

***Article 1: To see if the town will adopt Massachusetts General Laws, Chapter 40, Section 8D and to see if the town will amend Chapter 11 (Committees) to add Article VII (Nantucket Archaeological and Preservation Commission) to the Code of the Town of Nantucket as follows:***

Article VII: Nantucket Archaeological and Preservation Commission

Section 24: Authority.

Whereas, the Town of Nantucket recognizes that the protection, preservation, perpetuation and use of places, areas, buildings, structures and other objects having a special historical, community or aesthetic interest or value is a public necessity and is required in the interest of the people the following bylaw is enacted. This by-law is enacted pursuant to M.G.L. c. 40, § 8D and such commission shall hereafter be known as the Nantucket Archaeological and Preservation Commission (NAPC).

Section 25: Purpose.

The NAPC is established for the preservation, protection and development of the historical and archeological assets of the Town. The NAPC shall have the duties and powers set forth in M.G.L. c. 40, § 8D.

Section 26: Appointment; terms of office.

- A. The Board of Selectmen shall appoint the NAPC members. Members should have demonstrated interest in the fields of historic preservation, archaeology, museums, or cultural programs. Appointees shall be resident taxpayers. Initial appointments shall be two (2) for one (1) year, two (2) for two (2), and one (1) for (3) years. After the initial appointments, NAPC members shall serve terms of three years each. The NAPC shall consist of five members. The Board of Selectmen shall appoint successors to the present members when each member's term expires.
- B. One representative of the Nantucket Historic District Commission, Nantucket Planning Board, the Parks and Recreation, Land Bank, and Conservation Commission, shall be ex-officio non-voting members. The Nantucket Historical Association and any other organization concerned with archaeological sites or historic structures shall also be invited to appoint a representative to the commission who shall serve in an ex-officio non-voting capacity.

Section 27: Vacancies.

Whenever a vacancy shall occur in the membership of the NAPC by reason of death, resignation, inability to act or for any other reason, the vacancy shall be filled by appointment by the Selectmen for the remainder of the term.

## Section 28: Officers.

The NAPC, at its first annual meeting and thereafter annually in July of each year, shall elect from its membership a Chairman, a Vice Chairman, and a Secretary. Each officer shall hold office until the next annual election. In the event a vacancy occurs in any of the offices above, the Commission shall hold a special meeting for the purpose of electing one of its members to fill such vacancy.

## Section 29: Annual report; publications

The NAPC shall prepare and submit an annual report of its activities to the town. The NAPC shall prepare cultural resource reports, historic preservation plans, maps, studies, or other relevant publications as pertain to the preservation of the Town.

## Section 30: Duties; Responsibilities.

- A. The NAPC shall conduct researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes.
- B. For the purpose of protecting and preserving such places it may make recommendations, as it deems necessary to the city council or the selectmen and, subject to the approval of the city council or the selectmen, to the Massachusetts Historical Commission, that any such place be certified as an historical or archeological landmark. Upon request by any town agency, board or commission, it shall make comments on proposed permits that concern proposed alterations to landmarks, historic sites or cultural landscapes.
- C. It shall report to the state archeologist the existence of any archeological, paleontological or historical site or object discovered in accordance with section twenty-seven C of chapter nine of Massachusetts General Laws, and shall apply for permits necessary pursuant to said section twenty-seven C of Massachusetts General Laws. Any information received by a local historical commission with respect to the location of sites and specimens, as defined in section twenty-six B of chapter nine of Massachusetts General Laws, shall not be a public record.
- D. The commission may hold hearings, may enter into contracts with individuals, organizations and institutions for services furthering the objectives of the commission's program; may enter into contracts with local or regional associations for cooperative endeavors furthering the commission's program; may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the commission's program; may make and sign any agreements and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section. Said commission may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.

***Article 2: To see if the town will amend Chapter 139 (Zoning), Section 1 (Purpose) of the Code of the Town of Nantucket as follows:***

To promote the health, safety, convenience, morals, and general welfare of its inhabitants, to lessen the danger from fire and congestion, to protect and conserve the value of property and the historical, cultural, and environmental elements of the town, and to encourage the most appropriate use of the land, under the provisions of the State Zoning Act, MGL c. 40A, the use, construction, repair, alteration and height of buildings and structures and the use of land and the size and shape of lots in the Town of Nantucket are hereby restricted and regulated as hereinafter provided.

***Article 3: To see if the town will amend Chapter 139 (Zoning), Section 11 (Major Commercial Developments), Subsection D of the Code of the Town of Nantucket as follows:***

Amend the following category:

(4) ...when a finding is made by the Planning Board that is in the public interest to do so. A Certificate of Appropriateness must be granted on all exterior architectural features (as defined in the Special Acts of Legislature 1970, ch. 395) by the Nantucket Historic District Commission. The COA is based on design guidelines outside of the Planning Board Design Guidelines.

***Article 4: To see if the town will amend Chapter 139 (Zoning), Section 11 (Major Commercial Developments), Subsection F of the Code of the Town of Nantucket as follows:***

Amend the following subcategory:

(6) The preservation of certain historical and natural features, including but not limited to ponds, wetlands, dunes, beaches, archaeological sites, historic buildings, and cultural landscapes.

***Article 5: To see if the town will amend Chapter 139 (Zoning), Section 11 (Major Commercial Developments), Subsection J of the Code of the Town of Nantucket as follows:***

Amend the following subcategory:

(2) ...off-site area. Housing reusing existing building stock is encouraged so as to promote the goal of reducing unnecessary additional infrastructure. Sensitive reuse of historic buildings is also encouraged in consultation with the Nantucket Archaeological and Preservation Commission.

***Article 6: To see if the town will amend Chapter 139 (Zoning), Section 23 (Site Plan Review), Subsection H of the Code of the Town of Nantucket as follows:***

Add the following subcategory:

H. (5), (a) [12] Nantucket Archaeological and Preservation Commission

Amend the following subcategory:

J. (1) ...vote of the Nantucket Planning Board on October, 13, 1987. Applicants shall also consider the guidelines of the Nantucket Historic District Commission's *Building with Nantucket in Mind*, as amended from time to time.