee housing on Airport property at Nobadeer Farm Road including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; or to take any other action related thereto.

(Select Board)

The Finance Committee Motion will be provided at the Special Town Meeting.

ARTICLE 14

(National Opioid Settlement Payments - Special Purpose Stabilization Fund for Substance Abuse Efforts)

To see if the Town will vote to amend the prior votes under Article 28 of the 2021 Annual Town Meeting, Article 30 of the 2018 Annual Town Meeting and Article 32 of the 2022 Annual Town Meeting by dedicating 100% of any national opioid settlement payments to the Special Purpose Stabilization Fund for Substance Abuse Efforts established under Article 30 of the 2018 Annual Town Meeting; or take any other action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the prior votes under Article 32 of the 2022 Annual Town Meeting, Article 28 of the 2021 Annual Town Meeting, Article 30 of the 2018 Annual Town Meeting are hereby amended by dedicating 100% of any national opioid settlement payments to the Special Purpose Stabilization Fund for Substance Abuse Efforts established under Article 30 of the 2018 Annual Town Meeting.

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

ARTICLE 15

(Amend Description of Public Works Facility Improvements Design Location)

To see if the Town will vote to amend the vote taken under Article 16 of the 2018 Annual Town Meeting (Appropriation: Public Works Facility Improvements - Design) and Article 17 of the 2023 Annual Town Meeting (Amend Description of Public Works Facility Improvements Design Location) so that the location "1 Shadbush Road" is added to the description of the project as follows (*NOTE: new language is shown as highlighted text*):

"To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, for the purpose of design improvements to the Department of Public Works facility at 188 Madaket Road and/or 10 Sun Island Road, and/or 1 Shadbush Road including the costs of professional services for design, permitting, engineering, and other related professional services, and any other 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."

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the vote taken under Article 16 of the 2018 Annual Town Meeting (Appropriation: Public Works Facility Improvements - Design) and Article 17 of the 2023 Annual Town Meeting (Amend Description of Public Works Facility Improvements Design Location) is amended so that the location "1 Shadbush Road" is added to the description of the project as follows (*NOTE: new language is shown as highlighted text*):

"To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, for the purpose of design improvements to the Department of Public Works facility at 188 Madaket Road and/or 10 Sun Island Road, and/or 1 Shadbush Road including the costs of professional services for design, permitting, engineering, and other related professional services, and any other 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.”

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

ARTICLE 16

(Real Estate Acquisition: 8 Nichols Road (Tom Nevers))

To see if the Town will vote to authorize the Select Board to acquire by eminent domain, gift or purchase for 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 a certain parcel of land shown on Assessor’s Map 92.4, Parcel 199, located at 8 Nichols Road, and shown as Lot 161 on Land Court Plan No. 5004-D, Sheet 6, filed with the Nantucket Registry District of the Land Court, and to authorize the Select Board to amend the Order of Taking by Eminent Domain dated May 28, 2014, filed as Document No. 144905 with the Nantucket Registry District of the Land Court to correct the property description, and to authorize the Select Board to amend the Order of Taking to accomplish said purpose.

All as shown on a map entitled “2023 Special Town Meeting Warrant Article 16 Acquisition of 8 Nichols Road” dated November, 2023 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is authorized to acquire by eminent domain, gift or purchase for 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 a certain parcel of land shown on Assessor’s Map 92.4, Parcel 199, located at 8 Nichols Road, and shown as Lot 161 on Land Court Plan No. 5004-D, Sheet 6, filed with the Nantucket Registry District of the Land Court, and to authorize the Select Board to amend the Order of Taking by Eminent Domain dated May 28, 2014, filed as Document No. 144905 with the Nantucket Registry District of the Land Court to correct the property description, and to authorize the Select Board to amend the Order of Taking to accomplish said purpose.

ARTICLE 17

(Elected Official Compensation Schedule Amendment)

To see if the Town will vote to amend the Elected Officials Compensation Schedule as follows:

*Schedule C -- Compensation Schedule for Elected Officials**

| | |
|----------------------------|------------------|
| Moderator | \$175 per year |
| Select Board Member, Chair | \$5,000/per year |
| Select Board Members | \$3,500/per year |
| Town Clerk | \$133,030 |

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

Quantum of vote for passage of this article is 2/3rds

(Select Board)

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

Schedule C -- Compensation Schedule for Elected Officials*

| | |
|----------------------------|------------------|
| Moderator | \$175 per year |
| Select Board Member, Chair | \$5,000/per year |
| Select Board Members | \$3,500/per year |
| Town Clerk | \$133,030 |

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

Pursuant to G.L. c. 41, §108, the quantum of vote for passage of this article is 2/3rds

ARTICLE 18

(Bylaw Amendment: Board of Sewer Commissioners/Siasconset Sewer District Map Change - Codfish Park Area)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Siasconset Sewer District) of the code of the town of Nantucket by adding the following properties, currently outside of the district. All as shown on the attached map.

