

HOUSE No. 1122

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to amending the responsibilities of the Nantucket Planning and Economic Development Commission ..

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

1 SECTION 1. Chapter 561 of the Acts of 1973, as amended by chapter 98 of the Acts of
2 1981 and by Chapter 458 of the Acts of 1991, is hereby further amended by inserting the
3 following new Sections immediately following the existing text of section 4 as follows:

4 Section 4A. The Commission shall be one of the Commonwealth’s regional planning
5 agencies.

6 Section 4B. Certain developments of regional economic impact as hereinafter defined
7 proposed to be constructed within the limits of the town of Nantucket shall not be constructed
8 within such town without a Development of Regional Economic Impact Permit (“DREIP”)
9 therefore issued by the Nantucket Planning & Economic Development Commission created by
10 chapter 561 of the Acts of 1973 as amended, as a result of a majority vote of the membership
11 thereof. A DREIP shall be in addition to and not a substitute for, nor in any way detract from,
12 any permit, license, approval, or other permission issued by the Town of Nantucket or any other
13 applicable governmental authority.

14 Section 4C. Developments of regional economic impact shall be those large-scale
15 commercial and industrial developments that have the potential to impact the appearance, society
16 and economy of the town of Nantucket that exceed any one of the following minimum
17 thresholds:

18 (a) 30,000 gross square feet of interior space in a single building or on a single lot for
19 retail, manufacturing, or industrial use;

20 (b) 40,000 square feet of exterior storage, exterior industrial use;

21 (c) Alterations to more than 5 acres of shore, beach, seacoast, pond, marsh, dune,
22 woodland, grassland, heathland, wetland, endangered species habitat, aquifer, or other resource
23 area for commercial or industrial use; or

24 (d) Any commercial or industrial use that requires more than 100 parking spaces as
25 determined by the zoning bylaw of the Town of Nantucket.

26 Section 4D. The Commission shall by majority vote adopt rules and regulations for the
27 issuance of a DREIP after a public hearing, with a minimum of fourteen days prior notice to the
28 Town of Nantucket Board of Selectmen of the time and place of such hearing; provided
29 however, such rules and regulations shall not take effect except upon an affirmative vote of the
30 Town of Nantucket at a duly scheduled Town Meeting. Such rules and regulations shall include
31 specific time lines for action by the Commission (including without limitation that the
32 Commission shall file a written decision with the Town Clerk within 180 days of the
33 Commission's receipt of a complete application for the issuance of a DREIP), and standards and
34 criteria to assess visual and environmental impacts, employment characteristics and requirements
35 for municipal or regional services including solid waste disposal, water, sewer, tourist services

36 and facilities, transportation and education. Such rules and regulations shall provide that the
37 Commission shall issue a DREIP upon making the following findings:

38 (a) The probable benefit of the proposed project will exceed the probable detriment;

39 (b) The proposed project is in compliance with any master plan adopted by the
40 community pursuant to Chapter 41-81D of the general laws of the Commonwealth, or other
41 authority; and

42 (c) There are no practical, feasible or practicable options or alternatives that might
43 otherwise be employed due to unique physical, social or economic conditions related to
44 Nantucket's island location.

45 SECTION 2. This Act shall take effect upon passage.