

**TOWN OF NANTUCKET**  
**2023 Annual Town Meeting**  
**Citizen Warrant Article Submissions**  
**Town Counsel Comments**  
**December 1, 2022**

	<b>Lead Petitioner</b>	<b>Article Description</b>	<b>Comment</b>
1.	Curtis L. Barnes	Town Council Form of Government.	This article is a non-binding directive to the Select Board to establish a committee to study the establishment of a Town Council form of government.
2.	Curtis L. Barnes	Proposed Independent Sewer Commission.	This article would create an independently elected Sewer Commission rather than having the Select Board act as the Sewer Commission. Under the Nantucket Sewer Act, Chapter 396 of the Acts of 2008, Town Meeting may vote at any time, by a two-thirds majority, to establish a separate Sewer Commission either appointed by the Select Board or elected. This article provides for an elected Sewer Commission. The article, however, does not include any transition language such as when the new Sewer Commission would take over and how the staggered elected terms would first be elected.
3.	Bruce Mandel	Amend Chapter 98 of the Town Code – Motorized Vehicles.	This Article seeks to amend Chapter 98 of the Town Code. Specifically, the article includes a substantial rewrite of Section 98.1 by adding several new types of micro mobility devices, including electric bikes, to the requirements of the bylaw. All of the devices listed in the proposed

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			<p>amendment can only be operated on Town ways, sidewalks, parks, playgrounds, beaches, and multiuse paths with the permission of the Town official having jurisdiction over the use of the Town property.</p> <p>Although the article states that the changes to the existing bylaw are shown, in fact there is no delineation between the existing bylaw and what is being proposed in this article.</p>
4.	Arthur Reade	Affordable and Year-Round Housing Stabilization Fund.	This article would establish a new special purpose stabilization fund for affordable and year-round housing, and would dedicate, without further appropriation, two-thirds of the local option rooms excise tax collected by the Town. A two-thirds vote of Town Meeting is required to adopt this article.
5.	Arthur Reade	Zoning Map Change - RC2 & CI to CMI - Arrowhead Dr	This article is approved as to form. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
6.	Jeff Carlson	Charter Change - Town Council-Town Manager Form of Government	This article provides for the adoption of a new Town Charter which would replace Town Meeting and the Select Board with a Town Council/Town Manager form of government. The article is not, however, in proper legal form. In order to adopt a new Charter changing the form of government,

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			<p>the Town would have to either (1) elect a Charter Commission pursuant to G.L. 43B, §5 to write a new Charter which would then be subject to approval as a ballot question at the Annual Election, or (2) Town Meeting would have to vote to petition the Legislature through a Home Rule Petition to adopt a special act establishing a new form of government. If this article were to pass in its present form, it would not, by itself, result in the adoption of a new Charter.</p> <p>Town Meeting should not vote on a completely new Charter document without an extensive public review and comment period, and a comprehensive management and legal review, which should include a side-by side analysis to ensure that the unique provisions of the existing Charter are addressed.</p>
7.	John Kane	Zoning Map Change - R40 to CN - Evergreen Way & Airport Rd	This article is approved as to form. Because this is a zoning amendment, the Article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
8.	Campbell Sutton	Zoning Bylaw Amendment - Swimming Pool - Residential	Although the article does not specifically state that it is an amendment to the Town's Zoning Bylaw, the context of the proposed amendment clearly shows an intention for this article to be a zoning bylaw amendment.

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			<p>The article would restrict swimming pools in certain residential districts to lots that meet the minimum lot size, and it would establish rear and side setback requirements of 20 feet.</p> <p>Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.</p>
9.	Campbell Sutton	Noise	This article seeks to amend Chapter 101 of the Town Code – Noise, by decreasing the distance from 40 feet to 30 feet, at which noise levels are measured.
10.	Diane Coombs	Independent HDC Administrator	This article constitutes a non-binding directive to the Select Board to appoint an independent HDC Administrator who will be responsible for the efficient operation and management of the Historic District Commission. It appears that the intent of this article is to remove the administration of the HDC from the Department of Planning and Land Use Services. However, in order to effectuate this change, the Memorandum of Understanding between the Select Board and the Nantucket Planning and Economic Development Commission would have