| Map | Lot | Number | Street |
|--------|------|--------|-------------------|
| 73.2.4 | 44.1 | 3 | Elbow Lane |
| 73.2.4 | 44.2 | 5 | Gully Road |
| 73.2.4 | 44.3 | 3 | Gully Road |
| 73.2.4 | 42 | 4 | Codfish Park Road |
| 73.2.4 | 41 | 7 | Elbow Lane |
| 73.2.4 | 40 | 8 | Codfish Park Road |
| 73.2.4 | 39 | 10 | Codfish Park Road |
| 73.2.4 | 9 | 12 | Codfish Park Road |
| 73.2.4 | 11 | 16 | Codfish Park Road |
| 73.2.4 | 7 | 1 | Bank Street |
| 73.2.4 | 8 | 5 | Bank Street |
| 73.2.4 | 10 | 10 | Beach Street |
| 73.2.4 | 5 | 5 | Front Street |
| | | | |
| 73.1.3 | 23 | 7 | Beach Street |
| 73.1.3 | 24 | 9 | Beach Street |

| | | | |
|--------|------|-----|----------------------|
| 73.1.3 | 25 | 11 | Beach Street |
| 73.1.3 | 26 | 15 | Beach Street |
| 73.1.3 | 27 | 7 | Bank Street |
| 73.1.3 | 69 | 8 | Bank Street |
| 73.1.3 | 67 | 11 | Bank Street |
| 73.1.3 | 68 | 13 | Bank Street |
| 73.1.3 | 62 | 15 | Bank Street |
| 73.1.3 | 60 | 19 | Bank Street |
| 73.1.3 | 57 | 21 | Bank Street |
| 73.1.3 | 55 | 23 | Bank Street |
| 73.1.3 | 52 | 23R | Bank Street |
| 73.1.3 | 51 | 25 | Bank Street |
| 73.1.3 | 50 | 27 | Bank Street |
| 73.1.3 | 49 | 29 | Bank Street |
| 73.1.3 | 92 | 23 | Front Street |
| 73.1.3 | 61.1 | 6 | Jackson Street #1 |
| 73.1.3 | 61.2 | 6 | Jackson Street #2 |
| 73.1.3 | 58 | 7 | Jackson Street |
| 73.1.3 | 64 | 7 | Fawcett Way |
| 73.1.3 | 45 | - | - |
| 73.1.3 | 121 | - | Off North Gully Road |
| 73.1.3 | 7 | 3 | North Gully Road |
| 73.1.3 | 7.1 | 5 | North Gully Road |
| 73.1.3 | 123 | 7 | North Gully Road |
| 73.1.3 | 48 | 8 | North Gully Road |
| 73.1.3 | 119 | 10 | North Gully Road |
| 73.1.3 | 66 | 24 | Codfish Park Road |
| 73.1.3 | 65 | 26 | Codfish Park Road |
| 73.1.3 | 56 | 30 | Codfish Park Road |
| 73.1.3 | 54 | 32 | Codfish Park Road |
| 73.1.3 | 53 | 34 | Codfish Park Road |
| 73.1.3 | 47 | 36 | Codfish Park Road |

Or to take any other action related thereto.

(Nicholas Amendolare, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

NOTE: At its meeting on September 13, 2023 the Select Board acting as the Sewer Commissioners voted not to add the parcels referenced in the Article to the Siasconset Sewer District. If a positive Motion were to be brought forward at Town Meeting, a two-thirds vote would be required from Town Meeting in order for the Article to be adopted; and if so adopted, prior to any sewer extension being undertaken the owner(s) of the

property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.

Quantum of vote required for passage of a positive motion is 2/3

SELECT BOARD COMMENT: The Select Board supports the Finance Committee Motion.

ARTICLE 19

(Bylaw Amendment: Board of Sewer Commissioners/Siasconset Sewer District Map Change - Sankaty Road)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Siasconset Sewer District) of the code of the town of Nantucket by adding the following properties, currently outside of the district. All as shown on the attached map.

| Map | Lot | Number | Street |
|-----|------|--------|--------------|
| 49 | 80.2 | 62 | Sankaty Road |
| 49 | 80.1 | 64 | Sankaty Road |

Or to take any other action related thereto.

(Linda F. Williams, et al)

FINANCE COMMITTEE MOTION: Moved that Chapter 41 (Board of Sewer Commissioners), section 41-3B (Siasconset Sewer District) of the Code of the Town of Nantucket is hereby amended by adding the following parcels to the Siasconset Sewer District:

| Map | Lot | Number | Street |
|-----|------|--------|--------------|
| 49 | 80.2 | 62 | Sankaty Road |
| 49 | 80.1 | 64 | Sankaty Road |

NOTE: *At its meeting on September 13, 2023, the Select Board acting as the Sewer Commissioners, voted to add the parcels referenced in the Article to the Siasconset Sewer District. Further, prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.*

ARTICLE 20

**(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change
- Burnt Swamp Lane)**

To add: #3, 5, 7, 8, 9, 11 & 14 Burnt Swamp Lane Map 56 Parcels 218, 219, 222, 279, 223, 227 & 2, Respectively to the adjacent Sewer District.

(Carl Borchert, et al)

FINANCE COMMITTEE MOTION: Moved that Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket is hereby amended by adding the following parcels to the Town Sewer District:

| Map | Lot | Number | Street |
|-----|-----|--------|------------------|
| 56 | 218 | 3 | Burnt Swamp Lane |
| 56 | 219 | 5 | Burnt Swamp Lane |
| 56 | 222 | 7 | Burnt Swamp Lane |
| 56 | 279 | 8 | Burnt Swamp Lane |
| 56 | 223 | 9 | Burnt Swamp Lane |
| 56 | 227 | 11 | Burnt Swamp Lane |
| 56 | 2 | 14 | Burnt Swamp Lane |

NOTE: At its meeting on September 13, 2023, the Select Board acting as the Sewer Commissioners, voted to add the parcels referenced in the Article to the Town Sewer District. Further, prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.

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