



2024 Annual Town Meeting Tuesday, May 7th at 5:00pm Nantucket High School Auditorium

**Nantucket's community depends on the
vitality of its sustainable natural resources.**

VOTE ENVIRONMENT FIRST

The Nantucket Land & Water Council has reviewed the Warrant for the May 7th 2024 Annual Town Meeting and offers the following comments on articles which could affect the island's unique and valuable natural resources and quality of life.

Article 42 NO Zoning Bylaw Amendment: Flex Development – Open Space Protection

This proposed amendment is unclear as drafted and could be interpreted to allow the Planning Board to waive the permanent restriction to protect open space that is intended in the Bylaw.

Article 43 NO Zoning Bylaw Amendment: Rear Lot Subdivision

This amendment would enable the Planning Board to grant a Special Permit for a Rear Lot Subdivision without having to formally endorse an Approval Not Required subdivision plan. It unreasonably eliminates an important regulatory check which has always been a prerequisite for this type of subdivision.

Article 45 YES Zoning Bylaw Amendment: Moorlands Management District (MMD) Pool Prohibition

This article would prohibit pools and outdoor residential recreational water features from the MMD, which are currently allowed by Special Permit. This district was created in the 1980's to protect and preserve the scenic and ecological integrity of the moorlands in the Smooth Hummocks and Head of the Plains areas. Pools are inconsistent with the underlying purpose of the fragile MMD.

Article 50 YES Zoning Map Change: Open Space Parcels - Various

This article appropriately changes the zoning of several open space properties, increasing the minimum lot size to the greatest extent possible within the respective Town or Country Overlay District.

Article 53 NO Zoning Map Change: LUG-2 to R-20 – 25 Rugged Road

This unusual zoning change for only a portion of a single lot, would create a new market rate lot where zoning does not currently permit one, by decreasing minimum lot size from 80,000 sq ft to 20,000 sq ft. This change would also require an isolated conversion of Country District into Town District, contrary to the Master Plan designation. Alternatively, this lot is currently eligible for the creation of secondary and tertiary residential lots through the covenant program, which would be disincentivized if this article is passed.

Article 59 NO Zoning Bylaw Amendment: Definitions and Word Usage/Residential Rental Use

This article is identical to the previously-defeated Article 42 at the 2022 ATM and Article 2 at the 2023 STM. **This Article should be defeated** again because it would legalize unlimited commercial STRs as a *primary use* for houses in all of our residential districts across the island. Once this right is granted under zoning it cannot be taken away. The proliferation of commercial STRs in residential districts threatens the island's natural resources and infrastructure. Moreover, recent court rulings have confirmed that STRs are a commercial use that is not legal in residential districts.

NLWC supports allowing STRs as an *accessory use* in residential districts. This would ensure all Nantucket residents have the ability to short-term rent their homes so long as they are using their home primarily as a residence. This would prevent commercial/investor-owned STRs in residential neighborhoods.

Please vote NO on Article 59.

Article 60 NO General Bylaw Amendment: Definitions and Word Usage/Residential Rental Use

The Fin Com recommendation for this article is purported to be a compromise. But it does not advance balanced limitations on STRs that will protect our Island from increased intensity of use and measurable impact on our natural resources and infrastructure. Nor does it limit STRs to Nantucket residents, but instead contains large loopholes (referring to “*other legal entities*”) for STRs for commercial purposes owned by corporations and outside investors. It even tries to acknowledge all existing commercial STRs as lawful even though recent court rulings have held they are not (see Section K and “*Continue to permit the operation of STRs...*”). Finally, it attempts to regulate use and ownership of properties through a General Bylaw provision when such limitations can lawfully be addressed only through a Zoning Bylaw provision. **This Article should be defeated.**

Article 61 & 62 NO General Bylaw Amendment: Short-Term Rentals

Articles 61 & 62 contain the same loopholes permitting new commercial STRs owned by corporations and outside investors. They suggest incorrectly that the operation of STRs as a primary use in all our residential districts is currently legal under zoning (including the stated purpose and intent to “*Continue to permit the operation of STRs...*”). It is not. These articles also attempt to regulate the use and ownership of properties through a General Bylaw provision when such limitations can lawfully be addressed only through a Zoning Bylaw provision. **Article 61** would enable any structure that has received a Certificate of Occupancy to operate as an STR in the future, which has the potential to dramatically increase the number of full time commercial STRs across residential districts on Nantucket. **Article 62** attempts to limit ownership of STRs to 2 units per natural person, which will not impose enough of a limitation on the creation of new STRs as an investment. **These Articles should both be defeated.**

Article 67 & 69 YES Home Rule Petition and Bylaw: Coastal Resilience District

These articles would enable the Town to create Coastal Resilience Districts to support ongoing efforts towards coastal resiliency. This important tool will significantly increase the Town’s capacity to implement and accomplish the goals and objectives of our Coastal Resilience Plan.

Article 68 NO Real Estate: Lease/License of Baxter Road Property for Erosion Control

This article as drafted is unnecessarily vague and open-ended. It would issue a blank check for the beach to be utilized for construction of any coastal engineering structures on Sconset Beach forever into the future. It has no time frame, no limits on the type of structures, or their location, undermining the intent of Chapter 67-1E, which requires a Town Meeting vote to authorize the duration, location, and type of structures on Town owned land.

Article 72 NO Bylaw Amendment: Repeal Chapter 141: Stretch Energy Code

This article would eliminate important local legislation that requires building with higher energy efficiency and savings than our Building Code. Nantucket should be improving energy efficiency, not reducing it.

Article 74 YES No Town Funds: Surfside Crossing

We support this article based on the significance and history of this project. If there is an opportunity for the Town to participate in a meaningful way that benefits the public, it can be brought to Town Meeting in the future.

Article 79 YES Home Rule Petition: Community Housing Bank Real Estate Transfer Fee

This article will create a funding source for affordable housing similar to the Land Bank fee structure.

Article 83 YES Home Rule Petition: An Act Regulating the Application of Fertilizer

NLWC supports the intent of this article allowing Nantucket to amend and improve existing fertilizer regulations. We continue to advocate for and support education, implementation and enforcement of the existing regulations.

The Nantucket Land & Water Council, Inc. is a 501(c)(3) charitable, member-supported environmental organization, founded in 1974 dedicated to preserving the health of Nantucket’s environment and community through the protection of the island’s land and water resources.