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			to be amended to remove the HDC from the administrative management of the PLUS Department.
11.	Hillary Rayport	Home Rule Petition - NPEDC	This article seeks approval of a Home Rule Petition for a special act of the Legislature to change the method of selection of members of the NP&EDC, as well as certain other changes.
12.	Christine McGrath Iller	Zoning Map Change - LUG2 to R20 - 69 Hummock Pond Rd	This article is approved as to form. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
13.	Emily Kilvert	Zoning Bylaw Amendment - Short-Term Rental Accessory Use	<p>This article seeks to amend the zoning bylaw to allow short-term rentals as of right that are owner-occupied for a minimum of six months of the year in any residential district. For non-owner-occupied units, short-term rentals would be permitted in any residential unit as an accessory use as long as the unit is used for a long-term rental use more than a short-term rental use.</p> <p>This article does not define key terms such as “short-term rental”, “long-term rental”, and “owner-occupied.”</p> <p>In addition, the proposed bylaw does not address short-term rental use in non-residential zoning districts.</p>

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			Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
14.	Marty McGowan	Bylaw Amendment - Sewer District Map Change - 25 Millbrook Rd	This article would add 25 Millbrook Rd to the sewer district. The article is approved as to form. Unless the Select Board recommends this article, a two-thirds vote will be required for passage.
15.	Catherine Gail Walker	Bylaw Amendment - Outdoor Lighting	This article amends Chapter 102 of the Town Code regarding lighting by deleting the existing text and replacing it with a new bylaw.
16.	Linda Williams	Zoning Bylaw Amendment - Swimming Pool - Residential	This zoning bylaw amendment would change the special permit granting authority for residential swimming pools from the Zoning Board of Appeals to the Planning Board.  Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
17.	Linda Williams	Zoning Map Change - SOH to VN - Elbow Ln	This article is approved as to form. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.

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18.	Linda Williams	Zoning Map Change - R20 to CN - Old South Rd/Little Isle Ln/Miller Ln/Airport Rd	This article is approved as to form. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
19.	Linda Williams	Zoning Bylaw Amendment - Accessory Uses	<p>This article would amend the Zoning Bylaw by expressly providing that the rental of rooms in an owner-occupied dwelling unit is a permitted accessory use.</p> <p>Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.</p>
20.	Linda Williams	Zoning Bylaw Amendment - Definitions - Commercial	<p>This article amends the definition of “Commercial” in the Zoning Bylaw to state that the rental of dwelling units or parts thereof are not a commercial use.</p> <p>Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.</p>
21.	Linda Williams	Zoning Bylaw Amendment - Definition Use Principal	This article amends the definition of principal use in the Zoning Bylaw by deleting the word “expressly” from the definition.

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			<p>Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.</p>
22.	Linda Williams	Zoning Bylaw Amendment - Intensity Regulations - Exceptions for frontage	<p>This article proposes an amendment to the Zoning Bylaws, Intensity of Use Regulations, by changing the special permit granting authority for the reduction of frontage in Commercial Districts from the Zoning Board of Appeals to the Planning Board.</p> <p>Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.</p>
23.	Linda Williams	Zoning Bylaw Amendment - Intensity Regulations - Setbacks	<p>This article proposes an amendment to the Zoning Bylaws, Intensity of Use Regulations, by changing the special permit granting authority for the reduction in certain yard setbacks from the Zoning Board of Appeals to the Planning Board.</p> <p>This article is approved as to form. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.</p>



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24.	Linda Williams	Zoning Map Change - R20 to R10 - Old South Rd/Miller Ln	This article is approved as to form. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
25.	Emily Molden	Zoning Bylaw Amendment - Pre-Existing Non-Conforming Status of Lots	<p>This article proposes to amend the Zoning Bylaw by deleting the language relative to Lots created under the Subdivision Control Law from the section of the bylaw providing non-conforming use protections.</p> <p>Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.</p>
26.	Emily Molden	Zoning Bylaw Amendment - Lots Created Under MGL 41-81L	<p>This article amends the Zoning Bylaw by requiring than any new structure or expansion or increase in volume of a dwelling on a lot that was approved under the Subdivision Control Law will require a special permit from the Zoning Board of Appeals regardless of the lot's status as a non-conforming use.</p> <p>Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and</p>

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			recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
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